

August 11, 2011

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

Kluck – Fairway Lane Road Improvements
WDID No. 1B10024WNHU

Humboldt County

On March 22, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Laurence Kluck, (applicant), requesting Federal Clean Water Act (CWA), section 401, water quality certification (certification) for proposed activities associated with several improvements to Fairway Lane, an existing dirt roadway that will be improved to serve future home development on five existing vacant parcels. The proposed Fairway Lane Road Improvements Project (project) is located near the southern limits of the City of Eureka. West and south of Fairway Lane is the Eureka Municipal Golf Course. Fairway Lane intersects Fairway Drive near a crossing of Fairway Drive over Martin Slough and runs parallel and adjacent to the north east side of a fairway at the northern end of the golf course. The proposed project will cause disturbances to waters of the United States associated with wetlands in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project involves several improvements to Fairway Lane, an existing dirt/gravel road approximately 1,300-feet long. The proposed project includes paving Fairway Lane to a width of 20 feet with curbs on the downhill side and underground utilities on the uphill side. An approximately 3 to 5-foot wide wetland drainage channel is located along the base of the hill and northern edge of the road that collects surface runoff from the hillside and portions of the roadway. Approximately 120 linear feet of the drainage ditch contains jurisdictional wetlands. Construction of the proposed road improvements will require widening the road and filling of the drainage channel. The proposed project will result in permanent impacts to up to 600 square feet of existing wetlands in the roadside drainage channel.

Regional Water Board staff reviewed the March 22, 2010 application and determined that the application did not contain all of the items and information required for a complete application for certification. In a letter dated April 20, 2010, Regional Water Board staff informed the applicant that the application was incomplete. That letter contains a list of additional information needed to complete the application including: 1) a complete and accurate project description; 2) complete copies of applications for other required state and federal permits; 3) a complete copy of the mitigated negative declaration prepared by the City of Eureka; and, 4) completion of the Proposed Post-Construction Storm Water Treatment Measures section of the Regional Water Board's application form and a plan that incorporates appropriate storm water treatment measures.

The applicant submitted additional information on June 3, 2010 that was also found to be deficient. The applicant submitted additional information again on December 6, 2010, including a copy of the Mitigated Negative Declaration that was approved by the City of Eureka and the associated Notice of Determination. However, the additional

information did not adequately address all the required information and on January 5, 2011, another letter was sent to the applicant stating that Regional Water Board staff determined the application was still incomplete. On June 3, 2011, the Regional Water Board received the additional requested information including a Bio-swale Design Report that contains the previously requested designs for post-construction storm water treatment (bio-swales) to address post-construction storm water runoff from future development on the vacant parcels.

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. On March 10, 2010, the City of Eureka approved a Mitigated Negative Declaration (SCH No. 2009062075) 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. Proposed mitigation to address post-construction storm water runoff from future development includes 736 linear feet and 3,680 square feet of constructed bio-swale along the uphill side of the proposed Fairway Lane improvements. The proposed bio-swale is 5-feet wide with a vegetated bottom. Compensatory mitigation is also required for the proposed permanent impacts to existing wetlands.

A mitigation, monitoring, and reporting plan has been prepared for the proposed project. Proposed compensatory mitigation involves onsite creation of 600 square feet of wetlands in the northwest corner of the applicant's property. The mitigation area is located in delineated uplands adjacent to existing wetlands. The elevation of the upland area will be lowered and natural revegetation of the area by wetland plants is expected to occur rapidly without plantings. If revegetation through natural propagation of wetland plants is not successful, native wetland plants taken from densely vegetated areas of the adjacent wetlands will be transplanted into the mitigation area.

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 Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.