

ATTACHMENT A

Atch 7A-11



**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**



Linda S. Adams
*Secretary for Environmental
Protection*

www.waterboards.ca.gov/northcoast
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Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold
Schwarzenegger**
Governor

September 14, 2007

Mr. Justin Porteous
Mercer Fraser Company
P.O. Box 1006
Eureka, CA 95503

Dear Mr. Porteous:

Subject: Coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

File: Mercer Fraser Company, Gravel Mining Operations at Willow Creek/McKnight Bars. WDID No. 1B02102WNHU

On July 11, 2005, Mercer Fraser Company submitted an application to this office for Water Quality Certification and/or Waste Discharge Requirements for Gravel Mining Operations at the Willow Creek and McKnight Bars on the Trinity River. In 2006 and again on May 2, 2007 we posted public notices for this project on our web site. We received and subsequently responded to comments regarding this project.

On June 21, 2005, the Regional Water Board adopted Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region" (General WDR). Review of the application by Regional Water Board staff indicated that Mercer Fraser Company Gravel Extraction Operations at the Willow Creek and McKnight Bars and processing facility are eligible for coverage under the General WDR.

Provision G.1. of the General WDR requires that "[a]ny Project seeking coverage under this Order shall be in compliance with CEQA prior to the Executive Officer issuing, authorizing, or otherwise approving coverage under this Order."

The County of Humboldt, as the lead California Environmental Quality Act (CEQA) agency, adopted a Negative Declaration for gravel mining and processing at the Willow Creek Bar on September 4, 2003 and adopted a Negative Declaration for gravel extraction activities on the McKnight Bar on August 21, 1992.

California Environmental Protection Agency

Recycled Paper

The Negative Declaration for the Willow Creek Bar identifies a number of potential impacts to water quality and/or beneficial uses which the County determined to be less than significant, either due to existing project mitigations or with additional mitigations. These impacts include:

-Potential adverse impacts to the scenic vista, scenic resources, and existing visual character or quality of the site. The County cited existing stockpiles and vegetation that had been placed and/or maintained around the processing site to screen views of the processing area for the public using the Big Rock Recreation Area. The County also noted that the section of the Trinity River in which this project resides has been designated as Recreational under the 1968 Wild and Scenic Rivers Act since 1981, but noted that the Act recognizes that development such as what is currently at the site and which pre-existed the designation would remain.

-Potential adverse impacts to species identified as candidate, sensitive, or special status; riparian habitat or other sensitive natural community; movement of native resident or migratory fish or wildlife species. The County cited existing mitigations including the County's annual review process; the requirement for pre and post extraction monitoring; the requirement that gravel bars be left smooth at the end of the extraction season; requirements associated with proposed disturbance to riparian vegetation or wetlands; and a requirement that Mercer Fraser make every reasonable effort to conduct authorized activities in a manner that will minimize any adverse impact of its work on water quality, fish and wildlife, and the natural environment.

-Potential adverse impacts associated with seismic ground shaking, substantial soil erosion or the loss of topsoil, and creation of landslides or other type of geological failure. The County found that operations were to be consistent with those previously permitted, and determined that the project would not create a cumulatively considerable adverse impact to geology and soils.

-Potential adverse impacts associated with the transport, use, disposal of, or spillage of hazardous materials. The County noted that Mercer Fraser has a Hazardous Materials Business Plan, including an Emergency Response Plan, Employee Training Plan, and Spill Prevention Control and Countermeasure Plan (SPCC) on file with the County.

-Potential adverse impacts to water quality, ground water supplies, drainage patterns, runoff quantity and/or quality, or passage of floodwater flows, as well as possible increased flooding risk. The County cited existing mitigations, including placement of stockpiles between the processing site and the Trinity River which would serve to prevent inundation of the processing area during high flood events and the fact that the Willow Creek operation had received a Section 401 Water Quality Certification from the Regional Water Board. The County imposed an additional condition that Mercer Fraser submit a Stormwater Pollution Prevention Plan to the Regional Water Board, and that Mercer Fraser comply with the Uniform Building Code.

