

October 1, 2009

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

Dennis Shaha – Unpermitted Fill in Streamside Management Area
WDID No. 1B09086WNHU

Humboldt County

On July 15, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Dennis Shaha (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (after-the-fact) for placement of unpermitted fill within a Streamside Management Area. The completed project affected waters of the United States associated with an unnamed tributary to Freshwater Slough in the Eureka Plain Hydrologic Unit No. 110.00.

The Applicant secured a building permit from Humboldt County for the placement of 50 cubic yards of fill to be placed as yard area in 1999. During the building inspection process it was verified by the California Department of Fish and Game (CDFG) that fill was deposited within the Streamside Management Area (SMA). Humboldt County required the Applicant to obtain a Special Permit for the reduction of the SMA and for the alteration and restoration of the drainage that was affected by the fill. Restoration of the drainage was completed under agreement with the CDFG (No. R1-07-0365). Humboldt County also required the Applicant to obtain authorization from the U.S. Army Corps of Engineers (USACOE), pursuant to Clean Water Act section 404, and Clean Water Act section 401 Water Quality Certification from the Regional Water Board.

On November 16, 2007, the applicant obtained authorization from the USACOE to perform the project under Nationwide Permit No. 13, pursuant to Clean Water Act Section 404. The Applicant obtained a Lake or Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). The unpermitted fill issues have been resolved and stream restoration has already been completed to CDFG staff's satisfaction. On December 31, 2007, Humboldt County Community Development Services approved a Mitigated Negative Declaration (SCH No. 2007112010) 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 issue after-the-fact authorization for 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.