



California Regional Water Quality Control Board
North Coast Region
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**Arnold
Schwarzenegger**
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June 21, 2007

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

City of Arcata – McDaniel Slough Marsh Enhancement Project
WDID No. 1B06106WNHU

Humboldt County

On July 31, 2006 the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Arcata Environmental Services Department requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the McDaniel Slough Marsh Enhancement Project in Humboldt County. The proposed project will cause disturbances to waters of the United States associated with Humboldt Bay and the Eureka Plain Hydrologic Unit No. 110.00.

The City of Arcata (applicant), in partnership with the California Department of Fish and Game (CDFG), proposes to remove fish barriers and to restore tidal wetland functions to approximately 240 acres. The proposed project site is owned by the City (88 acres) and CDFG (166 acres). The proposed project site is located adjacent to, and on the northwest boundary of, the Arcata Marsh and Wildlife Sanctuary (AMWS). The City-owned portion of the site links the AMWS to the CDFG Mad River Slough Wildlife Area, which is located west of the Janes Creek/ McDaniel Slough. South of the AMWS is the Humboldt Bay National Wildlife Refuge. Together, these properties make up more than 1000 acres of contiguous public land north of Humboldt Bay. Field surveys conducted on the proposed project site documented nine biotic habitats. The habitats include ruderal/upland; agricultural field; 3 types of marsh, including freshwater, brackish and salt; willow riparian; mudflat; riparian and developed land. The purpose of the proposed project is to enhance fish access by removing barriers, deepening historic slough channels, partially removing obsolete and failing levees, and restoring the tidal estuary. The applicant proposes to implement the proposed project activities in three phases:

Phase I (to occur between June 2007 and November 2008)

- Excavate soil to begin constructing two approximately ten-foot deep freshwater ponds
- Use excavated soil from the freshwater pond area to construct levees on the eastern portion of site - levees will be constructed along the east side of V Street

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and around an area which will be made into a brackish pond in the future; pond will initially be a seasonal freshwater pond

- Plant vegetation on newly constructed levees
- Excavate deposited sediment from historic slough channels on the Eastern portion of the site. Soil will be used to build levees and to construct sills in the newly contoured channels to provide habitat for goby
- Remove portions of the levee bordering McDaniel Slough(Janes Creek), leaving some portions of the levee intact to serve as roosting islands and to break up wave fetch within the project area to promote deposition of suspended sediment
- Contour bottom of future brackish pond, build and vegetate islands in brackish pond
- Construct trails, viewing structures, kiosks
- Plant upland areas with native vegetation
- Install stormwater BMPs throughout the project area
- PG & E will reinforce its power tower structures in the project area

Phase II (may occur either before November 2007, or during the 2008 construction season, depending on timing/outcome of USFWS and NOAA consultations)

- Install a tidegate on the open culvert to controls flows and allow the western area to dry out while maintaining water in lower reaches of western remnant channels
- Complete construction of freshwater ponds
- Use excavated material from freshwater pond area to construct new levees on western portion of site - south side of V Street area and westward.
- Plant vegetation on newly constructed levees.
- Isolate borrow ditch area, dewater, install culvert with tide gate and connect to existing levee
- Remove deposited sediment from western remnant channels and construct a low sill to retain approximately 20-30% of high tide flows, in order to maintain/enhance post project habitat for goby
- Place any remaining suitable soil from freshwater pond construction (up to 40,000 cubic yards) on up to 23 acres of low elevation subsided areas adjacent to the modified remnant to build up the marsh plain by up to 1 foot, in order to accelerate development of pickleweed habitat.
- Complete design infrastructure for brackish pond (this will not involve any field work)
- Remove tidegates, but leave culverts in place, in order to allow increased, but limited flows into the restoration area
- Allow levees to season/settle

Phase III (to be conducted the season following completion of Phase II)

- Install salt marsh vegetation
- Remove four culverts from levees, one at a time, to allow unrestricted tidal flow passage into and from the restoration area.