The CEQA document for the McKnight Bar identifies potential adverse environmental impacts associated with changes in topography or ground surface relief features, changes in currents or the course or direction of water movements, and changes in the diversity of species or number of species. Cited mitigations include the requirement for annual cross

sections and review by the County, smoothing river bars at the end of the mining season, limitations on heavy equipment operations, and requirements imposed by the Department of Fish and Game.

Additional conditions of approval imposed by the County include:

- no removal of riparian vegetation without prior approvals (Willow Creek)
- limitations associated with wet weather operations (Willow Creek)
- compliance with the CHERT process (Willow Creek)
- requirement to establish a vegetative buffer and visual screening of the processing area (Willow Creek)
- construction of siltation ponds to the satisfaction of the Regional Water Board, if necessary (McKnight)
- requirement that the applicant provide 48 hour advance notice of extraction activity and project contacts to all persons requesting, in writing, such advance notice (McKnight).

This letter hereby informs Mercer Fraser that the proposed aggregate extraction activities and processing facility on the Trinity River are now subject to the requirements of General WDR Order No. R1-2005-0011. Coverage is subject to compliance with the above-listed mitigations, as well as other permits issued by this office and requirements under permits issued by other agencies related to water quality and beneficial use protection. Further, pursuant to Provision G.3. of the General WDRs, "[t]he discharger shall implement monitoring and reporting requirements when directed in writing by the Executive Officer." In order to assure compliance with the WDRs, an accompanying Monitoring and Reporting Program that documents, measures (where applicable), and reports compliance is appropriate, and is consistent with Regional Water Board regulatory programs, including the State Non Point Source Implementation Policy which applies to a number of types of activities, including hydromodification projects. Therefore, your coverage under the General WDRs is also conditioned upon compliance with the enclosed Monitoring and Reporting Program.

We encourage all appropriate personnel to review and become familiar with the discharge requirements and prohibitions contained in the General WDR, and the monitoring and reporting requirements contained in the MRP for this project. The identification number for this project file will be WDID No. 1B02102WNHU. This number should be included on all future correspondence related to this matter.

Please call Diana Henriouille of our staff at (707) 576-2350 if you have any questions.

Sincerely,

Robert R. Klamt
Interim Executive Officer

091407_DH_Mercer Fraser_Willow Creek/McKnight Enrollment Letter.doc

Enclosures:

Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

Monitoring and Reporting Order Number R1-2007-0084 Mercer Fraser Willow Creek/McKnight Gravel Extraction Operations

cc: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94105

ATTACHMENT B



California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman



Linda S. Adams
Secretary for Environmental
Protection

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Arnold
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September 14, 2007

Mr. Justin Porteous
Mercer Fraser Company
P.O. Box 1006
Eureka, CA 95503

Dear Mr. Porteous:

Subject: Coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

File: Mercer Fraser Company, Gravel Mining Operations at Sandy Prairie/Canevari Bars. WDID No. 1B02100NHU

On July 11, 2005, Mercer Fraser Company submitted an application to this office for Water Quality Certification and/or Waste Discharge Requirements for Gravel Mining Operations at Sandy Prairie/Canevari Bars in the Lower Eel River. In 2006 and again on May 2, 2007 we posted public notices for this project on our web site. We received and subsequently responded to comments regarding this project.

On June 21, 2005, the Regional Water Board adopted Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region" (General WDR). Review of the application by Regional Water Board staff indicated that Mercer Fraser Company Gravel Extraction Operations at Sandy Prairie/Canevari Bars and processing facility are eligible for coverage under the General WDR.

Provision G.1. of the General WDR requires that "[a]ny Project seeking coverage under this Order shall be in compliance with CEQA prior to the Executive Officer issuing, authorizing, or otherwise approving coverage under this Order."

