

**Public Notice for Section 401 Water Quality Certification  
and/or Waste Discharge Requirements**

Vance Dairy – Levee Repair and Water Control Structure Removal Project  
WDID No. 1B06040WNHU

Humboldt County

On April 13, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Marty McClelland, representing RDHC, LLC (applicant), requesting Federal Clean Water Act, Section 401, Water Quality Certification for a proposed project involving levee repairs along Salmon Creek and removal of a water control structure that was installed without permits. The proposed project will cause disturbances to waters of the United States associated with wetlands and Salmon Creek and Hookton Slough in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project is located along the west side of Salmon Creek and the north side of Hookton Road. The project is on a ninety-acre portion of the applicant's 290-acre dairy property. The land affected by the proposed project is wetlands on diked former tidelands that are used for agricultural purposes, primarily cattle grazing. The primary purpose of the proposed project is to repair four breaks in an existing levee that is located along the west side of Salmon Creek. During the past winter, high flows in Salmon Creek created significant breaks at four locations in the levee and several additional minor breaches. The levee breaks have significantly increased flooding of the applicant's property by Salmon Creek. Repairing the levee is necessary to prevent additional flooding and erosion of the productive grazing land soil. The levee repairs will also reduce the potential for stranding of adult and juvenile salmonids by maintaining Salmon Creek in its main channel during typical high flow events.

The proposed levee repairs consist of removing any debris and non-fill material from the break area and filling the break area with imported fill material. A backhoe, excavator, and dump truck will be used to place the fill and a sheepsfoot will be used to compact the fill material. The proposed project will not result in any expansion of the existing levee. The previous extent of the existing levee will be determined by stringing a line between two points on the levee face that are adjacent to the levee break. After the levee breaks are repaired, each site will be seeded and straw-mulched to reduce erosion.

The proposed project also involves activities related to the removal of a water control structure that was installed without permits. The concrete and wooden materials that were previously installed will be completely removed and the land surrounding the structure will be restored to replicate previously existing conditions. The water control structure will be removed as soon as the condition of the land will allow. The disturbed area will be tilled or scarified and planted with the same grasses that are used on other areas of the property.

The applicant has requested authorization to repair the four significant breaks during the summer of 2006. The applicant has also requested authorization to make additional repairs to the existing levee over the next five years if similar breaks occur and the same

levee repair methods can be utilized. The levee break repair project will permanently impact 0.02 acre of existing levee located on wetlands that are diked former tidelands. Removal of the water control structure will permanently impact approximately 0.04 acre of wetlands by restoring the water control structure area to the conditions that existed prior to installation of the structure.

Compensatory mitigation is not required. Noncompensatory mitigation measures for this project include the use of Best Management Practices for sediment and turbidity control. All proposed construction activities would be implemented according to the Natural Resource Conservation Service's specifications. The applicant has applied for authorization (File No. 301180N) to perform the proposed project under a Nationwide Permit from the United States Army Corps of Engineers, pursuant to Clean Water Act, Section 404. The County of Humboldt, as the lead California Environmental Quality Act (CEQA) agency, certified a Mitigated Negative Declaration on January 20, 2005. The applicant submitted emergency notification to the California Department of Fish and Game on March 23, 2006.

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 received 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 or comments, please contact staff member Dean Prat at (707) 576-2801 within 21-days of the posting of this notice.