

October 4, 2011

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

McCanless Property – Access Road for Single Family Residence
WDID No. 1B11160WNHU

Humboldt County

On March 22, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Luke McCanless, (applicant), requesting Federal Clean Water Act (CWA), section 401, water quality certification (certification) for proposed activities associated with construction of a private driveway at 591 Crosby Road near the City of Ferndale. The proposed project will cause disturbances to waters of the United States associated with wetlands in the Ferndale Hydrologic Subarea No. 111.11.

The proposed project is located southeast of the City of Ferndale in an unincorporated area of Humboldt County. The proposed project involves construction of an approximately 10-foot wide driveway to a new home site on the McCanless family farm. The proposed driveway will be approximately 1,000 feet long, including approximately 650 linear feet of existing dirt road that will be improved. The proposed driveway will cross open prairie containing wetlands that drain to the Coffee Creek Slough. The driveway has been aligned to avoid watercourse crossings and riparian areas, and has also been aligned to minimize impacts to the existing wetlands. The proposed driveway will cross 2,400 square feet of palustrine emergent wetlands.

The applicant received authorization from the U.S. Army Corps of Engineers to complete the project under Nationwide Permit Number 29 (Residential Developments) pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project. On July 21, 2011, the County of Humboldt approved a Mitigated Negative Declaration (SCH No. 2011062003) 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. The environmental document indicates the project will result in 2,400 square feet of permanent impacts to jurisdictional wetlands due to direct filling associated with construction of the driveway. The proposed project includes wetland creation, enhancement, and restoration activities to mitigate the wetland impacts.

A mitigation, monitoring, and reporting plan has been prepared for the proposed project. Proposed compensatory mitigation for the permanent impacts to 2,400 square feet of existing wetlands is composed of four elements: 1) restoration of approximately 1,550 square feet of previously graded wetland area; 2) enhancement of 120 linear feet of inboard roadside drainage ditch to create a 950 square foot wetland bioswale; 3) creation of an additional 2150 square feet of wetlands in a 5-foot wide by 430-foot long bioswale connected to the enhanced section of roadside drainage ditch; and, 4) enhancement of an approximately 7.9-acre riparian area, including installation of a cattle fence to allow only seasonal use of the riparian area by livestock. The riparian

enhancement area will be planted with native coniferous trees at a 10 foot by 10 foot spacing in areas with less than 50 percent canopy cover. The edges of the riparian area will also be planted with hydrophytic vegetation.

The Lower Eel River Total Maximum Daily Load (TMDL) for temperature and sediment was established in 2007 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Lower Eel River are exceeded due to excessive temperature and sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Lower Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order include enhancement of riparian vegetation and wetland creation activities within open prairie areas currently used for livestock grazing. Constructed wetland bioswales will also trap sediment and minimize sediment transport downstream. The proposed project is also required to implement Best Management Practices (BMPs) for sediment and erosion control. Accordingly, the proposed project is consistent with and implements portions of the Lower Eel River TMDL.

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.