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 another 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."

California Environmental Protection Agency

The PEIR identifies a number of potential impacts to water quality and/or beneficial uses, including: impacts to fishery habitat related to seasonal bridges, potential channel braiding resulting from skimming, discharges of fines to surface waters when mining trench berms are broken and/or as mined gravel drains in stockpiles adjacent to trenches, potential stranding of aquatic species in trenches following high flow events, removal of riparian vegetation, and increased stream temperatures resulting from channel widening. In addition, the PEIR identifies two significant impacts to water quality/beneficial uses: 1) the potential long-term lowering of the bed of the river, which could lead to scour of the piers of three bridges on the Van Duzen and Lower Eel Rivers and 2) aesthetic impacts resulting from summer bridges, haul road construction, skimming marks, trenches, and temporary gravel piles next to the trenches.

To mitigate the significant impacts, the PEIR proposes: 1) that a detailed River Management Plan be prepared, including a monitoring program requiring cross sections or total station topographic mapping, measurements, aerial photographs, etc., and an annual analysis of the above information to assist in identifying trends in river bed aggradation or degradation and changes in river bed morphology and 2) limiting the size of some trenches, minimizing the number, length and height of small stockpiles, and requiring that skimmed and stockpile storage areas be smoothed off at the end of the mining season.

In October 1993, the Humboldt County Planning Commission issued a Supplemental EIR for the Canevari Timber Company. That document also identifies the potential lowering of the bed of the river and potential adverse impacts to bridges, and proposes a river management plan to serve as mitigation.

Humboldt County has not prepared a detailed River Management Plan since the adoption of the above EIR, either for the Lower Eel River or for the Sandy Prairie area; however, in 1996, the County instituted use of the County of Humboldt Extraction Review Team (CHERT) to evaluate individual and cumulative impacts of instream gravel extraction in rivers throughout Humboldt County. As described in the Program EIR for gravel extraction in the Lower Mad River, the CHERT (originally SDRT) program is intended in part "to assure that changes in dynamic equilibrium and channel stability resulting from gravel mining are minimized" and "to safeguard fishery habitat and reduce any adverse aggregate mining-related cumulative or future impacts to a level of insignificance." The CHERT review process includes an annual review of the "effects of past management decisions and extraction operations," including site-specific extraction-related concerns; pre-extraction onsite visits by CHERT and various permitting agencies to review site conditions and extraction proposals and to develop site-specific prescriptions for a given year's extraction, and post-extraction review. Based on review of the process to date, the CHERT review process serves to address the identified significant adverse impact to river bed levels as well as other potential adverse impacts to channel geomorphology. We further note that Humboldt County plans to update the PEIR for instream gravel mining in the Eel River in the near future, and we believe that that process will be the appropriate forum to consider changes and/or improvements to the current gravel mining review process, if necessary. With respect to aesthetic concerns, this enrollment is conditioned in part upon Mercer Fraser's compliance with water quality/beneficial use-related requirements imposed by other agencies, including Humboldt County, the U.S. Army Corps of Engineers, and the California Department of Fish and Game.

This letter hereby informs Mercer Fraser that the proposed aggregate extraction activities and processing facility on the Eel River are now subject to the requirements of General WDR Order No. R1-2005-0011. Coverage is subject to compliance with the above-listed mitigations as well as other permits issued by this office and requirements under permits issued by other agencies related to water quality and beneficial use protection. Further, pursuant to Provision G.3. of the General WDRs, "[t]he discharger shall implement monitoring and reporting requirements when directed in writing by the Executive Officer." In order to assure compliance with the WDRs, an accompanying Monitoring and Reporting Program that documents, measures (where applicable), and reports compliance is appropriate, and is consistent with Regional Water Board regulatory programs, including the State Non Point Source Implementation Policy which applies to a number of types of activities, including hydromodification projects. Therefore, your coverage under the General WDRs is also conditioned upon compliance with the enclosed Monitoring and Reporting Program.

