California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

August 4, 2006

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 Channel Realignment and Enhancement Project Phase II

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, Phase II in Arcata, Humboldt County. The Regional Water Board received your application and $500 processing fee on May 15, 2006. Regional Water Board staff deemed your application complete on July 12, 2006. On July 13, 2006, 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: Beith Creek is a small creek that flows from the headwaters of Fickle Hill through residential sections of Arcata and into the low-gradient, diked former tidelands that drain to Gannon Slough. The Beith Creek watershed drains 731 acres into the project area and Gannon Slough. The project site located near the confluence with Gannon Slough is south of Samoa Boulevard. Gannon Slough flows through four California Department of Transportation tidegates and through a culvert under Highway 101, before entering Humboldt Bay. The purpose of the project is to restore natural stream characteristics and flood plain connection to a 1,454 foot reach of Beith Creek in order to increase and improve habitat for federal and state listed Coho salmon and federally listed steelhead in Gannon Slough and its tributaries. The project will restore complexity, riparian cover and a natural configuration to the creek channel.

The project area is part of the Jacoby Creek/Gannon Slough Enhancement area that is bordered by the Arcata Marsh and Wildlife Sanctuary (AMWS) and U.S. Fish and Wildlife Service's Humboldt Bay Wildlife Refuge. Beith Creek is a narrow confined channel that lacks sinuosity, meanders, and riparian cover, and is disconnected from the historic floodplain by two berms. Earlier restoration efforts in the Gannon Slough area included tidegate modifications which, when completed, will return tidal flow to a portion of the Beith Creek reach. Last year, the applicant restored an upstream segment of Beith Creek. This phase of enhancement activities involves 1) removal and set back of berms in Beith Creek that block the historic floodplain access and excavation of approximately 3.6 acres of seasonal wetland adjacent to Beith Creek; 2) installation of log/boulder structures; 3)restoration of 2.5 acres of native riparian cover, which includes planting native shrubs and trees, including installation of 2900 linear feet of single strand electric livestock exclusion fencing and removal of non-native Himalayan blackberry bushes. All project activities are scheduled between July 1 and October 31st in order to avoid and/or minimize adverse impacts to all species and reduce soil compaction and sediment transport.

Removal and Setback of Berms

Approximately 10,177 cubic yards of fill will be removed from the two berms that presently cut off the floodplain from Beith Creek. The removal of the berms will allow the stream to meander and have a wider high flow channel, resulting in an increase of .24 acres of wetland area, and a reduction in stream velocities. Approximately 5,177 cubic yards of the removed fill will be used to reinforce the berm that surrounds the adjacent seasonal wetland. The balance of the dredge spoils, approximately 4, 868 cubic yards, will be transported to an approved site at McDaniel Slough area and Reclamation District levees. In addition, an existing 3.6 acre seasonal wetland area located adjacent to Beith Creek will be excavated, which will expand the inundation period for the wetland. The purpose of this component is to benefit water fowl and associated wildlife. The seasonal wetland is not connected to Beith Creek, and the applicant does not indicate any intent to connect the wetland in the future.

Equipment (excavators, backhoe, and dump trucks) will be operated from the side of the stream and seasonal wetland; equipment will not be operated in the channel. The applicant proposes to use sediment fencing downstream of the project activity to prevent sediment from being introduced into the

channel. Vehicles and other equipment involved in the project will be restricted to the existing ranch road. The proposed project activities will occur from August 1 through October 31, the dry season.

Log/Boulder Structures

The log/boulder structures will be installed along Beith Creek at 4-6 sites. Structures will consist of approximately two 1 cubic yard boulders and three 16 foot long, 1 foot diameter redwood logs. Logs will be anchored to the bank, attaching the log to the boulders with cables wrapped around the logs and secured to the boulders. A temporary dam of hay bales and plastic will be used for dewatering the area only if the installation site of the log/boulder structure cannot be isolated from the creek. If the work area does not require dewatering, then sediment will be controlled with hay bale dams around the log attachment sites and a silt fence downstream of installation sites; all sediment structures will be removed after activities are completed. The creek area will be inspected and aquatic organisms relocated downstream of installation sites. All habitat restoration will be conducted in compliance with the techniques in the *California Salmonid Stream Habitat Restoration Manual.*

Riparian Enhancement

Installation of 2900 linear feet of single strand hot wire fencing will create a setback on both sides of Beith Creek, in order to protect a total of 2.56 acres of riparian area. The wire will be secured to 7-foot metal posts driven into the ground to a depth of 30 inches and spaced a maximum of 10 feet apart. Two gates will allow creek access. Native riparian vegetation, including red alder, willow, Sitka spruce, poplar, and myrtle will be planted in late December 2006 and January 2007. The riparian corridor involves approximately 1454 feet on both sides of Beith Creek. Plants will be clustered at 10 to 15 foot spacing to create a natural vegetated area. The applicant will monitor plant viability and replanting as needed. Fencing activity will be conducted in the late summer while revegetation efforts will occur in the winter dormancy period. All disturbed soil areas will be reseeded with appropriate annual grasses.

Receiving Water: Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area:	Total area impacted: 3.0 acres Temporarily Impacted: 3.0 acres (dredged) Permanently Impacted: None
Linear Impacts:	Length Temporarily Impacted: 1,454 feet of Beith Creek Length Permanently Impacted: None
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permits No. 3 for *Maintenance* and No. 27 for *Stream and Wetland Restoration Activities* (File No. 280751N).
Compensatory Mitigation:	None
Non-compensatory Mitigation:	Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use and sediment and turbidity control. Equipment will not be operated in the stream. Final grading will be monitored by City staff to assure recontouring to design specifications. Equipment will be refueled in upland areas. All activities except revegetation will occur between July 1 and October 31. Silt fencing will be installed in creeks downstream from the project areas to prevent sediment from being mobilized and traveling downstream. Exposed stockpiles of dirt, sand, and similar materials shall be covered, enclosed and/or watered twice daily. Vegetation will be planted using native riparian and wetland plant species. The applicant has applied for an amendment to their existing (#R1-05-0095) 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 the Gannon Slough/Campbell and Beith Creek Channel Realignment/Enhancement Riparian Restoration Project on July 13, 2005. The proposed supplemental activities described in the Phase II project do not require a subsequent amendment pursuant to Article 11, section 15162(a) (1-3) of the California Environmental Quality Act Guidelines.
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 City of Arcata Gannon Slough, Campbell and Beith Creek Riparian Enhancement 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 August 4, 2011 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 Henrioulle 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, Water Quality Certification Unit,
State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 95814