- Breach the bay front levee
- Reinforce levees at mouth of McDaniel Slough with rock
- Begin operation of brackish marsh, by discharging approximately 1-6 cfs of treated wastewater from the City of Arcata wastewater treatment facility (WWTF) into the brackish pond area. It should be noted that the current National Pollutant Discharge Elimination System (NPDES) permit for the WWTF does not identify the brackish pond as an acceptable point of discharge for treated effluent; this proposed discharge may only occur after the City of Arcata has applied for and received an amendment to the permit for the WWTF allowing discharge of treated effluent to the brackish pond.

Levee construction will require approximately 80,000 cubic yards of material. The applicant proposes to construct a permanent levee with benched upland slopes along the northwest boundary of the project area, and temporary flood control levees along the west and northeast boundaries of the project area, where future expansion is possible. The applicant will also construct permanent levees around the brackish pond perimeter, to enable control of the salinity levels in this feature. The applicant and the California Department of Fish and Game (CDFG) will share long term management and maintenance responsibilities for the proposed project perimeter levees.

The proposed Phase 1 removal of the Janes Creek lateral levees will involve removal of approximately 6,200 cubic feet of material from 1,200 linear feet of levee bordering the McDaniel Slough and Janes Creek. Prior to breaching the levee, the applicant will excavate aggraded sediment from approximately 5,200 linear feet of slough channels located on agricultural land.

As noted above, the applicant proposes to build up the marsh plain (Phase 2) by adding approximately 30,000 to 40,000 cubic yards of excavated soil from the freshwater and brackish pond sites to 23 acres of low elevation marsh, then grading the area to increase the elevation by one foot. The area will then be seeded with local seed stock. The applicant anticipates that a larger marsh plain area will accelerate the establishment of the salt marsh vegetation, such as pickleweed and cordgrass.

Phase 2 tidegate removals will involve removal of tidegates from four 48-inch culverts; culverts will remain in place to allow limited flows into the restoration area during phase 2. During Phase 3 the applicant proposes to remove the culverts individually after tidal exchange has occurred and during low tide conditions. Culvert removal involves blocking the existing culverts to prevent flow from the creek while work is occurring on each successive culvert. If the water level is not below the height of the culvert, the applicant will temporarily isolate the culvert work area.

The total area of wetlands to be permanently filled by this project is 6.5 acres associated with the construction of new levees. Upland areas that will be converted to wetlands total 6.64 acres. A total of 168.1 acres of salt marsh, 11.9 acres of sub-tidal estuarine habitat and 14.7 acres of brackish marsh will be created. Compensatory

mitigation measures include the restoration of salt marsh, tidal connection and influence to approximately 200 acres of wetland, and salmonid and wildlife habitat. Non-compensatory mitigation measures include the use of Best Management Practices for equipment operations and erosion and sediment control. If it appears that the increased tide waters will damage the cement base of the Pacific Gas and Electric (PG&E) towers located within the project area, PG&E will build up the base, and will employ BMPs for cement use and installation near a waterway, including but not limited to BMPs associated with transportation, storage, dust control, and management of spills and sediment control. The applicant will install silt fencing in order to prevent sediment delivery to streams, and will seed and mulch all areas of bare soil for erosion control.

The applicant has applied to the United States Army Corps of Engineers for an individual permit, pursuant to section 404 of the Clean Water Act. The City of Arcata, as lead California Environmental Quality Act (CEQA) agency completed and adopted an Environmental Impact Report (SCH # 2003022091) for this project on December 20, 2006. Regional Water Board permitting associated with this project will be conditioned, in part, upon compliance with the mitigation measures specified by the City in the EIR.

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 and ends at 5:00 p.m on the last day of the comment period. If you have any questions or comments, please contact Diana Henriouille at (707) 576-2350 or Catherine Woody at (707) 576-6723 within 21 days of the posting of this notice.

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