

June 21, 2006

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

CDOT – Tannery Gulch Slate Creek Bank Stabilization Project
WDID No. 1A06062WNTR

Trinity County

On May 8, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Tannery Gulch Slate Creek Bank Stabilization project located in the vicinity of Tannery Gulch Campground off of State Highway 299 and State Route 3, at Post Mile 42.2 (T34N, R9W, S3), Trinity County. Regional Water Board staff deemed the application complete on June 20, 2006. The proposed project will cause disturbances to waters of the United States associated with the Weaver Creek Hydrologic Subarea No. 106.32.

The purpose of the proposed project is to control erosion along 60 linear feet of Slate Creek, where creek flows are undermining the bank that supports the highway at Tannery Gulch. The California Department of Transportation (applicant) is proposing to place rock slope protection (RSP) at the toe of the eroded embankment of Slate Creek. Presently, Slate Creek is lined with large granite rocks with a mixed conifer riparian area. The project site has a bank full depth of approximately 19 feet. Construction will occur at the pull out (post mile 42.2 on Route 3). The applicant proposes to place 48 cubic yards of ½ ton RSP along a 60 linear foot section of the bank to a height and depth of approximately 7.5 feet. A layer of geotextile fabric will underlay the RSP. The area of permanent impact is approximately 0.01 acres of streambed. The applicant proposes to perform activities between July 11 and October 15 in 2006 or 2007. Project activities will be conducted over the course of one week during low flow.

The applicant will stage equipment on the adjacent county road. There are no known sensitive or listed species in the project area. All activities will be conducted outside of the normal nesting period of the Northern Spotted Owl. The project may require the removal of 3 trees that are between 2 inches and 10 inches in diameter at breast height (dbh) in order to allow for access to the toe of the slope. The applicant proposes to plant alder trees in the top section of the RSP to provide bank stabilization and to create habitat. There will be no excavation within the channel and no spoils will be removed from the site. Compensatory mitigation is not required for this project. Non-compensatory mitigation measures include implementation of Best Management Practices for sediment/ erosion control and equipment. All areas with bare soil will be reseeded and mulched.

The proposed project is authorized under the United States Army Corps of Engineers Nationwide Permit 13 for Bank Stabilization, pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. Section 403). On May 3, 2006, the California Department of Transportation, as lead agency, determined that the project was categorically exempt in accordance with Article 19, section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines. The applicant has applied for a Lake and Streambed Alteration Agreement (1602) with the California Department of Fish and Game.

Regional Water Board staff propose 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. If you have any questions or comments, please contact Diana Henriouille at (707) 576-2350 or email DHenriouille-Henry@waterboards.ca.gov or Catherine Woody at (707) 576-6723 or email Cwoody@waterboards.ca.gov within 21 days of the posting of this notice.