

June 17, 2013

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

Humboldt County DPW – PL Bar Gravel Extraction, Van Duzen River  
WDID No. 1B13045WNHU

Humboldt County

On April 24, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Humboldt County Public Works Department (applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed activities associated with gravel (river-run aggregate) removal activities on the Van Duzen River at the Pacific Lumber Bar (PL Bar). 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 PL Bar is located adjacent to Highway 36 at Post Mile 13.5 (River Mile 19), approximately eight miles southeast of Carlotta and a short distance upstream of Caltrans Bridge No. 4-93. The PL Bar covers approximately 18 acres of a 660 acre parcel that is currently owned by Humboldt Redwoods Company. The first surface mining permits for the PL Bar were issued in September 1986, authorizing annual gravel extraction of up to 3,000 cubic yards per year for a period of ten years. Permits were extended in 1997 and extended again in August 2010 for a period of fifteen years, authorizing annual extraction of up to 3,000 cubic yards or up to 9,000 cubic yards every three years with a maximum of 45,000 cubic yards over the fifteen year life of the permit. Aggregate extraction has not occurred at the PL Bar since 1997.

The applicant is proposing to extract 9,000 cubic yards in 2013. Currently proposed aggregate extraction operations at the PL Bar will disturb approximately 1 acre of the approximately 18 acre gravel bar. Gravel removal activities are expected to continue in future years following authorization by other local, state, and federal permits. The actual volume of aggregate removed and the specific area of extraction within the gravel bar may vary in the future; however, the maximum volume will be 3,000 cubic yards annually or up to 9,000 cubic yards every three years.

In 1996, Humboldt 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 the county. 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 CHERT process to date, the process serves to address the identified significant adverse impacts to river bed levels as well as other potential adverse impacts to channel geomorphology.

Although aggregate extraction has not occurred at the site since 1997, the site has been subject to the U.S. Army Corps of Engineers (USACE) authorization process pursuant to the Procedure for Issuing Letter of Permissions for Gravel Mining and Excavation Activities within Humboldt County (LOP 2009), and various biological opinions and concurrence letters issued by National Marine Fisheries Service and U.S. Fish and Wildlife Service pursuant to endangered species act requirements. Permanent monitoring cross-sections were established on the PL Bar in 1996 and annual cross-sections have been surveyed since that time. The applicant has requested a letter of permission (USACE File No. 2013-00134) from the USACE authorizing proposed gravel extraction activities under LOP 2009. The applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). These agencies require extensive monitoring, data gathering, reporting, site inspections, channel cross-section surveys, and aerial photo review. Annual volume, location, and extraction methods will also be consistent with the recommendations of CHERT.

River-run aggregate may be 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.

The PL Bar will be accessed by an existing designated haul road. A temporary river crossing is not required to access the gravel bar. Aggregate may be temporarily stockpiled on the gravel bar prior to loading for transport to a nearby processing, stockpiling, and equipment staging area county owned property located across Highway 36 from the gravel bar. Temporary stockpiling of excavated material within the limits of the extraction area is allowed during the weekdays through October 1. Stockpiles must be removed above Ordinary High Water on weekends and after October 1 stockpiles must be removed above Ordinary High Water on a daily basis.

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 leaves 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; and, limiting the amount of haul roads providing access to the extraction area.

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 gravel removal operations 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. The Lower Eel River PEIR covers gravel removal activities at several sites along the Van Duzen River. On August 5, 2010, the Humboldt County Planning Commission adopted a Subsequent Mitigated Negative Declaration (MND) (SCH No. 2009062067) assessing the environmental impacts of the applicant's proposed gravel mining activities at the PL Bar on the Van Duzen River, including the potential for causing streambank erosion. The County filed a Notice of Determination with the State Clearinghouse on August 23, 2010. The Regional Water Board has considered the environmental documents and any proposed changes incorporated into the project or required as conditions of approval to avoid significant effects to the environment. Mitigation measures identified in the MND include: implementation of aggregate extraction activities consistent with standards and requirements of CHERT, USACE, CDFW, and other regulatory agencies; and, implementation of Best Management Practices (BMPs) for erosion and sediment control, and for heavy equipment use in a waterway.

The Van Duzen River from the powerline crossing above Little Larabee Creek to the confluence with the Eel River is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the rivers 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. Implementation of the proposed project activities 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 LOP 2009 require implementation of BMPs for sediment control and activities intended to enhance habitat for salmonids (LOP 2009 – Appendix A) and other aquatic species such as alcove/wetland extractions designed to sequester silt and harbor willows. Accordingly, the proposed activities area 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 maps, design plans, and photos of the project area. 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 and received at this office by mail 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.

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