We encourage all appropriate personnel to review and become familiar with the discharge requirements and prohibitions contained in the General WDR, and the monitoring and reporting requirements contained in the MRP for this project. The identification number for this project file will be WDID No. 1B02100WNHU. This number should be included on all future correspondence related to this matter.

Please call Diana Henriouille of our staff at (707) 576-2350 if you have any questions.

Sincerely,

Robert K. Klamt
Interim Executive Officer

091407_DH_Mercer Fraser_Sandy Prairie Enrollment Letter.doc

Enclosures:

Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

Monitoring and Reporting Order Number R1-2007-0085 Mercer Fraser Sandy Prairie/Canevari Gravel Extraction Operations

cc: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94105

ATTACHMENT C



**California Regional Water Quality Control Board
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John W. Corbett, Chairman**



Linda S. Adams
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**Arnold
Schwarzenegger**
Governor

September 21, 2007

Mr. Justin Porteous
Mercer Fraser Company
P.O. Box 1006
Eureka, CA 95503

Dear Mr. Porteous:

Subject: Coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

File: Mercer Fraser Company, Gravel Mining Operations at Cooks Valley
WDID No. 1B02099WNHU

On July 11, 2005, Mercer Fraser Company submitted an application to this office for Water Quality Certification and/or Waste Discharge Requirements for Gravel Mining Operations at Cooks Valley in the South Fork Eel River. In 2006 and again on May 24, 2007 we posted public notices for this project on our web site. We received and subsequently responded to comments regarding this project.

On June 21, 2005, the Regional Water Board adopted Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region" (General WDR). Review of the application by Regional Water Board staff indicated that Mercer Fraser Company's Gravel Extraction Operations at Cooks Valley and processing facility might be eligible for coverage under the General WDR.

Provision G.1. of the General WDR requires that "[a]ny Project seeking coverage under this Order shall be in compliance with CEQA prior to the Executive Officer issuing, authorizing, or otherwise approving coverage under this Order."

On November 3, 1988, the Humboldt County Planning Commission filed a Notice of Determination indicating that it had approved this project, that the project would not have a significant effect on the environment, and that a Negative Declaration was

prepared pursuant to the provisions of CEQA. On August 15, 2002, Mendocino County Planning and Building Services Department filed a Notice of Determination for this project, indicating that the project would not have a significant effect on the environment and that a Negative Declaration was prepared pursuant to the provisions of CEQA.

The Humboldt County Conditional Negative Declaration identified potential adverse environmental impacts including impacts on hydrology, flora and fauna, and fisheries. To address these identified impacts, the County imposed a number of conditions of approval and operational restrictions, including:

- a requirement to obtain a water rights permit
- a requirement to adhere to submitted environmental information
- a requirement to comply with Humboldt County surface mining regulations
- a requirement to secure and abide by all permits and agreements necessary for the gravel operations
- no construction of new access roads
- no removal of riparian vegetation.

In addition, in 1996, the County instituted use of the County of Humboldt Extraction Review Team (CHERT) to evaluate individual and cumulative impacts of instream gravel extraction in rivers throughout Humboldt County. Operations at this site are subject to annual CHERT review.

The Mendocino County Negative Declaration identified a number of potential environmental impacts which it deemed to be significant unless mitigated, including impacts associated with soil, topography, geology, erosion, hydrology, drainage patterns, flow of flood waters, water quality, flooding hazard, diversity of plant species, diversity or number of animal species, and fish and wildlife habitat. To address these potential impacts, the County imposed a number of conditions of approval, including:

