

April 23, 2008

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

Macdonald Subdivision - Storm Drain Outfall  
WDID No. 1B08019WNHU

Humboldt County

On February 4, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Jack Macdonald (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to installation of a storm drain outfall from a subdivision located at 1300 Rosshill Road in the City of Fortuna. The proposed project will cause disturbances to waters of the United States associated with wetlands adjacent to Mill Creek in the Ferndale Hydrologic Subarea No. 111.11.

The proposed project is associated with the fifteen acre Macdonald subdivision located on an elevated terrace above Mill Creek within the city limits of the City of Fortuna. The purpose of the proposed project is to provide a conduit for storm water runoff originating from twenty of the thirty-nine parcels within the subdivision. The proposed culvert will be installed through wetlands that are located on the slope between the subdivision and Mill Creek.

Proposed activities involve excavating a trench through the wetlands to allow for installation of an 18-inch diameter storm drain culvert. The section of trench that will be excavated through the wetland is approximately 68 feet long. The wetland topsoil will be removed from the trench alignment and stored separately during excavation activities. The topsoil will be replaced over the trench following installation of the culvert and backfill. The culvert outlet will terminate above the ground surface at a t-pipe energy dissipater placed on the vegetated slope above Mill Creek. The culvert outlet is located approximately 130 feet from the edge of the riparian vegetation along Mill Creek. Willows will be planted at the ends of the t-pipe outlet to provide additional energy dissipation.

Installation of the proposed culvert will result in approximately 1730 square feet (0.039 acre) of temporary impacts to wetlands. The proposed project activities are not expected to result in any permanent impacts to the wetlands. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation for this project includes the use of Best Management Practices for erosion control and the operation of heavy equipment near a waterway.

The applicant has applied for authorization (File No. 300050N) from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 39, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) is not required for the

proposed project. The proposed outlet location was selected in response to consultation with CDFG staff during their review of an initial proposal to install the culvert outlet in Mill Creek. On August 21, 2006, the City of Fortuna approved a mitigated negative declaration for the project in order to comply with CEQA. 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.

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.