

December 14, 2009

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

City of Arcata – Lower Jacoby Creek Estuary, South Gannon Slough Tide Gate
Replacement Project
WDID No. 1B09079WNHU

Humboldt County

On June 26, 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 expansion of the estuary and floodplain along lower Jacoby Creek and restoration of estuarine channels associated with Gannon Slough. The proposed project is part of the Arcata Baylands Project, a larger conservation, protection and enhancement effort in the Humboldt Bay region. The proposed project will cause disturbances to waters of the United States associated with Jacoby Creek, Gannon Slough, and wetlands consisting of grazed former tidelands in the Eureka Plain Hydrologic Unit No. 110.00.

The purpose of the Arcata Baylands Project is to protect, restore, and enhance freshwater, estuarine, and riparian habitats adjacent to Humboldt Bay. The Arcata Baylands Project is conducted on lands that are owned and managed by the City of Arcata for the conservation of coastal wetland habitats and the fish and wildlife that depend on them. Restoration and enhancement work completed to date includes construction of deep and shallow ponds for waterfowl habitat. The next phase of the Arcata Baylands Project involves restoration of channels associated with Gannon Slough and expansion of the lower Jacoby Creek floodplain and estuary. The proposed project is designed to allow salmonids to access the Gannon Slough channel system and/or Jacoby Creek if fish are washed out of Jacoby Creek channel during flood events. Currently fish have no means of reentering Jacoby Creek after flood events due to the existing levees along the creek.

The Gannon Slough portion of the proposed project involves restoring up to 15 acres of remnant estuarine channels associated with Gannon Slough by repairing an existing top-hinged tide gate and installing a new side-hinged tide gate with adjustable doors. The new and repaired tide gates will allow muted tidal flows to reestablish estuarine conditions in the remnant channels. The proposed project also involves installation of two 36-inch diameter and 20-foot long culverts under an abandoned railroad grade that will reconnect additional remnant channels to Gannon Slough and its tributaries. The new culverts will be fitted with screw type adjustable gates to allow the Applicant to control flows and prevent flooding of adjacent agriculture lands. A 950-foot long roadside drainage ditch will also be filled to the ground surface to direct wet weather flows into the South Branch Gannon Slough channel.

The Jacoby Creek portion of the proposed project involves expansion of the estuary and floodplain areas. The Jacoby Creek floodplain is currently constrained by levees. Approximately 800 feet of existing levee adjacent to Jacoby Creek will be removed to allow the creek to reoccupy the floodplain in this area. A new setback levee will be constructed around the expanded estuary area to contain tidal floods that will drain back

to Jacoby Creek. A new slough channel will be constructed between Jacoby Creek and a remnant channel of South Branch Gannon Slough to provide hydraulic connectivity during flood events. A 36-inch diameter culvert and tide gate with an adjustable auxiliary door will be installed through the new levee in order to allow flows in the constructed channel to enter the expanded estuary area during storm events. Approximately 500 linear feet of an existing drainage ditch parallel to Highway 101 will also be filled to adjacent ground elevation to prevent fish trapping problems once the estuary expansion is completed.

Compensatory mitigation is required for permanent impacts to 0.9 acres of grazed former tidelands associated with construction of the setback levee. Proposed compensatory mitigation includes creating 0.2 acre of tidal wetlands along the base of the new setback levee, removal of 800 linear feet of existing levee fill (0.4 acre), and removal of 0.4 acre of upland fill in order to create an acre of wetlands. The project also includes creation of 1,490 linear feet (0.2 acre) of new channel area. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment in wetlands and waterways. Noncompensatory mitigation also includes mulching, seeding and revegetation of disturbed areas.

The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Numbers 3 and 27, 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, as lead California Environmental Quality Act (CEQA) agency adopted a Mitigated Negative Declaration (SCH # 2006042056) for the Arcata Baylands Enhancement/Restoration project on June 19, 2006 in order to comply with CEQA. The Regional Water Board has considered the environmental documents and any proposed changes incorporated into the project or required as a condition of approval to avoid significant impacts to the environment.

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 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.