

June 9, 2009

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

City of Arcata – Klopp Lake Island and Levee Repair and Wastewater Pond Levee
Repair Project
WDID No. 1B09042WNHU

Humboldt County

On April 3, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Arcata (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for activities associated with repairing and restoring existing levees located along the northern perimeter of Humboldt Bay. The proposed project will cause disturbance to waters of the United States associated with Klopp Lake and Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00.

The primary purpose of the proposed project is to repair and maintain existing levees that were damaged during severe storm events in late December 2005 and early January 2006. The existing levees separate Klopp Lake (part of the Arcata Marsh and Wildlife Sanctuary) and the Applicant's wastewater ponds from Humboldt Bay. A breach in the wastewater pond levee could potentially spill millions of gallons of primary treated sewage into Humboldt Bay. Repairs will be made along the inboard and outboard sides (bay side) of both Klopp Lake and the wastewater ponds. Activities to repair the inboard side of the wastewater pond levee will not result in any impacts to waters of the state. The proposed project also involves activities to repair the existing islands located in Klopp Lake that provide habitat for wildlife including a variety of birds and water fowl.

The Regional Water Board issued Federal Clean Water Act, section 401, Water Quality Certification for similar repair activities on September 2, 2003, after the levees were damaged during the winter of 2002/2003. The California Coastal Commission (Commission) issued an emergency Coastal Development Permit (CPD) in October 2003 to allow the Applicant to repair the most severely damaged area of the wastewater pond levee while a larger-scale CDP application was being reviewed by the Commission. All other regulatory permits expired during the time period that the Commission took to issue the CDP and the Applicant was not able to complete all the levee repair work previously approved by the Regional Water Board.

Proposed levee repair activities involve removing the existing riprap, disposing of any asphalt and concrete in the existing riprap material, and stockpiling the remaining riprap for reuse. A three-foot wide and three-foot deep toe trench will be excavated along the base of the bay side of the levees. The exposed surface will be graded, built up, and compacted with engineered fill as necessary. Geotextile filter fabric will be installed over the bay side of the levee face and into the toe trench. Stockpiled riprap and additional imported rock riprap will be placed over the filter fabric. The gravel trail will be replaced on the top of the levee. Additional riprap will also be placed as necessary

along the toe of the levee on the Klopp Lake side. The three habitat islands in Klopp Lake will be restored by using clean fill from offsite or by dredging approximately 180 cubic yards of mud from the lake bottom. The material will be used to rebuild the islands and rock riprap or secured logs will be placed along the shoreline of each island to protect the islands from erosion.

Approximately 3,300 linear feet of the outboard side of the Klopp Lake levee, and 2,100 linear feet of the inboard side of the Klopp Lake levee will be repaired. Klopp Lake earthwork activities will include 1,528 cubic yards of cut, 53 cubic yards of aggregate base fill, and 3,153 cubic yards of rock slope protection. Up to 670 linear feet of shoreline around the perimeter of the three islands inside Klopp Lake will also be repaired. The total amount of rock riprap or log fill used for the three islands will be 140 cubic yards. Activities to repair the Klopp Lake levee and islands will result in permanent impacts to 45,000 square feet and 6,070 linear feet of shoreline. Permanent impacts from this project are to areas that were previously occupied by the eroded levee and islands.

Approximately 3,300 linear feet of the outboard side of the wastewater pond levee will be repaired. The wastewater pond levee earthwork activities include 1,060 cubic yards of cut, 787 cubic yards of aggregate base fill, and 2,715 cubic yards of rock slope protection. Activities to repair the wastewater pond levee will result in permanent impacts to 43,930 square feet and 3,300 linear feet of shoreline. Permanent impacts from this project are to areas that were previously occupied by the existing levee.

The applicant has applied for authorization from the United States Army Corps of Engineers (USACOE File No. 2009-00137) to perform the project under Nationwide Permit Numbers 3, pursuant to Clean Water Act, section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement. The City of Arcata determined that this project is statutorily exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15269 – emergency projects. Regional Water Board staff have determined that this project is statutorily exempt from CEQA review (Section 15269 – emergency projects) and anticipate filing a Notice of Exemption for this project.

Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment. Noncompensatory mitigation also includes revegetation of disturbed areas. Activities will be conducted between April 15 and October 15 to minimize potential impacts to sensitive habitats by storm water runoff and wet conditions. Activities will also be conducted during low tide to avoid impacts to the marine environment. The project is expected to take up to four months to complete.

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, levee cross-sections, 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.

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