

November 26, 2013

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

Eel River Estuary Preserve: Replacement for All-Season Maintenance and
Drainage Enhancement Project
WDID No. 1B13133WNHU

Humboldt County

On September 30, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Dan York, The Wildlands Conservancy (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with the Eel River Estuary Preserve: Replacement of bridges for all-season maintenance and drainage enhancement (Project). The proposed Project would cause disturbances to waters of the United States (U.S.) and the State associated with the Cutoff Slough and Russ Creek, linear water courses within the Eel River Hydrologic Unit, Lower Eel River Hydrologic Sub-Area 111.11. The Project is located approximately at 770 Russ Lane, Ferndale, CA at latitude 40.5916°N, and longitude 124.315297°W. Permanent impacts to waters of the U.S. would be approximately 0.08 acres to wetlands. Permanent impact to waters of the State would be approximately 6 linear feet and approximately 0.01 acres. Temporary impacts to waters of the state would be approximately 218 linear feet.

The primary purpose of the Project is provide long term, all-season to the preserve by replacing two bridges and restore an access road to wetlands by installing a third temporary bridge in order to access this new road in uplands. The scope of the Project includes removing a failed culvert on Cutoff Slough and replacing it with a free span bridge, replacing a bridge on Russ Creek whose abutments are threatened by erosion of the stream bank resulting during high flows during the winter season, and installation of a temporary pre-fabricated steel bridge over a man-made drainage ditch necessary to re-route the existing access road out of wetlands for all-season use. These project components will decrease the risk of sediment delivery at each location, allow for restoration of 0.29 acres of wetlands and remove a failing culvert enhancing fish passage. The Project will employ best management practices to prevent or reduce any discharges during and after construction

Mitigation for the impacts to wetlands and stream bank include: restoration of the historic ranch access road to 0.29 acres of wetlands through native plantings and monitoring to ensure success criteria are met. Additionally, installation of wing-fences at bridge sites and riparian buffer zone fencing that will minimize bank erosion by excluding livestock. The

Project will employ best management practices to prevent or reduce any discharges during and after construction.

The Project is planned to begin fall of 2013. Work is proposed to last for approximately six weeks.

The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, section 404 permit. Additionally, the applicant has applied to the California Department of Fish and Wildlife for a Streambed Alteration Agreement (Notification No. 1600-2013-0212-R1).

The North Coast Regional Water Quality Control Board, as lead California Environmental Quality Act (CEQA) agency, had determined that the project qualifies for a Categorical Exemption, 15302 (c) Replacement of existing structures, 15303 (d) New construction of small structures, and will file a Notice of Exemption with the State Clearinghouse concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.

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 project including maps and photos. 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.

The Project is scheduled to start as soon as possible to reduce public safety issues associated with significant scouring at bridge abutments during the next wet season and possible bridge failure. 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 safety issues associated with this project, 401 Water Quality Certification will be issued during the 21-day public comment period. If you have any questions, please contact staff member Stephen Bargsten at (707) 576-2653 or Gil Falcone at (707) 576-2830 within 21 days of the posting of this notice.