



US Army Corps  
of Engineers®

# PUBLIC NOTICE

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Applicant:  
Mercer Fraser Company

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**San Francisco District**  
**Permit Application No. SPN-2007-00635**

TO WHOM IT MAY CONCERN: The San Francisco District of the U.S. Army Corps of Engineers (Corps) has received an application for reissuance of a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344). The purpose of this public notice is to solicit comments from the public regarding the work described below:

**APPLICANT:**

Mercer Fraser Company  
P.O. Box 1006  
Eureka, California 95502

**CONTACT:** Megan Wolf

**WATERWAY AND LOCATION:** The project would affect waters of the United States associated with the Van Duzen River. The project/review area is located at the Dinsmore gravel bar along the Van Duzen River, south of Highway 36, at River Mile 54 in Humboldt and Trinity Counties two miles east of the Community of Dinsmore, California, shown on the attached map (Figure 1).

**EXISTING CONDITIONS:** The proposed action involves extraction of sand, gravel and river run aggregate materials from gravel bars within the active channel of the Van Duzen River, during the low flow season when the bars are dry. Temporary summer crossings may be utilized to access extraction areas. The Dinsmore Bar has been used for aggregate extraction and processing operations since at least the late 1980s.

**PROJECT PURPOSE:**

**Basic:** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the project, and is used by the Corps to determine whether the project is water dependent. The basic project purpose is to extract gravel from river gravel bars.

**Overall:** The overall project purpose serves as the basis for the Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project while

allowing a reasonable range of alternatives to be analyzed. The overall project purpose is to extract gravel and other river run aggregate for commercial sale.

**PROPOSED WORK:** The applicant proposes to extract a cumulative total of up to 50,000 cubic yards of gravel and other river run aggregate annually from multiple sites on the Dinsmore gravel bar on the Van Duzen River, for a period of ten years. The actual volume removed and the specific area of extraction within the gravel bar varies from year-to-year. Gravel extraction would occur when the bars are exposed during low water periods, typically between June 1 to October 15 annually or until river conditions indicate 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. All annual extraction plans would be reviewed and approved by the Corps, the National Marine Fisheries Service (NMFS), and State agencies prior to extraction commencing.

The type of extraction proposed would depend on site-specific conditions including the amount of annual winter high flow replenishment of gravel and aggregate, river channel morphology, and design elements needed to protect fish habitat. Temporary roads used to access the bars would be included in the annual extraction plan. Temporary bridges may be utilized for accessing certain sites. Crossings would 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 minimize turbidity impacts. Temporary crossings are located to avoid potential fish spawning, holding and rearing habitat.

After the applicant has removed the aggregate to the approved extraction design lines and grades, the extraction area would be re-graded as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. To ensure the extraction conforms with the approved extraction plan, the applicant would 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.

**AVOIDANCE AND MINIMIZATION:** The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: 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. In addition, extraction volumes would not exceed replenishment volumes, and extraction depths are limited in order to prevent downcutting and lateral erosion of the banks and channel.

**COMPENSATORY MITIGATION:** Compensatory mitigation would not likely be required from the proposed annual gravel extraction operations as they would typically have only minor and temporary impacts to waters of the U.S. and would not result in permanent impacts or loss of wetlands or other waters.

**CULTURAL RESOURCES:** The Corps evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA) utilizing its existing program-specific regulations and procedures along with 36 CFR Part 800. The Corps' program-specific procedures include 33 CFR 325, Appendix C, and revised interim guidance issued in 2005 and 2007. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

No historic properties (i.e., properties listed in or eligible for inclusion in the National Register of Historic Places) are present within the Corps' permit area; therefore, there will be no historic properties affected.

The District Engineer's final eligibility and effect determination will be based upon coordination with the State Historic Preservation Office, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

**ENDANGERED SPECIES:** Pursuant to the Endangered Species Act (ESA) of 1973, as amended, 16 U.S.C. § 1531 *et seq.*, and the implementing regulations 50 C.F.R. §§ 402.13 and 402.14, the Corps has performed an initial review of the application, the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), and NMFS Critical Habitat Mapper to determine if any threatened, endangered, proposed, or candidate species, or designated critical habitat may occur in the vicinity of the proposed project. Based on this initial review, the Corps has made a preliminary determination that the proposed project may affect species and critical habitat listed below. No other ESA-listed species or critical habitat will be affected by the proposed action.

The proposed project may have an effect on federally listed Northern California steelhead (*Oncorhynchus mykiss*), and their critical habitat. USACE anticipates that the proposed project activities may contribute fine sediments as a sediment plume during the first rains in the fall and more fine sediments, which may fill the interstitial spaces in the gravel and pools. The sediment plumes, filled interstitial spaces, and fining of pool sediments constitute indirect impacts to designated critical habitat and may also affect salmonid behavior.

To address project related impacts to this species and designated critical habitat, USACE will initiate consultation with NMFS, pursuant to Section 7(a) of the ESA. Any required consultation must be concluded prior to the issuance of a Department of the Army Permit for the project.

**ESSENTIAL FISH HABITAT:** Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the Corps reviewed the project area, examined information provided by the applicant, and consulted available species information.

The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. An EFH consultation package will be sent to NMFS and the Corps will not make a permit decision until the consultation process is complete. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NMFS.

**NAVIGATION:** The proposed structure or activity is not located in the vicinity of a federal navigation channel.

**SECTION 408:** The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

**WATER QUALITY CERTIFICATION:** Water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1341 *et seq.*). The applicant is aware of this requirement, and the water quality certification will be supplied by the applicant. No Department of the Army Permit will be issued until the applicant obtains the required certification or a waiver of certification from the North Coast Regional Water Quality Control Board.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or

the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

**COMMENTS:** The Corps is soliciting comments from the public; Federal, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The San Francisco District will receive written comments on the proposed work, as outlined above, until April 2, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to F. Kelly Finn at [fairfax.k.finn@usace.army.mil](mailto:fairfax.k.finn@usace.army.mil). Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, San Francisco District, Attention: F. Kelly Finn, 601 Startare Drive #13 Eureka, CA 95501. Please refer to the permit application number in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.