



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

September 9, 2008

In the Matter of
Water Quality Certification
for the
**WOOD CREEK TIDAL MARSH ENHANCEMENT PROJECT
WDID NO. 1B08060WNHU**

APPLICANT:	Northcoast Regional Land Trust
RECEIVING WATER:	wetlands, Wood Creek, and Freshwater Slough
HYDROLOGIC UNIT:	Eureka Plain Hydrologic Unit No. 110.00
COUNTY:	Humboldt
FILE NAME:	Northcoast Regional Land Trust, Wood Creek Tidal Marsh Enhancement Project

BY THE EXECUTIVE OFFICER:

1. On April 3, 2008, the Northcoast Regional Land Trust (Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities related to the Wood Creek Tidal Marsh Enhancement Project located between Myrtle Avenue and Freshwater Slough near Eureka. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 8, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project is located within a triangular-shaped 54 acre seasonal wetland pasture that is owned by the Applicant. The wetland pasture is bound by private property to the east, Myrtle Avenue to the south and west, and a dike along the south bank of Freshwater Slough to the north and west. Wood Creek is a perennial stream that flows north under Myrtle Avenue and joins Freshwater Slough at the west end of the Freshwater Farms pasture.
3. The primary purpose of the project is to restore tidal hydrology, expand brackish marsh wetland habitat, and to remove the wooden gate portion of the Wood Creek tidegate located at the mouth of Wood Creek. The existing tidegate is the primary barrier to salmonid and tidewater goby access into the Wood Creek watershed. The project does not involve removing the large concrete portion of the tidegate structure; therefore, some tidal muting will remain after the barrier is removed. A

goal of the tidal marsh project is to promote the formation of dense stands of Lyngbye's sedge on wetland benches and Tufted hairgrass on tidal hummocks. This configuration of brackish marsh vegetation has been observed at other locations around Humboldt Bay and is suited for the muted tidal regime at the project site. The project is not only designed to restore estuary habitat within the Humboldt Bay watershed at a meaningful scale, the project is intended to provide additional opportunities for research and monitoring to advance the state of wetland restoration science, and to increase the ability to implement successful habitat restoration projects in the future.

4. In addition to tide gate removal activities, the project includes excavating approximately 3,900 linear feet of tidal creek channels and 3,700 square feet of pond areas to increase a variety of habitat types on the property. Excavated spoils will be used to enhance topography and plant species diversity by constructing tidal hummocks and small inset floodplain benches along the slough channels. After the channel earthwork is complete, several 10 to 20 linear foot sections of the right bank of Wood Creek will be removed to connect flows to the constructed slough channels. Several log habitat structures will be installed in the new slough channels. Approximately 100 linear feet of Wood Creek will also be dewatered for a brief period during installation of a new bridge that will replace an existing degraded culvert at a cattle crossing.
5. Compensatory mitigation is not required for the project. The project is designed to expand the existing 1.4 acres of brackish marsh habitat within the property to between 23 and 29 acres of enhanced brackish marsh. Noncompensatory mitigation for this project includes the use of Best Management Practices for sediment and erosion control and for the operation of heavy equipment in wetlands, streams and slough channel areas. Once the earthwork is complete, disturbed areas will be revegetated with native marsh plant species or seeded with pasture grass. Access and traffic on the site will be minimized and the compacted ground surfaces will be scarified as needed after the project is completed to reverse any unwanted compaction.
6. The Applicant has obtained authorization from the United States Army Corps of Engineers (File No. 2008-00077N) to perform the project under Nationwide Permit Number 27, pursuant to Clean Water Act, section 404. The Applicant has also applied to the California Department of Fish and Game (CDF&G) for a Lake or Streambed Alteration Agreement.
7. On September 4, 2008, Humboldt County Community Development Services approved a mitigated negative declaration (SCH# 2008082028) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
8. 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.

Receiving Water: wetlands, Wood Creek, and Freshwater Slough in the

Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 1000 square feet of stream
channel
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 100 linear feet of stream
channel
Length Permanently Impacted: None

Anticipated Restoration: Length Created: 3,900 linear feet of tidal channels
Area Created: 3,700 square feet of pond
Area Restored: 23 acres of enhanced brackish marsh

Latitude/Longitude: 40.78615 N/124.09867 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Wood Creek Tidal Marsh Enhancement Project (WDID No.1B08060WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 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 title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. 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 Order, 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 stream.

6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers, or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
12. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
13. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the

conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

16. 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, and the 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.

17. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
18. The authorization of this certification for any dredge and fill activities expires on September 9, 2013. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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Original to: Northcoast Regional Land Trust, P.O. Box 398, Bayside, CA 95524-0398

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398
Mr. Don Allen, Redwood Community Action Agency, 904 G Street,
Eureka, CA 95501