

August 2, 2013

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

City of Rio Dell – Infiltration Gallery Grading Project
WDID No. 1B13076WNHU

Humboldt County

On June 20, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Rio Dell (City/applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed grading activities associated with improving the performance of the existing infiltration gallery system that provides water to the Rio Dell community. The proposed project is located along the left bank of the Eel River between the Eagle Prairie Bridge and Highway 101 Bridge over the Eel River in Rio Dell. The proposed project will cause disturbances to waters of the United States associated with the Eel River in the Lower Eel River Hydrologic Area No. 111.10.

In 2006, the City contracted the design and construction of an infiltration gallery in the active channel of the Eel River to supply water to the community. The infiltration gallery was constructed in a trench excavated in siltstone bedrock along the left streambank. Once the infiltration gallery piping was in place the trench was backfilled with clean rock. Two 3-foot deep “window” trenches were also cut through the bedrock perpendicular to the infiltration gallery trench to increase infiltration of river water over the bedrock feature and into the infiltration gallery piping. These “window” trenches were allowed to fill naturally by river-run aggregate during subsequent high flows. The infiltration gallery worked to specifications for the first several years; however, in recent years the system has experienced increasing degrees of reduced performance during the late summer and fall due to lower river flows, fine sediment infiltration, and clogging in the shallow “window” trenches. The restricted inflow to the infiltration gallery has resulted in an impending emergency situation that jeopardizes the water system’s ability to provide water to the community.

The project area is located approximately 550 feet upstream of the Highway 101 Bridge. The project involves excavation of an approximately 2 to 3-foot deep, 6-foot wide, approximately 75-foot long, u-shaped trench near the upstream end of the infiltration gallery. The purpose of the trench is to allow more surface water to flow over the infiltration gallery piping. The middle portion of the u-shaped trench will be located over the dry portion of the infiltration gallery and will cut through the layers of sand and gravel that has accumulated over the infiltration gallery’s original cobble/boulder top dressing. The ends of the trench will extend approximately 35 feet from the infiltration gallery across the dry gravel bar and into the edge of the wetted river channel. The ends of the u-shaped trench will be approximately 75-feet apart along the edge of the gravel bar. As the excavator is digging the trench the excavated river-run materials will be sifted using the excavator bucket teeth to select and remove the coarser gravel and cobbles. The coarse

materials will be temporarily stockpiled on the gravel bar for later use in the project. The remaining excavated river-run material will be transported downstream of the infiltration gallery, spread along the upper edge of the dry gravel bar to a one-foot maximum thickness, and gently sloped toward the river.

The wetted portion of the trench excavation areas will be cleared of all fish prior to construction. Blocknets will be placed to prevent fish from entering the excavation area. After the blocknets are in place the wetted portions of the trench will be excavated toward the wetted river channel. The previously stockpiled coarse gravel and cobble will then be placed within the trench at the boundary between the dry gravel bar and wet channel. The purpose of the gravel/cobble fill is to form a porous barrier extending across the trench with the surface of the barrier above the water surface. The barrier is designed to allow water to flow into the infiltration gallery while preventing fish from entering the trench.

Heavy equipment will access the project area from the Riverside RV Park by driving up the dry gravel bar. If equipment needs to cross a shallow wet area near the Highway 101 bridge abutment a fisheries biologist will be onsite to haze any aquatic life that may be present out of the path of the equipment. Heavy equipment will be limited to one upstream and downstream crossing. The proposed emergency activities are expected to begin in August and are expected to take less than one week to complete. Annual grading and excavation of the proposed trenches may be required in the future to maintain flows toward the infiltration gallery. Therefore, Regional Water Board staff are proposing to issue certification for a period of five years that will authorize similar maintenance activities in the future.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform these projects under Nationwide Permit No. 3 pursuant to Clean Water Act, section 404. The applicant has also applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Wildlife. The City of Rio Dell determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review (section 15301 – existing facilities). Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Class 1, Section 15301 – existing facilities) and anticipate filing a Notice of Exemption for this project.

The Lower Eel River Total Maximum Daily Loads (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. The project does not impact any mature riparian vegetation and includes implementation of BMPs for sediment and turbidity control. Accordingly, the proposed project is consistent with, and implements portions of the Lower Eel River TMDL.

Under Title 23, California Code of Regulations, Section 3858(a): "The executive director or the executive officer with whom an application for certification is filed shall provide public notice of an application at least twenty-one (21) days before taking certification action on the application, unless the public notice requirement has been adequately satisfied by the applicant or federal agency. If the applicant or federal agency provides public notice, it shall be in a manner and to an extent fully equivalent to that normally provided by the certifying agency. If an emergency requires that certification be issued in less than 21 days, public notice shall be provided as much in advance of issuance as possible, but no later than simultaneously with issuance of certification." Due to the nature of public health and safety issues associated with this project, if an emergency water supply situation arises during this public notice period a certification may be issued during the 21-day public notice period. Public comments will be accepted and considered during the entire 21-day comment period as the pending certification may also authorize similar trench maintenance activities on an as-needed basis to ensure that water continues to reach the infiltration gallery.

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.