



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold
Schwarzenegger
Governor

August 25, 2006

Mr. Hank Seemann
Humboldt County Department of Public Works
1106 Second Street
Eureka, CA 95501

Dear Mr. Seemann:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Humboldt County Department of Public Works – Redwood Creek Flood Control Project

File: Humboldt Co. Department of Public Works – Redwood Creek Flood Control Project
WDID No. 1B00185WNHU

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the Humboldt County Department of Public Works (applicant), for Water Quality Certification for activities related to the Redwood Creek Flood Control project located in the vicinity of Orick, Humboldt County (T11N, R1E, S32-34 and T10N, R1E, S4,5). On May 24, 2006, the Regional Water Board received your application and a \$4500.00 processing fee. On July 6, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project.

Project Description: The project activities involve approximately 3.9 miles of Redwood Creek, to the upstream extent of the levees, including the confluence with Prairie Creek and the Redwood Creek estuary north and south sloughs. Humboldt County has been responsible for maintaining the original 1968 Army Corps of Engineers (ACOE) flood control project; this responsibility includes repairing infrastructure as detailed in the *Redwood Creek Local Flood Protection Project Operation and Maintenance Manual*. The flood control project involves a system of two earthen embankment levees, which confine the Redwood Creek channel to 300 feet width by 3.4 miles long configuration with associated infrastructure including relief walls, flap gates, and drains. The levees are 24 feet high, measured from the channel bed, and 12 feet

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wide at the crest of the levee. The annual County plan for flood control maintenance involves monitoring cross sections and identifying which areas are accruing aggregate and vegetation that is altering the hydraulic capacity of the Creek. These identified areas, hydrologic hot spots, are then prioritized and ranked according to the potential for flooding, and the importance of the areas for salmonid habitat. All areas of the stream are evaluated, and sediment removed as appropriate, to maintain the channel and to reduce impacts to listed salmonids.

Redwood Creek potentially could receive a maximum of 90,000 cubic yards of aggregate during one year; the average yearly accrual of aggregate is approximately 50,000 cubic yards. Extraction methods may involve secondary and mid channel skim, narrow skims, dry trenching, horseshoe-shaped deep skims and alcove extractions. If the dry trenching technique is required, a silt fence and/or a gravel berm will be used along the length of the extraction area, for turbidity control, and will be removed when trenching activities are completed. Extraction activities will not occur in the active channel, and riparian vegetation will not be removed from areas outside the Interagency Review Team approved areas for gravel extraction, access crossing and/or stockpiling locations. Gravel extraction activities will not alter the head of the gravel bar. Gravel extraction will occur during August 15 to October 15. All extraction areas will be reclaimed when extraction activities are complete. Location of railroad flatcar type temporary crossings will be determined by the Interagency Review Team on a site specific basis, and will not extend to the wetted channel except in shallow, flat water areas.

Flood control maintenance includes vegetation removal from the channel and along the sides of the levees. Vegetation removal will include the following: 1) removal, using a bulldozer with a brushrake, of an approximately 25 square foot clump of densely spaced willow trees from a gravel bar along the left bank downstream of the Highway 101 bridge, approximately 50 to 60 feet from the stream; there are approximately 18 trees with diameters greater than 1 inch at this location; 2) removal/control of vegetation along the inboard slope of the levees to within 5 feet of the toe of the slope by hand cutting or burning; 3) selective thinning of vegetation located in the high hazard areas on the levee, which involves cutting upright trees with a diameter greater than 4 inches and leaving felled trees for recruitment as Large Woody Debris (LWD); 4) hand removal of bushes located upstream of the bridge, predominately Himalayan blackberry, using saws and weed-eaters.

Vegetation burning will be conducted in accordance with a burn permit, using buffers to control ash. The applicant proposes to vary the vegetation removal techniques according to site specific requirements. In addition, vegetation removal may involve removal of trees less than 4 inches in diameter from the dry side of islands to within 10 feet of live creek waters; removal of trees greater than 4 inches in diameter within 10 feet of the creek; removal of trees greater than 4 inches in diameter in the riprap portions of the levee; and totally removing all vegetation from the tip of an island to within 30 feet downstream of the head of the bar. The removal of selected vegetation will increase scour potential, provide potential refuge for salmonids from large cut trees left in place and create a varied vegetated landscape.

Receiving Waters: Redwood Creek associated with the Redwood Creek Hydrologic Unit No. 107.00.

Latitude/Longitude: 41 17' 39.6" N/ 124 03' 48.1"W

Filled or Excavated Area: Area Temporarily Impacted: 50,000 cubic yards of aggregate
Area Permanently Impacted: None

Federal Permit: U.S. Army Corps of Engineers Permit (File No. 25094N)

Compensatory Mitigation: Compensatory mitigation for riparian vegetation removal includes in-kind replacement of riparian vegetation at a 1:1 ratio in the Redwood Creek watershed, which is predominately located in the Coastal Zone, enhancement of the stream channel by removing fish barriers and/or removal of abandoned logging roads or equivalent mitigation. The applicant will submit a Mitigation and Monitoring Plan to the California Coastal Commission according to the Coastal Development Permit (1-04-005).

Non-compensatory Mitigation: Non-compensatory mitigation measures include implementation of Best Management Practices for sediment/ erosion control and equipment use. Equipment refueling and maintenance will occur in a contained area outside of the project area. BMPs for equipment fueling and maintenance will be used to prevent contamination by fuel or fluids. Low flow channel crossings will be conducted in compliance with the ACOE and National Oceanic Atmospheric Administration (NOAA) permits. The applicant has obtained a Streambed and Alteration Agreement (#04-0031) from the California Department of Fish and Game.

CEQA Compliance: The County of Humboldt Department of Public Works, as the lead agency determined the project to be categorically exempt in accordance with Article 18, section 15261(a) (Ongoing Project) of the 2002 California Environmental Quality Act Guidelines.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be

- in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 4) Adequate BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
 - 5) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
 - 6) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
 - 7) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
 - 8) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
 - 9) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
 - 10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).

- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 13) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address, and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Humboldt County Department of Public Works, Redwood Creek Flood Control Project, (Facility No. 1B00185WNHU) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict

compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on August 25, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Diana Henriouille of our staff at (707) 576-2350 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:
State Water Resources Control Board Order No. 2003-0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB, 1001 I Street, 15th Floor, Sacramento, CA 95814