

August 21, 2012

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

Mercer-Fraser Company – Dinsmore Gravel Extraction, Van Duzen River
WDID No. 1A05097WNTR

Trinity 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 on the Van Duzen River at Dinsmore. The proposed activities will cause disturbances to waters of the United States associated with the Van Duzen River in the Bridgeville Hydrologic Subarea No. 111.22.

The Dinsmore Bar (APN 18-44-02) is located on the south side of Highway 36 near River Mile 54, approximately three miles east of the Dinsmore Airport. The Dinsmore Bar covers approximately 47 acres. The Dinsmore Bar has been used for aggregate extraction and processing operations since at least the late 1980s. Annual aggregate extraction operations at the Dinsmore Bar typically disturb approximately 30 acres. The maximum volume of aggregate authorized for annual extraction is 50,000 cubic yards. The actual volume removed and the specific area of extraction within the 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.

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. Gravel bar reclamation and post-extraction activities must be completed no later than November 1.

Temporary summer crossing installation and use is typically allowed between June 30 and September 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. Anadromous fish cannot migrate through the project area due to the presence of a natural fish passage barrier approximately eight miles downstream. 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.

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. The applicant hauls aggregate materials to an adjacent processing facility where the materials are crushed, screened, and/or washed for sale and use in asphalt and concrete products.

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. 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 of wet crossings, and limiting the amount of haul roads providing access to the extraction areas.

Aggregate extraction operations at the Dinsmore Bar are regulated under Individual Permit No. 29999N issued on September 15, 2006 by the U.S. Army Corps of Engineers (USACE) pursuant to Clean Water Act, section 404. The USACE also regulates the applicant's aggregate extraction activities by Letter of Modification to the Individual Permit. The applicant has obtained a Lake or Streambed Alteration Agreement (Notification No. 1600-2004-0263-R1) from the California Department of Fish and Game (CDFG). These agencies require extensive monitoring, data gathering, reporting, site inspections, channel cross section surveys, and aerial photo review.

Trinity County Planning Department, as the lead California Environmental Quality Act agency, certified a Mitigated Negative Declaration on December 29, 2000 for gravel extraction at the Dinsmore Bar. 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 in the above-referenced CEQA document. In addition to conditions set forth by the Regional Water Board, this project is subject to regulatory oversight by several agencies, including Trinity County, CDFG, USACE, and NOAA Fisheries.

The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larabee Creek is designated as a scenic 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 condition and outstanding values. The Dinsmore Bar is located upstream of the segments designated under the Wild and Scenic Rivers Acts. Implementation of the Project would not affect the free-flowing condition of the Van Duzen River and would not affect the extraordinary values for which the segment was listed.

The Van Duzen River Total Maximum Daily Load (TMDL) for sediment was established in 1999 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Van Duzen 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 Van Duzen River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by Individual Permit No. 29999N require implementation of Best Management Practices (BMPs) for sediment control at temporary stream crossings. Accordingly, the proposed activities are consistent with, and implement portions of the Van Duzen River TMDL.

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.