

April 10, 2015

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

**Thomas Bess Asphalt Sand and Gravel – Lower Van Duzen River
Aggregate Extraction
WDID No. 1B02124WNHU**

Humboldt County

On March 23, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) received a letter requesting reissuance of Federal Clean Water Act, section 401, Water Quality Certification (Certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) from Thomas R. Bess (Applicant) to continue annual gravel (river-run aggregate) removal activities on the Lower Van Duzen River, approximately six to seven miles upstream from the confluence with the Eel River. On July 2, 2010, the Regional Water Board issued a Water Quality Certification for the past proposed activities which expires June 15, 2015. No operational changes are being proposed and the proposed project sites for river-run aggregate removal remain unchanged. The future proposed activities will cause disturbances to waters of the United States associated with the Van Duzen River in the Hydesville Hydrologic Subarea No. 111.21. No permanent impacts to waters of the U.S. and the State are proposed. All proposed impacts to waters, from the extraction of river run aggregates, are considered temporary.

The Applicant's aggregate extraction operations (40.530° N/124.052° W) are located on the Lower Van Duzen River, approximately six to seven miles upstream from the confluence with the Eel River. Annual aggregate extraction operations typically result in 8 acres of temporary impacts to waters of the U.S. The maximum volume of aggregate authorized for annual extraction is 20,000 cubic yards. The actual volume removed and the specific area of extraction varies from year-to-year but may not exceed the maximum limits authorized by the Certification. Gravel removal activities are expected to continue annually, following proposal approval by other local, state, and federal permits.

River-run aggregate is removed using scrapers, dozers, excavators, loaders, and dump trucks. The permitted aggregate extraction season is typically from June 1 to October 15 or until river conditions indicate all gravel operations shall cease prior to imminent inundation of the gravel bar, whichever comes first. Agencies may agree to grant an extension of the extraction season. Temporary crossing installation and use is typically allowed between June 30 and October 15. Temporary crossings are located to avoid potential fish spawning, holding and rearing habitat. Appropriate crossing locations are typically shallow low-velocity waters located away from riffle crests and pools. Temporary crossings will typically consist of two railroad flatcars placed on abutments. Abutments may consist of brow logs, concrete blocks, concrete K-rails, native gravel or washed rock, or

other methods that provide a high level of protection from turbidity impacts. All temporary crossings must be removed no later than October 15.

After the Applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area is re-graded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. The Applicant's consultant will conduct a site visit at the conclusion of extraction operations and provide any additional recommendations reflecting seasonal extraction plans and reclamation plan conformity. When the final surfaces of the site are graded for seasonal reclamation, the operator may remove the summer crossings and leave the bankfull channel area to the natural reclamation process, which occurs during the high-flow events of the following winter. The Applicant will implement impact avoidance measures during the aggregate extraction processes including; maintenance and inspection of equipment, maintaining vertical and horizontal offsets from the live channel to ensure low-flow channel confinement, maintaining sufficient water depth for fish, minimizing impacts to water quality, limiting the number wet crossings, and limiting the amount of haul roads providing access to the extraction areas.

The Applicant shall obtain authorization from the U.S. Army Corps of Engineers (USACE) to perform the proposed project activities under Individual Permit (Permit No. 2015-1) pursuant to Clean Water Act, section 404. The USACE may regulate the Applicant's future aggregate extraction activities under Individual Permit, LOP 2015-1, a new LOP procedure, or by Letter of Modification. The Applicant shall obtain a Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). These agencies and the County of Humboldt Extraction Review Team (CHERT) require monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo review.

On September 10, 1992 the Humboldt County Board of Supervisors certified a Program Environmental Impact Report (PEIR) for gravel removal from the Lower Eel River (SCH #1992013033); that document "describes and analyzes the potential environmental effects resulting from 13 gravel removal operations located close to one and other in the Lower Eel River watershed," and "provides an overview of the cumulative effects of removal of gravel from the bed of the Eel River near Fortuna, California." The Lower Eel River PEIR covers gravel removal on the lower Van Duzen River including the Tom Bess Operation (Site No. 11).

The information contained in this public notice is only a summary of the Applicant's proposed activities. The Application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed activities including site maps and cross-sections. The Applicant's 2010 application and Regional Water Board file are available for public review.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing (hard copy) and received at this office by mail or direct delivery, or by email to NorthCoast@waterboards.ca.gov during a 21-day comment period that begins on the first date of issuance of this notice and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Jake Shannon at (707) 576-2673 within 21 days of the posting of this notice.

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