

March 9, 2011

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

Pryor Property Boundary Line Adjustment and Minor Subdivision  
WDID No. 1B10077WNME

Mendocino County

On June 29, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Playalina Nelson, on behalf of Thomas Pryor (applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed activities associated with the Pryor Property Boundary Line Adjustment and Minor Subdivision (project). The proposed project will cause permanent impacts to approximately 0.15 acres of wetland within the Noyo River Hydrologic Subarea No. 113.20, Mendocino Coast Hydrologic Unit No. 113.00.

The proposed project is located at 1411 Oak Street, Fort Bragg, latitude 39.442225°N, longitude 123.78828°W, in Mendocino County (APN's 020-490-38 & 39). The project area is comprised of two rectangle 1-acre parcels. The eastern parcel currently contains a single-family residence and a paved driveway that extends along the eastern boundary of the parcel. The western parcel is undeveloped and borders Dana Street to the west. The property is surrounded by residential development.

The applicant is proposing to reconfigure/rezone the two 1-acre parcels into parcels that would accommodate four future development sites. The proposed project site, of approximately 2 acres, contains 0.83 acres of wetland area and approximately 700-1000 individual plants of Deceiving sedge (*Carex saliniformis*), a species listed as rare and endangered. The construction and fill associated with the development of proposed parcels 1, 2, and 3, would cause permanent impacts to 0.15 acres of wetland and impact the population of Deceiving sedge. The proposed riparian enhancement activities will cause temporary impacts to the Unnamed Tributary to Pudding Creek east of Dana Street.

Compensatory mitigation will be on-site and in-kind with a higher biological value and function than the current conditions. A total of 0.43 acres of wetland and riparian habitat will be enhanced and restored. A total of 0.13 acres of intact wetland habitat will be preserved and approximately 0.31 acres of upland area will be converted to wetland areas (2:1 mitigation ratio to wetland removal). The northern wetland and ditch and an atypical wetland area are the primary areas to be enhanced and restored. Mitigation areas will be monitored for function and value, will have performance criteria, and will require monitoring and annual reporting for at least five years, or until criteria have been met. Mitigation areas will be protected in perpetuity by a legal instrument, such as a deed restriction.

Non-compensatory mitigation includes re-vegetation of disturbed areas, as appropriate, and the use of Best Management Practices (BMPs) for sediment, erosion, and turbidity

control, to ensure that materials do not enter the waterway, wetlands or other waters of the State.

The Water Quality Certification to be issued is for this project will only be valid for the specific activities outlined in the 401 Water Quality Certification Application. It will not authorize the construction of building on the subdivided lots, which may require separate Water Quality Certification. Future lot development and building construction will be required to implement low impact development (LID) techniques for stormwater treatment and management.

Construction is planned for the dry season, when there is no flow in the creek. If there is flow in the creek, appropriate methods will be taken to bypass flow around the work area, and implement biological monitoring to minimize impacts to aquatic species.

The applicant has applied to the United States Army Corps of Engineers for authorization to perform the project pursuant to Clean Water Act section 404. The applicant has received a California Department of Fish and Game Streambed Alteration Agreement (Notification No.1600-2010-0248-R1). The City of Fort Bragg has approved a Mitigated Negative Declaration (State Clearinghouse No. 2011022070) for the project in order to comply with the California Environmental Quality Act. 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.

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 activities including maps and detailed 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 Stephen Bargsten at (707) 576-2653 within 21 days of the posting of this notice.