

October 15, 2008

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

Astor Subdivision - Storm Drain Outfall  
WDID No. 1B08141WNHU

Humboldt County

On September 23, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Keith Hess, representing Ontiveros and Associates (applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities related to installation of a vegetated bio-swale and storm drain outfall associated with the Astor Subdivision located at 2700 Kenmar Road in the City of Fortuna. The proposed project will cause disturbances to waters of the United States associated with wetlands adjacent to Jameson Creek in the Ferndale Hydrologic Subarea No. 111.11.

The proposed project is associated with a 24 lot residential subdivision located on a 7 acre parcel between Kenmar Road and Jameson Creek. Storm water runoff from the subdivision is divided into two runoff collection systems. The main collection system is designed so that runoff will be routed into two drain inlets that are located in the new street for the subdivision. Runoff in the main drainage system will be treated by inlet insert filters and will be collected in a subsurface storm water detention system. The secondary collection system is designed to collect runoff in inlets located on the low end of each of the lots along the west side of the subdivision. Runoff entering the secondary drainage system is collected in a pipe that eventually joins the primary collection system. The proposed project involves installation of a vegetated bio-swale to convey runoff from the outlet of the combined storm drain systems to an outfall area located approximately 50 feet from Jameson Creek.

The vegetated bio-swale was designed using the flow based hydraulic sizing method from the California Stormwater BMP Handbook. The bio-swale will have a 6-foot wide channel, 3:1 side slopes and a 1-percent slope. Installation of the bio-swale will result in permanent impacts to 2,700 square feet of palustrine emergent wetlands.

Compensatory mitigation is required for the permanent impacts to existing freshwater wetlands. Proposed compensatory mitigation will consist of creating at least 2,700 square feet of new wetlands onsite and within the riparian setback area along Jameson Creek. Compensatory mitigation will also consist of implementing a wetland and riparian planting plan that includes planting redwood trees and willow species to enhance the riparian vegetation along Jameson Creek. Native wetland plants and topsoil will be salvaged from the bio-swale area for reuse within the compensatory wetland area. Noncompensatory mitigation for this project includes the use of Best Management Practices for erosion control.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit, 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 storm drain outlet location was selected in response to consultation with CDFG staff during review of an initial proposal to install the outlet through the bank of Jameson Creek. On November 14, 2007, 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.