

July 18, 2013

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

Nylander Ranch – Levee Repair, Freshwater Slough
WDID No. 1B13064WNHU

Humboldt County

On May 22, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Allen and Cheryl Nylander (applicants), requesting Federal Clean Water Act, section 401, water quality certification for proposed activities associated with repairing an existing levee on the applicant's Nylander Ranch property near Eureka. The Nylander Ranch and levee are located adjacent to Freshwater Slough. The proposed project will cause disturbances to waters of the United States associated with Freshwater Slough in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project involves repairing an eroded section of an existing levee that protects the applicant's agricultural property from flooding, high tides, and saltwater. The eroded section is located immediately downstream of the confluence of Ryan Slough and Freshwater Creek. Erosion has reduced the width of the levee base from its original width of 50 feet to approximately 30 feet within the eroded section. The eroded section is approximately 320 linear feet.

The applicant proposes to repair and stabilize the eroded section by placing rock on the slough side of the levee. Levee repair activities will take place within its original footprint. The original footprint is based on the remains of a wooden wall located along the toe of the levee. Approximately 670 cubic yards of rock riprap material and approximately 240 yards of coarse river-run aggregate will be used to restore the levee. A toe trench will be excavated on the slough side of the levee to place a base course of rock riprap. The eroded slope will be benched to provide a stable slope face for placement of the remaining rock riprap. Excavated materials will be stockpiled for onsite use. Geotextile fabric will be placed over the benched surface, coarse river-run aggregate will be placed over the fabric, and rock riprap will be placed over the aggregate. Stockpiled materials will be placed on the land side of the levee to create a 1.5:1 slope and to make the restored levee top 6-feet wide.

All work on the lower portion of the slough side of the levee will take place at low tide. There are eighteen days during the August 1 to October 15 work period that have daytime low tides. An approximately two-hour work window is anticipated for placing the rock riprap in the lower portion of the levee during low tide. The lower portion of the levee repairs will be completed in approximately 50-foot long sections and approximately seven low tide work windows are expected to be needed in order to complete the lower portion of the levee repairs. The proposed project is expected to take three weeks to complete.

On February 8, 2013, the Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD) submitted an Initial Study and Draft Mitigated Negative Declaration (SCH No. 2013022020) for the project to the State Clearinghouse for public review in order to comply with CEQA. The Regional Water Board has considered the environmental document, BMPs, 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 includes mitigation measures for the project's potential impacts to biological resources. To mitigate for potential impacts to riparian habitat, the top and land side of the levee will be planted with native riparian and coastal prairie species.

The proposed project will result in permanent impacts to 320 linear feet and 6,400 square feet of waters of the United States associated with restoring the original levee footprint and bank of Freshwater Slough. The applicant has obtained authorization from the United States Army Corps of Engineers (File No. 2011-00325) to perform this project under Nationwide Permit No. 31 pursuant to Clean Water Act, section 404. The applicant has applied for a Lake and/or Streambed Alteration Agreement from the California Department of Fish and Wildlife. The applicant has also applied for a Humboldt County grading permit and a Coastal Development Permit from the HBHRCD.

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, design plans, and photos of the project areas. 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.