



**California Regional Water Quality Control Board**  
**North Coast Region**  
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*Agency Secretary*

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October 4, 2005

Ms. Julie Neander  
736 F. Street  
Arcata, CA 95521

Dear Ms. Neander:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Arcata, City of – Gannon Slough, Campbell and Beith Creek Riparian Enhancement/ Restoration Project

**File:** Arcata, City of – Gannon Slough, Campbell and Beith Creek Riparian Enhancement/ Restoration Project - WDID No. 1B05040WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request for Water Quality Certification for the Gannon Slough, Campbell Creek, and Beith Creek Riparian Enhancement/Restoration Project in Arcata, Humboldt County. The Regional Water Board received your application and \$500 processing fee on April 12, 2005. Regional Water Board staff deemed your application complete on July 12, 2005; upon our receipt of documentation demonstrating the project has complied with the California Environmental Quality Act. On July 13, 2005, we posted a notice and information describing your project on our website for a 21-day public comment period. We did not receive any public comments regarding your project.

**Project Description:**

Campbell and Beith Creeks are small creeks that flow from the headwaters of Fickle Hill through residential sections of Arcata and into the low-gradient, diked former tidelands that drain to Gannon Slough. Gannon Slough is fed by runoff from both forested and urbanized areas of the Grotzman, Fickle Hill, Beith, and Campbell Creek watersheds. The Campbell Creek project reach is located south of Samoa Boulevard and east of Highway 101. The total Campbell Creek watershed is 560 acres with 387 acres of the watershed draining to the project site and the balance entering Campbell Creek. Gannon Slough drains through a tidegate structure that leaks and creates brackish conditions upstream. The primary purpose of this restoration project is to re-establish access and riparian habitat for anadromous fish and

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Federally listed steelhead between Gannon Slough and the tributaries. A secondary purpose of this project is to repair a non-functioning tidegate separating Gannon Slough from Humboldt Bay.

### **Tidegate Repair**

The tidegate repair will involve replacing the top hinged gate with a side-hinged mount. The new tidegate will have an auxiliary door with a maximum aperture of two feet, which adjusts vertically. This auxiliary door feature will allow greater tidal exchange between Gannon Slough and Humboldt Bay without flooding adjacent lands. Activities in the tidegate installation area will include placement of backfill and riprap, at slack low tide, to a height that will prevent tidal waters from entering the area. Vehicles and other equipment involved in the project will be restricted to the existing ranch road. The tidegate phase of the project will take three days to complete.

### **Beith Creek Wetland and Riparian Enhancement**

This facet of the project involves the removal of 400 cubic yards of fill from the banks of Beith Creek, widening the channel and creating 0.4 acres of wetlands. Native trees will be planted and cattle fencing installed along the 850-foot reach. The purpose of this project is to enhance the floodplain and fish habitat, and to compensate for the proposed loss of wetlands associated with the Campbell Creek realignment.

### **Campbell Creek Channel Realignment**

The applicant will conduct the following tasks as part of the Campbell Creek Channel Realignment:

- Place 400 cubic yards of fill in the existing channel to block off a 750 foot segment of heavily impacted channel, which is currently unsuitable for fish passage.
- Construct a 910 foot meandering channel adjacent to the blocked off channel; the channel profile will be trapezoidal – 30 feet wide at the top and 20 feet wide at the bottom
- Use 160 cubic yards of fill to construct a spillway at the head of the new channel, and to construct meander bends and jump pools in the new channel
- Plant trees alongside and place large woody debris in the new channel

The purpose of this project is to create a stream channel that affords fish access and provides suitable fish habitat, replacing a channel which did neither.

- Receiving Water: Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00
- Filled or Excavated Area: Total area impacted: 0.077 acre  
Temporarily Impacted: 0.04 acre (dredged)  
Permanently Impacted: 0.037 acre (riparian)
- Linear Impacts: Length Temporarily Impacted: none  
Length Permanently Impacted: 750 feet of Campbell Creek
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permits No. 3 and No. 27 are pending USFWS and NMFS consultations.
- Compensatory Mitigation: -Creation of 0.4 acres of wetlands/floodplain  
-Riparian vegetation restoration and protection efforts along an 850-foot segment of Beith Creek  
-Creation of a new 910-foot segment of Campbell Creek.
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use and sediment and turbidity control. All work shall be done during the low tides and the dry season, June 15 to October 15, to minimize impact to any species that are dependent on an aquatic environment for reproduction and development. Silt fencing will be installed in creeks down stream from the project areas to prevent sediment from being mobilized and traveling down stream. Exposed stockpiles of dirt, sand, and similar materials shall be covered, enclosed, and watered twice daily. Vegetation will be planted using native riparian and wetland plant species. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The City of Arcata, as the lead California Environmental Quality Act (CEQA) agency, adopted a Mitigated Negative Declaration (SCH#2005062054) for this project on July 13, 2005.
- Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify Regional Water Board staff prior to the commencement of the project, with details regarding the project schedule, in order to allow staff to be present onsite during implementation, and to answer any public inquiries that may arise regarding the project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any surface water.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.

- 4) BMPs for heavy equipment use and sediment and turbidity control shall be implemented and in place prior to and during construction.
- 5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 6) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 7) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Arcata Gannon Slough Restoration Project (Facility No. 1B05040WNHU) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which

requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on July 19, 2010 or upon completion of the project, whichever occurs first. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henriouille of our staff at (707) 576-2350 prior to commencement of the portion of the project that is subject to this Water Quality Certification (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman  
Executive Officer

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Enclosure:  
State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

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 94599  
Mr. Oscar Balaguer, 401 Program Manager, SWRCB