

November 27, 2006

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

Reclamation District 768 – McDaniel Slough Tidegate Recovery/Replacement  
Project (WDID No. 1B06170WNHU)

Humboldt County

On November 2, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Stein Coriell, representing Reclamation District 768 (applicant), requesting Federal Clean Water Act, Section 401, Water Quality Certification for a proposed project that involves recovery and replacement of a tidegate that was separated from its culvert and washed downstream during storm events that occurred at the beginning of January 2006. The proposed project will cause disturbances to waters of the United States associated with McDaniel Slough and Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project is located in the southern Arcata area near the confluence of McDaniel Slough and Humboldt Bay. High tides and strong winds between December 30, 2005 and January 6, 2006 led to overtopping and erosion of the District's levees. High flows in Janes Creek, a tributary to McDaniel Slough, caused flooding and high flow velocities through four existing culverts and tidegates on McDaniel Slough and one of the tidegates was separated from its culvert and was washed about 40 feet downstream into the bay. The tidegate is a rubber "duckbill" gate that was installed sometime around 2003. Without a tidegate, salt water enters the adjacent agricultural fields and causes salt water damage to the vegetation and freshwater wetlands inside the levee system. Higher water levels and flooding inside the levee system has also created problems related to feeding and movement of livestock.

The proposed project involves recovering the existing tidegate from the bay floor and reattaching the tidegate to an existing culvert. The proposed tidegate recovery plan involves taking a small boat to the tidegate at the appropriate tide and attaching rubber buoys to float the tidegate out of the mud as the tide rises. A chain or cable will be attached to the tidegate and brought to shore so that heavy equipment can pull the tidegate over to the shoreline. The tidegate will be lifted to the culvert with heavy equipment operating from the top of the levee and a new collar will be used to attach the tidegate to the culvert. If the recovered tidegate is damaged it will be replaced with a new tidegate. The proposed project will have no permanent impacts to waters of the United States. Retrieval of the tidegate from the bay floor and floating the tidegate to the shoreline is anticipated to temporarily impact less than 0.01 acre of the mudflat and shoreline of Humboldt Bay.

Compensatory mitigation is not required. Noncompensatory mitigation measures for this project include the use of Best Management Practices for sediment and

turbidity control. The applicant has applied for authorization 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 North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, determined that this project is categorically exempt (Class 1, Existing Facilities) from CEQA and filed a Notice of Exemption on November 27, 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.