

August 15, 2012

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

Mercer-Fraser Company – Willow Creek/McKnight Gravel Extraction Operations
WDID No. 1B02102WNHU

Humboldt County

On July 18, 2012, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mercer-Fraser Company (applicant) requesting Federal Clean Water Act, section 401, Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) to continue annual gravel (river-run aggregate) removal activities at the Willow Creek Bar and McKnight Bar on the Main Stem Trinity River near the community of Willow Creek. The proposed activities will cause disturbances to waters of the United States associated with the Trinity River in the Lower Trinity River Hydrologic Area No. 106.10.

The Willow Creek Bar (APNs 522-491-04, 015, 017, 021, and 022; 522-142-10; and 522-145-04 and 06) is located near River Miles 24-25 and covers approximately 138 acres along the east side of Highway 96, approximately 0.5 mile north of Highway 299 in Willow Creek. Aggregate extraction and processing operations at the Willow Creek Bar have been permitted by the County of Humboldt since 1969. Annual aggregate extraction operations at the Willow Creek Bar typically disturb up to 15 acres. The maximum volume of aggregate authorized for annual extraction from the Willow Creek Bar is 40,000 cubic yards.

The McKnight Bar (APNs 524-052-02 and 04) is located near River Mile 29.5 and covers approximately 20 acres along the east side of Highway 299 near its intersection with Duggan Drive. Aggregate extraction has occurred at the McKnight Bar since the 1960s. Aggregate extraction at the McKnight Bar has not occurred since 2007. Aggregate extraction operations at the McKnight Bar will typically disturb up to 3 acres. The maximum volume of aggregate authorized for annual extraction from the McKnight Bar is 10,000 cubic yards. The actual volume removed and the specific area of extraction within each gravel bar varies from year-to-year. Gravel removal activities are expected to continue as often as annually following authorization by other local, state, and federal permits.

Aggregate is typically extracted from areas outside the wetted channel area 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. Gravel bar reclamation and post-extraction activities must be completed no later than November 1.

Temporary summer crossing installation and use is allowed between June 30 and October 15. Temporary crossings are located to avoid potential fish spawning, holding, and rearing habitat. Crossings are typically located at shallow low-velocity areas away from riffle crests and pools. Crossings will typically consist of two railroad flatcars placed on abutments with a minimum clearance of 6 feet above the water surface. 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.

Temporary stockpiling of excavated material within the limits of the extraction area is allowed through October 1. Stockpiles must be removed above Ordinary High Water on a daily basis after October 1. Temporary stockpiling on the Trinity River and other rivers listed under the Wild and Scenic Rivers Act may only occur Monday through Friday. The applicant hauls aggregate materials to a processing facility and asphalt batch plant adjacent to the Willow Creek Bar where the materials are crushed, screened, and/or washed for sale and use in asphalt and concrete products. The applicant has enrolled the processing facility for coverage under the NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities (WQ ORDER No. 97-03-DWQ).

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 plan 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 and spring. The applicant will implement mitigation and 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.

Aggregate extraction operations at the Willow Creek and McKnight Bars have been regulated under the U.S. Army Corps of Engineers (USACE) Letter of Permission (LOP) procedure for gravel extraction in Humboldt County pursuant to Clean Water Act, section 404. A Letter of Permission (File No. 2007-00725) authorizing aggregate extraction operations at the Willow Creek Bar under LOP 2009-1 was issued by USACE in October 2010. The applicant has recently applied for authorization from the USACE to conduct additional aggregate extraction operations at the McKnight Bar. The USACE may regulate the applicant's aggregate extraction activities under LOP 2009-1, a new LOP procedure, an individual section 404 permit, or by Letter of Modification. The applicant has obtained a Lake or Streambed Alteration Agreement (Notification No. 1600-2004-0234-R1 from the California Department of Fish and Game (CDFG).

On September 4, 2003, the County of Humboldt adopted a Mitigated Negative Declaration for gravel mining and processing at the Willow Creek Bar (SCH # 2003062154) and on August 21, 1992 adopted a Negative Declaration for gravel extraction activities on the McKnight Bar (SCH # 1992063089). Potential impacts from gravel extraction activities include loss of channel stability; changes in deposition patterns, changes in width-to-depth ratio, and loss of scour potential, resulting in pool filling. The applicant will implement Best Management Practices (BMPs) to minimize direct impacts to the channel. Regional Water Board permitting associated with this project will be conditioned, in part, upon compliance with the conditions of approval and mitigation measures specified by the County of Humboldt in the above-referenced CEQA documents. In addition to conditions set forth by the Regional Water Board, the project is subject to regulatory review and project approval by the CDFG, USACE, and NOAA Fisheries. These agencies and the County of Humboldt Extraction Review Team require extensive monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo review.

The Trinity River Total Maximum Daily Load (TMDL) for sediment was established in 2001 by the United States Environmental Protection Agency (EPA) in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Trinity River are exceeded due to excessive sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment in the Trinity River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by LOP 2009-1 require implementation of BMPs for sediment control at temporary stream crossings, and activities intended to enhance habitat for salmonids (LOP 2009-1 – Appendix A) and other aquatic species such as alcove/wetland extractions designed to sequester silt and harbor willows. LOP 2009-1 requires all riparian woody vegetation and wetlands to be avoided to the extent possible and any disturbed woody riparian vegetation at least 2-inches diameter must be mitigated. Accordingly, the proposed activities are consistent with, and implements portions of the Trinity River TMDL.

The Trinity River from Gray Falls to the west boundary of Section 2 T8N R4E is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free flowing conditions and outstanding values. Implementation of the proposed project would not affect the free-flowing condition of the Trinity River and would not affect the extraordinary values for which the segment was listed.

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 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 by direct delivery during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.