

September 14, 2007

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

USDA – Natural Resource Conservation Service, Graybrook Wetland
Enhancement/Restoration Project
WDID No. 1B07097WNHU

Humboldt County

On June 22, 2007, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities to modify linear drainages and increase topographic diversity for habitat in the Graybrook Wetland at 3991 Highway 36, Hydesville (40.553141 N/124.088362 W). The proposed project will cause disturbances to waters of the United States associated with Van Duzen River Watershed in Hydesville Hydrologic Subarea No. 111.21.

The proposed project involves approximately 20 acres of a 58-acre wetland located within a 100 acre permanent conservation easement purchased by the applicant under the Wetland Reserve Program (WRP). The freshwater emergent wetland and upland located in the Van Duzen Watershed contains a county drainage ditch which drains to Barber Creek, a tributary of the Van Duzen River. The purpose of the proposed project is to modify the drainage ditch in order to create meandering swale channels, increase habitat diversity and water retention of the existing wetland, and replace the failing water control structure.

The proposed project involves modification of linear ditches by excavating the existing ditches and creating a meandering configuration. The average depth and width of the ditches will be approximately the same as that of the existing linear ditches, 10 feet wide and approximately 1.5 feet deep. The meandering areas will create swales, which will be planted with native wetland plants. The applicant proposes to use the excavated material to create approximately 4 acres of islands within the basin for waterfowl nesting and increased habitat diversity. The six islands are to be located within the 17 acres of basin. The applicant proposes to construct the islands at a maximum 2.5-foot height, approximately 0-6 inches above high water level, with slopes varying from 10:1 to 8:1. Soil will be compacted every 6 inches, and covered with straw to prevent erosion. The applicant proposes to plant wetland vegetation at the base of the islands as well as within the basin area.

The basin area is currently approximately 5 acres; the applicant proposes to expand this area to 17 acres. The 12-acre increase includes the meandering swales. The applicant estimates that incorporating the vegetated swales will improve drainage and wetland function. The existing water control structure has a concrete wing wall with a flash board riser and removable wooden slats. The existing structure does not function properly, and overtops during storm events. The applicant proposes to replace the existing structure with a keyed in wing wall and a pre-cast concrete culvert.

The proposed project will result in 10,000 cubic yards of soil removed for basin enlargement and swale construction; excavated soil will be used to construct the islands. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control. Construction activities are expected to take three weeks to complete.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 27 for *Aquatic Habitat Restoration, Establishment and Enhancement Activities*, pursuant to Clean Water Act, section 404. The applicant is a federal agency, the USDA; NRCS has made an Environmental Assessment (EA) and Findings of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA). The Regional Water Board, as the lead agency for California Environmental Quality Act (CEQA) compliance, finds that the EA/FONSI complies with the applicable provisions of the CEQA guidelines and was appropriately circulated for public review. The EA/FONSI is being used in place of a negative declaration.

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 submitted in writing and received at this office by mail 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, please contact staff member Diana Henriouille at (707) 576-2350 within 21 days of the posting of this notice.