

April 19, 2011

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

Kinori – Floating Dock for Single Family Residence at King Salmon
WDID No. 1B11016WNHU

Humboldt County

On February 14, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Ilan Kinori (applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed activities associated with installation of a floating dock in an existing canal at King Salmon. The proposed project will cause disturbances to waters of the United States associated with Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project involves construction of a new 30-foot long by 6-foot wide private floating dock and associated gangway within a canal that is connected to Humboldt Bay. The proposed dock is associated with the applicant's plans for construction of a new single family residence on the north side of Herring Avenue (APNs 305-073-40 & 305-073-41) in King Salmon. The purpose of the floating dock is to provide private boating access to the canal and Humboldt Bay.

The proposed floating dock will consist of a redwood frame constructed over polypropylene air chambers. A "trex" or equivalent type decking material will be placed over the redwood framing. To avoid the potential release of toxic wood preservative chemicals, no wood treated with chromated copper arsenate, ammoniacal copper zinc arsenate, or ammoniacal copper arsenate shall be used for any portion of the proposed dock or supporting structures.

The dock will be held in place by two 2.5-inch diameter stabilizer piles that will allow the dock to move up and down the piles with the tide. The steel stabilizer pipes will be driven into the canal using a vibratory hammer to minimize noise impacts to aquatic life in the canal. To avoid the potential release of zinc compounds the stabilizer piles shall be composed of non-galvanized steel tubing, either bare or with a saltwater corrosive-resistant coating. Only stainless steel nails, screws, joist ties, and hangers shall be used.

A gangway will also be constructed between the top of the bank and the floating dock. Concrete piers will be installed above the top of the bank and the high tide elevation to provide a support foundation for a stationary upland section of decking. One end of the gangway will be attached to the stationary section with a non-galvanized iron pipe hinge. The other end of the gangway will be equipped with 3-inch diameter hard rubber wheels attached to a non-galvanized iron pipe axle. The wheels will rest on the surface of the floating dock to allow the gangway to move up and down with the dock.

The floating dock and gangway have the potential to shade and displace eelgrass. The California Department of Fish and Game (Department) has submitted comments to the Humboldt Bay Harbor, Recreation and Conservation District that include a recommendation for an eelgrass survey at the proposed dock location. Eelgrass is considered Essential Fish Habitat that may not be cut or disturbed. A mitigation and

monitoring plan will be required by the Department if eelgrass is found onsite that could potentially be affected by shading from the dock.

The proposed steel support piles for the floating dock will result in ten square inches of permanent impact to the bank of the canal below the low tide elevation. The proposed project will not result in any temporary impacts to waters of the United States.

Compensatory mitigation has not been proposed for the project. Non-compensatory mitigation measures include the use of Best Management Practices for sediment and erosion control. The proposed project is scheduled for approximately three weeks of construction between June 2011 and December 2011.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Class 4, Section 15304 – minor alterations to land) and anticipate filing a Notice of Exemption for this project.

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 and detailed design drawings. 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.