

May 16, 2008

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

Scilacci Dairy Property – Underground Irrigation Mainline Project

WDID No. 1B08030WNHU

Humboldt County

On February 25, 2008, The North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Curtis Ihle with the Humboldt County Resource Conservation District on behalf of Mr. Steve Scilacci (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities associated with installation of a 525 linear foot pressurized pipeline at a dairy located at 3054 Van Duzen Street near Fortuna. The proposed project will cause disturbances to waters of the United States associated with a low lying area between the North Coast Rail Authority tracks and U.S. Highway 101, in the Hydesville Hydrologic Subarea 111.21.

The proposed project includes the installation of approximately 3,300 feet of 5-inch diameter Class 125 PVC underground irrigation mainline to convey irrigation water and liquefied manure to adjacent pastures for application. Approximately 525 feet of the mainline will be buried beneath an isolated seasonal wetland that is grazed and used to walk dairy cattle between two pastures. The liquefied manure will be used to fertilize approximately 100 acres of certified organic pasture.

The proposed project will integrate into the existing manure collection, storage, and distribution system at the dairy facility. Humboldt County dairies commonly use buried mainlines for liquid manure conveyance and application. This practice is important in nutrient management and in protecting adjacent water resources, and is a practice recommended by the United States Department of Agriculture (USDA) – Natural Resource Conservation Service (NRCS). The irrigation pipeline has been designed in accordance with USDA – NRCS Standards and Specifications.

The proposed 525 feet of pipeline will be installed in a trench with an average depth of 36 inches and width of 9 inches, disturbing approximately 393 square feet. The trench will be backfilled with native soil and all disturbed areas will be seeded with a pasture seed mix. To prevent direct discharge of liquefied manure through the proposed pipeline and into the existing irrigation well, a Humboldt

County approved backflow prevention measure, consisting of a double check valve assembly, will be installed at the existing irrigation well pump.

The 525 feet of pipeline has already been temporarily buried at a depth of 6 inches in an effort to protect the pipeline from damage by ranching activities pending completion of the permitting process. Additionally, shallow burial of the pipeline would prevent serious injury to dairy cattle traversing the site. Initial excavation and temporary shallow burial activities occurred during the 2007 dry season with deeper excavation and permanent burial to occur during the 2008 dry season.

Compensatory mitigation is not proposed for this project. The pipeline was preliminarily buried in an effort to protect the pipeline and livestock pending completion of the permitting process. Post construction monitoring on July 30, 2007, indicated that best management practices (BMPs) incorporated during project construction to prevent impacts to coastal wetlands were successful. BMPs include reburying the pipeline to a depth of 36 inches during the 2008 dry season. The project topography is relatively flat, all trench spoils will be placed back in the trench and the surface restored to its original condition, and all disturbed areas will be seeded with a pasture seed mix to control soil erosion. There will be no permanent impacts to wetlands.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 12, for Utility Line Activities, pursuant to Clean Water Act, section 404. The applicant applied to the California Department of Fish and Game (CDFG) for a Lake or Streambed Alteration Agreement for the project. On April 17, 2008, CDFG notified the applicant that a Lake or Streambed Alteration Agreement was not needed for the project. The applicant has applied to the California Coastal Commission for a Coastal Development Permit Waiver and received a Waiver De Minimis Number 1-07-032W for the project on January 9, 2008. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Class 3, section 15303 – New Construction or Conversion of Small Structures, and Class 4, section 15304 – Minor Alterations to Land) and anticipate filing a Notice of Exemption for this project.

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 Scott Gergus at (707) 576-2685 within 21 days of the posting of this notice.