

June 9, 2011

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

Sabankaya Select Ranch – Access Road Construction
WDID No. 1A09144WNSI

Siskiyou County

On December 14, 2009, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Mustafa Sabankaya, (applicant), requesting Federal Clean Water Act (CWA), section 401, water quality certification for proposed activities associated with construction of a private access road off Stewart Springs Road into the Sabankaya Ranch. The Sabankaya Ranch is located on the west side of Interstate 5, southwest of the intersection of Stewart Springs Road and Old Highway 99. The proposed project will cause disturbances to waters of the United States associated with wetlands in the Shasta Valley Hydrologic Area No. 105.50.

Beginning in 2000, the applicant started construction of a primary ranch access road that would provide the Sabankaya Ranch with a straighter, more direct route from Stewart Springs Road to the horse barn and training facilities. The partially completed access road passes through irrigated pasture, much of which is also seasonal wetland subject to regulation under CWA sections 404 and 401. Construction of the primary access road resulted in the unauthorized discharge of approximately 7,500 cubic yards of fill material (rock and road base) into jurisdictional wetlands (seasonal wet meadow). The United States Army Corps of Engineers (Army Corps) discovered the unauthorized activities in September 2002 and issued a Cease and Desist Order to the applicant on May 27, 2003, citing a violation of the provisions of CWA section 404. The Army Corps also discovered that the applicant had constructed a secondary access road between the horse barn and western portion of the ranch and installed a culvert that was also found to be in violation of the CWA.

The existing access road off North Old Stage Road to the Sabankaya Ranch horse barn and training facilities follows a circuitous route that requires ranch vehicles to navigate tight turns while also navigating steep inclines. The tight turns and steep inclines are hazardous for large trucks hauling hay and horses to and from the ranch. Winter driving conditions exaggerate the hazards associated with the existing access road. The primary component of the proposed project is completion of a primary access road that follows a straighter and flatter alignment that will mitigate the hazards associated with the existing road. A portion of the primary access road between the barn and north end of the corrals was completed in the late 1990s. An extension of the primary access road between the corrals and Stewart Springs Road was near completion when the Army Corps issued the Cease and Desist Order.

Approval of the proposed project will authorize the applicant to complete of an approximately 0.35-mile long section of the northern end of the primary access road. The road will be completed using the same rock and gravel materials that were used in

the partially completed road fill prism which come from an onsite quarry located on the Sabankaya Ranch. Upon completion, the access road will extend from Stewart Springs Road approximately 0.7 mile across the applicant's property to the existing barn. The completed road would be approximately 20-feet wide on the driving surface and approximately 40- to 60-feet wide across the toe of the fill slope. The proposed road alignment would be straight with a gradual increase in elevation as it approaches the barn.

In order to convey surface water flows under the primary access road fill prism and into the adjacent wet meadow wetlands located on the downstream (east) side of the road, an approximately 12-inch deep swale will be graded along the toe of the road's upstream (west) fill slope and seven 18-inch diameter culverts will be installed through the fill prism at 100 foot intervals along the road alignment. Each culvert will be approximately 50-feet long and their inverts will be placed approximately 3 to 4 inches above the flowline of the swale. Small rock and gravel trench dams will be installed across the swale approximately 10 feet downstream of each culvert inlet to direct a portion of the swale flows into these culverts. Culvert outlets will be placed at the existing ground surface with drain rock at the outlets to dissipate energy, minimize erosion, and trap sediment. One 30-inch diameter culvert will be installed near the intersection of the access road and Stewarts Springs Road as an added contingency to intercept any additional flows that are not intercepted by the series of 18-inch diameter culverts upstream. A rolling dip will be created on the road grade directly above the 30-inch diameter culvert to help prevent road failure during a severe flood events and/or blockage of the culvert. Completion of the primary access road will result in permanent impacts to 1.15 acres of the seasonal wet meadow wetlands.

The encroachment of the access road onto Stewart Springs Road would also be restored subject to Siskiyou County and Army Corps approval. Restoration of the encroachment requires installation of two 24-inch diameter culverts in the roadside ditch, placement of riprap around the culverts, and construction of the rolling dip on the access road to allow for drainage to pass over the road surface in the event of culvert blockage. Completion of the encroachment of the primary access road onto Stewart Springs Road will result in permanent impacts to 0.012 acre of the roadside ditch (other waters of the United States).

Another component of the proposed project involves after-the-fact authorization for impacts to waters of the United States associated with construction of a secondary access road. The secondary access road crosses a seasonal wetland and agricultural ditch feature that bisect the west side of the applicant's property. The seasonal wetland and ditch cut off access to a large portion of the ranch's seasonal grazing lands and the Yreka irrigation ditch that runs along the western boundary. In order to maintain their weight and overall health, and to reduce grazing pressure on the pasture grasses, the applicant's provides supplemental hay feeding to the horses in the summer and one-hundred percent feeding in the winter. The secondary access road allows feed trucks and tractors to access a large part of the ranch. Construction of the secondary access

road included installation of a culvert crossing within a seasonal wetland/agricultural ditch which resulted in 0.003 acre of permanent impacts to seasonal wetlands.

The applicant is requesting authorization for permanent impacts to a total of 1.165 acres of jurisdictional waters consisting of 0.003 acre of seasonal wetlands in the agricultural ditch, 0.012 acre of other jurisdictional waters in the roadside ditch, and 1.150 acres of seasonal wet meadow wetlands in the irrigated pasture. Compensatory mitigation is required for the proposed impacts to waters of the United States. Proposed compensatory mitigation involves onsite creation of 3.770 acres of seasonal wet meadow wetlands. The proposed onsite mitigation area covers 4.645 acres with 0.875 acre of existing wet meadow wetland within the mitigation area.

The wetland mitigation area is currently sloped from 2 to 4 percent and the proposed mitigation plan includes grading the area into a series of level wetland terraces. A small bulldozer or similar equipment will be used to collect and stockpile the top soil. The lower soils would then be leveled to create the wetland terraces. Each terrace would extend horizontally to the next 2-foot elevation contour and dikes would be constructed along the contours between each terrace. The dikes would be constructed as mounds of native soil topped with a layer of riprap to stabilize the dike soils. Small, 3-foot wide spillways would be placed at several locations within each of the dikes to allow water to flow slowly past the dikes while ensuring even dispersal of water as it flows into the next lower terrace. The stockpiled topsoil would be spread over the newly graded wetlands surfaces to provide seed, root stock, and fertile soil for revegetation.

In addition to the propagation of seeds and rootstock within the replaced topsoil, planting the mitigation area will consist of seeding native wet meadow forb and grass seed, and transplanting salvaged native plugs and root stock found in the mitigation area where grading would occur. Forb and grass seed will be purchased from native plant nurseries and sown by hand. A one-inch thick layer of rice straw will be applied to prevent soil erosion. Sedges, rushes, and other emergent vegetation plugs will be planted by hand through the straw after the onset of wet weather. A wetland mitigation, monitoring, and reporting plan has been prepared for the proposed mitigation.

The applicant has applied for authorization from the U.S. Army Corps of Engineers to complete the project pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project. The Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, has prepared a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project. The IS/MND (SCH# 2011052080) was submitted to the State Clearinghouse for a 30-day review and comment period which began on May 27, 2011.

The information contained in this public notice is only a summary of the applicant's proposed activities. The IS/MND and application for Water Quality Certification in the Regional Water Board's file contain 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 Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.

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