

March 27, 2008

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

Humboldt County DPW – Freshwater Park Improvements Project
WDID No. 1B08006WNHU

Humboldt County

On January 7, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Humboldt County Department of Public Works (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to the Freshwater Park Improvements Project near the community of Freshwater. Freshwater Creek is tributary to Humboldt Bay via Eureka Slough. The proposed project will cause disturbances to waters of the United States associated with Freshwater Creek in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project is located within Freshwater Park, a Humboldt County park located on the west side of Freshwater-Kneeland Road, about 3.5 miles southeast of Myrtle Avenue. Humboldt County has owned and operated the park since 1939. The park's main attraction during the summer is a swimming area created by a seasonal dam that has been installed annually since the 1920s. The original earthen dam was converted to a flashboard dam in 1980 when the existing concrete sill and retaining walls were constructed.

Freshwater Creek provides habitat for Chinook salmon, Coho salmon and steelhead. In 2001, efforts were initiated to create a means for these fish to move freely through the dam area while the dam is in place during the summer months. Humboldt County worked with local fisheries professionals, state and federal agencies, Humboldt State University, and local community groups to design, construct, operate and monitor a temporary fish ladder designed to allow juvenile fish to move upstream and downstream across the dam. The temporary fish ladder structure met its objectives and additional design features were identified to improve its performance, but it was not intended to be a permanent solution. In 2006, Humboldt County received grant funding to implement a variety of environmental, recreational, and educational improvements at the park including installation of a permanent fish ladder.

The primary purpose of the proposed improvements project is to expand and enhance outdoor recreational opportunities for the public while providing increased environmental protection and awareness. A primary component of the proposed project is installation of a multipurpose, integrated structure that incorporates a seasonal but permanent fish ladder, an observation platform, and an Americans with Disabilities Act compliant creek-side access ramp. The proposed concrete fish ladder will contain two parallel concrete raceways with adjustable baffles that will allow pool widths and velocities to be adjusted for different flow rates. The creek-side access ramp will begin on the right creek bank just below the dam. One side of the access ramp will be built into the right stream bank and the other side will be supported by the fish ladder structure. The access ramp will lead to an observation platform at the downstream end of the fish ladder that will allow visitors to directly observe the fish ladder in operation. Removable stairs will be attached to the observation platform to provide access to the creek. The proposed integrated structure will result in 1,500 square feet and 75 linear feet of permanent impacts to the stream channel and right stream bank.

Proposed park improvement activities also include stabilization of sections of eroding stream banks, installation of four fish habitat structures, removal of non-native invasive

plants from the riparian area, replanting the riparian area with native vegetation, installation of a fence to protect vegetation in the riparian zone, and removal of a portion of an earthen berm to allow high flows to access a floodplain area within the park. Recreational aspects of the park improvements project include construction of a removable boardwalk, trail, gazebo, shade canopy, and creek-side stairs. The purpose for installing stairs at specific locations along the creek is to reduce impacts to the riparian vegetation by encouraging park visitors to use designated paths along the creek bank. The creek-side stairs will consist of wood framing that is filled with clean rock in order to minimize potential impacts to the creek if the stairs are inundated or damaged during high flow events. Education aspects of the proposed project include installation of a series of kiosks to provide information on the form and functions of the riparian zone, wildlife natural history, and resource management.

The proposed park improvement activities will result in approximately 2,630 square feet (0.06 acre) and 310 linear feet of permanent impacts to the stream channel and banks of Freshwater Creek. The proposed park improvement activities will also result in approximately 21,570 square feet (0.5 acre) and 925 linear feet of temporary impacts to the stream channel and banks. The proposed activities and associated impacts are intended to restore and enhance the beneficial uses of Freshwater Creek. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control, for use of concrete in a stream channel, and for operation of heavy equipment in a stream channel.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 27, pursuant to Clean Water Act, section 404. Permits required for implementing the park improvement project are being processed separately from the permits required for installation and removal of the seasonal dam. The applicant has submitted a separate application for Water Quality Certification for installation and removal of the seasonal dam. A Negative Declaration for the park improvements project was adopted by the Humboldt County Board of Supervisors on August 27, 2007. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The park improvements project is scheduled to begin in the summer of 2008.

The information contained in this public notice is only a summary of the applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The application and Regional Water Board file are available for public review.

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 Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.