- a requirement to secure all necessary permits from County, State, and federal agencies having jurisdiction, and to provide documentation verifying same
- specific limitations as to the timing, location, methods, and conditions under which gravel can be extracted
- a requirement to submit a site plan prior to commencement of gravel operations at the site each year
- a requirement to submit air photos, cross sections, and longitudinal profiles prior to the commencement of operations each year
- a requirement to submit copies of all extraction reports and correspondence with CHERT relating to the project site
- a requirement to submit site drainage plans
- a requirement to submit a hazardous materials business plan
- restrictions as to location of onsite fuel storage
- annual conditions related to monitoring, reporting, compliance with other permitting agencies, erosion control and bank stabilization, end of season site restoration including a requirement that the site be left in a state compatible with the "wild and scenic aspects" of the Eel River

-a requirement that copies of the site reclamation plan, use permit conditions, and other necessary permits be kept on site at all times.

This letter hereby informs Mercer Fraser that the proposed aggregate extraction activities and processing facility on the South Fork Eel River are now subject to the requirements of General WDR Order No. R1-2005-0011. Coverage is subject to compliance with the above-listed mitigations, as well as with other permits issued by this office and requirements under permits issued by other agencies related to water quality and beneficial use protection. Further, pursuant to Provision G.3. of the General WDRs, "[t]he discharger shall implement monitoring and reporting requirements when directed in writing by the Executive Officer." In order to assure compliance with the WDRs, an accompanying Monitoring and Reporting Program that documents, measures (where applicable), and reports compliance is appropriate, and is consistent with Regional Water Board regulatory programs, including the State Non Point Source Implementation Policy which applies to a number of types of activities, including hydromodification projects. Therefore, your coverage under the General WDRs is also conditioned upon compliance with the enclosed Monitoring and Reporting Program.

We encourage all appropriate personnel to review and become familiar with the discharge requirements and prohibitions contained in the General WDR, and the monitoring and reporting requirements contained in the MRP for this project. The identification number for this project file will be WDID No. 1B02099WNHU. This number should be included on all future correspondence related to this matter.

Please call Diana Henriouille of our staff at (707) 576-2350 if you have any questions.

Sincerely,

Robert R. Klamt
Interim Executive Officer

092107_DH_Mercer Fraser_Cooks Valley Enrollment Letter.doc

Enclosures:

Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region"

Monitoring and Reporting Program Order Number (R1-2007-0088) for Mercer Fraser Cooks Valley Gravel Extraction Operations

cc: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94105

California Environmental Protection Agency

ATTACHMENT D

California Regional Water Quality Control Board
North Coast Region

MONITORING AND REPORTING PROGRAM NO. R1-2007-0084
WDID No. 1B02102WNHU

Mercer Fraser
Willow Creek/McKnight Gravel Extraction Operation

Humboldt County

Pursuant to Water Code section 13267, compliance with this Monitoring and Reporting Program (MRP) is required, and is an enforceable condition of Mercer Fraser's enrollment letter for coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region." Violations of this Order subject Mercer Fraser to enforcement action under Water Code section 13268, and/or termination of coverage under Order No. R1-2005-0011. The cost of compliance with the requirements of this MRP bears a reasonable relationship to the need and benefits of the MRP, which is the assurance that mitigation measures are implemented and effective.

I. MONITORING

Prior to commencing extraction activities at the site each season, Mercer Fraser shall submit to the Regional Water Board a map of the proposed extraction areas, as approved by the United States Army Corps of Engineers under the Letter of Modification for that season. Each discrete extraction area shall be provided with a number, letter, name, or other distinguishing identifier. In addition, the map shall identify photo monitoring points. Photo monitoring points shall be established in accordance with the attached Standard Operating Procedure, and shall be located so as to allow photographic overview of each discrete extraction area.

Photo Monitoring

No more than two weeks prior to, at least once during, and no more than one week following extraction operations, Mercer Fraser shall photograph extraction areas from the established photo monitoring points.

