

September 26, 2007

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

**Department of Fish and Game, Fay Slough Wildlife Area Levee Repair Project
WDID No. 1B03131WNHU**

Humboldt County

On July 18, 2007, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California State Department of Fish and Game (DFG) (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities to repair two existing levees damaged by the winter storm event of 2005/2006 located two miles north of the City of Eureka, Humboldt County (40.802619N/124.104625 W). The proposed project will cause disturbances to waters of the United States associated with the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project involves lands which are managed by the applicant. The failed levees protect approximately 504 acres the Fay Slough Wildlife Area and surrounding private property from salt water intrusion. The 2005/2006 winter storm event damaged two sections of levee, section one is located in the south west of the property and the section two lies south east. The applicant proposes to repair section 1 (465'x3'x10') with approximately 494 cubic yards of engineered backfill on the interior part of the levee. The backfill will be transported by dump truck on existing access roads located on top of existing levees. The fill is from an upland stockpile located on former residential land that was left over from previous restoration project. The applicant proposes to remove vegetation from the levee using an excavator; the material will be transported by dump truck to an off site location outside of ACOE jurisdiction. Vegetation will be stockpiled on existing grassland, once dry the vegetation will be spread on the grassland.

The applicant proposes to repair a 165-foot portion, section 2, by removing approximately 2 feet of material from all surfaces of the section. The applicant proposes to repair the section with approximately 342 cubic yards of engineered backfill. The proposed project will result in approximately 0.03 acres (1,395 sq.ft.) of fill for section 1 and approximately 0.015 acres (660 sq. ft.) for section 2. The original levee footprint will not be expanded. Compensatory mitigation is not required for the proposed project. Non compensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control. The applicant proposes to complete the project during the dry season, ceasing activities if inclement weather is forecast. The applicant proposes to seed the repaired sections of the levees with standard erosion control mix.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3 for *Maintenance*, pursuant to Clean Water Act, section 404. The California Department of Fish and Game (CDFG) determined that the project is categorically exempt, in accordance with

Article 19, section 15304 (Minor Alterations to Land) of the California Environmental Quality Act (CEQA) Guidelines. Based on a review of the project information submitted to date, Regional Water Board staff have determined that this project is categorically exempt from CEQA review (class 4, section 15304 – Minor Alterations to Land) and anticipate filing a Notice of Exemption for this project, as well.

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.