II. REPORTING

A. Permitting Agency Information

1. General CHERT Correspondence

Throughout the course of the year, the Discharger shall copy the Regional Water Board on all CHERT-related correspondence and ensure that the Regional Water Board is notified of proposed field visits with CHERT representatives.

2. Certification of CHERT Compliance

As soon as possible, but no more than 60 days following conclusion of annual extraction operations, the Discharger shall provide the Regional Water Board with verification of compliance with CHERT recommendations for that season. Verification may come in the form of email correspondence, a letter, excerpt from a report, etc. Discharger must provide some form of written verification from either the CHERT or one of the reviewing agencies (NOAA, US Army Corps of Engineers, California Department of Fish and Game (DFG), Humboldt County) that operations have been conducted in compliance with CHERT recommendations.

3. Certification of Compliance with DFG, Humboldt County, and Army Corps Permits

As soon as possible, but no more than 60 days following conclusion of annual extraction operations, the Discharger shall provide the Regional Water Board with verification of compliance with the annual Letter of Modification from the Army Corps, with the Use Permit from Humboldt County, and with the 1600 Agreement from DFG. Verification may come in the form of email correspondence, a letter, excerpt from a report, etc. Discharger must provide some form of written verification from the Army Corps, Humboldt County, and DFG that operations have been conducted in compliance with their respective permits for the operations.

B. Notifications of Commencement and Completion of Extraction Operations

At least 24 hours prior to commencing extraction operations and 24 hours following completion of extraction operations, the Discharger shall notify the Regional Water Board of such.

C. Photographic Monitoring

No more than 60 days following completion of extraction activities at the site, the Discharger shall provide copies of pre-, during, and post-extraction pictures for that season's operations, indicating the photo point from which each photo was taken and the date each photo was taken.

Ordered by _____

Robert R. Klamt
Interim Executive Officer

September 14, 2007

Attachment: Standard Operating Procedure for Photo Monitoring

ATTACHMENT E

California Regional Water Quality Control Board
North Coast Region

MONITORING AND REPORTING PROGRAM NO. R1-2007-0085
WDID No. 1B02100NHU

Mercer Fraser
Sandy Prairie/Canevari Gravel Extraction Operation

Humboldt County

Pursuant to Water Code section 13267, compliance with this Monitoring and Reporting Program (MRP) is required, and is an enforceable condition of Mercer Fraser's enrollment letter for coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region." Violations of this Order subject Mercer Fraser to enforcement action under Water Code section 13268, and/or termination of coverage under Order No. R1-2005-0011. The cost of compliance with the requirements of this MRP bears a reasonable relationship to the need and benefits of the MRP, which is the assurance that mitigation measures are implemented and effective.

I. MONITORING

Prior to commencing extraction activities at the site each season, Mercer Fraser shall submit to the Regional Water Board a map of the proposed extraction areas, as approved by the United States Army Corps of Engineers under the Letter of Modification for that season. Each discrete extraction area shall be provided with a number, letter, name, or other distinguishing identifier. In addition, the map shall identify photo monitoring points. Photo monitoring points shall be established in accordance with the attached Standard Operating Procedure, and shall be located so as to allow photographic overview of each discrete extraction area.

Photo Monitoring

No more than two weeks prior to, at least once during, and no more than one week following extraction operations, Mercer Fraser shall photograph extraction areas from the established photo monitoring points.

II. REPORTING

A. Permitting Agency Information

1. General CHERT Correspondence

Throughout the course of the year, the Discharger shall copy the Regional Water Board on all CHERT-related correspondence and ensure that the Regional Water Board is notified of proposed field visits with CHERT representatives.

2. Certification of CHERT Compliance

As soon as possible, but no more than 60 days following conclusion of annual extraction operations, the Discharger shall provide the Regional Water Board with verification of compliance with CHERT recommendations for that season. Verification may come in the form of email correspondence, a letter, excerpt from a report, etc. Discharger must provide some form of written verification from either the CHERT or one of the reviewing agencies (NOAA, US Army Corps of Engineers, California Department of Fish and Game (DFG), Humboldt County) that operations have been conducted in compliance with CHERT recommendations.

3. Certification of Compliance with DFG, Humboldt County, and Army Corps Permits

As soon as possible, but no more than 60 days following conclusion of annual extraction operations, the Discharger shall provide the Regional Water Board with verification of compliance with the annual Letter of Modification from the Army Corps, with the Use Permit from Humboldt County, and with the 1600 Agreement from DFG. Verification may come in the form of email correspondence, a letter, excerpt from a report, etc. Discharger must provide some form of written verification from the Army Corps, Humboldt County, and DFG that operations have been conducted in compliance with their respective permits for the operations.

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At least 24 hours prior to commencing extraction operations and 24 hours following completion of extraction operations, the Discharger shall notify the Regional Water Board of such.

C. Photographic Monitoring

No more than 60 days following completion of extraction activities at the site, the Discharger shall provide copies of pre-, during, and post-extraction pictures for that season's operations, indicating the photo point from which each photo was taken and the date each photo was taken.

Ordered by _____

Robert R. Klamt
Interim Executive Officer

September 14, 2007

Attachment: Standard Operating Procedure for Photo Monitoring

ATTACHMENT F

Attach "F"

California Regional Water Quality Control Board
North Coast Region

MONITORING AND REPORTING PROGRAM NO. R1-2007-0088
WDID No. 1B02099WNHU

Mercer Fraser
Cooks Valley Gravel Extraction Operation

Humboldt County

Pursuant to Water Code section 13267, compliance with this Monitoring and Reporting Program (MRP) is required, and is an enforceable condition of Mercer Fraser's enrollment letter for coverage under Order No. R1-2005-0011, "General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region." Violations of this Order subject Mercer Fraser to enforcement action under Water Code section 13268, and/or termination of coverage under Order No. R1-2005-0011. The cost of compliance with the requirements of this MRP bears a reasonable relationship to the need and benefits of the MRP, which is the assurance that mitigation measures are implemented and effective.

I. MONITORING

Prior to commencing extraction activities at the site each season, Mercer Fraser shall submit to the Regional Water Board a map of the proposed extraction areas, as approved by the United States Army Corps of Engineers under the Letter of Modification for that season. Each discrete extraction area shall be provided with a number, letter, name, or other distinguishing identifier. In addition, the map shall identify photo monitoring points. Photo monitoring points shall be established in accordance with the attached Standard Operating Procedure, and shall be located so as to allow photographic overview of each discrete extraction area.

Photo Monitoring

No more than two weeks prior to, at least once during, and no more than one week following extraction operations, Mercer Fraser shall photograph extraction areas from the established photo monitoring points.

II. REPORTING

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2. Certification of CHERT Compliance

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3. Certification of Compliance with DFG, Humboldt County, and Army Corps Permits

As soon as possible, but no more than 60 days following conclusion of annual extraction operations, the Discharger shall provide the Regional Water Board with verification of compliance with the annual Letter of Modification from the Army Corps, with the Use Permit from Humboldt County, and with the 1600 Agreement from DFG. Verification may come in the form of email correspondence, a letter, excerpt from a report, etc. Discharger must provide some form of written verification from the Army Corps, Humboldt County, and DFG that operations have been conducted in compliance with their respective permits for the operations.

B. Notifications of Commencement and Completion of Extraction Operations

At least 24 hours prior to commencing extraction operations and 24 hours following completion of extraction operations, the Discharger shall notify the Regional Water Board of such.

C. Photographic Monitoring

No more than 60 days following completion of extraction activities at the site, the Discharger shall provide copies of pre-, during, and post-extraction pictures for that season's operations, indicating the photo point from which each photo was taken and the date each photo was taken.

Ordered by _____

Robert R. Klamt
Interim Executive Officer

September 21, 2007