



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



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold**  
**Schwarzenegger**  
Governor

August 28, 2006

Ms. Gail Popham  
CDOT Eureka  
P.O. Box 3700  
Eureka, CA 95502-3700

Dear Ms. Popham:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the CDOT, Hardscrabble Creek Bridge Replacement Project

**File:** CDOT – Hardscrabble Creek Bridge Replacement Project  
WDID No. 1A06056WNDN

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 California Department of Transportation (applicant), for Water Quality Certification for activities related to the Hardscrabble Creek Bridge Replacement project located in the vicinity of Route 199, Post Mile 10.8/11.3 (S26, T17N, R1E) Del Norte, County. On April 28, 2006, the Regional Water Board received your application and a \$1250.00 processing fee. On July 13, 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 existing Hardscrabble Creek Bridge (DN-199-11.0) built in 1929 has pier deterioration. Hardscrabble Creek, a steep perennial channel, has approximately 6 miles of sparsely vegetated rocky terrain with an elevation ranging from 390 to 1400 feet. The steepness of the channel moves the fines and gravels readily downstream in the winter months to the Smith River. The steepness and the lack of suitable spawning substrate decrease the value of the habitat for Coho salmon. The existing six-pier bridge will be replaced with a single span, concrete box girder bridge, consisting of a steel beam built up to form a hollow cross-section that will be 15 feet wider than the existing structure; each lane will be 12 feet with 8 feet of shoulder. The project will eliminate the in-stream piers of the existing bridge, creating a more natural

***California Environmental Protection Agency***

unobstructed channel configuration. The replacement of the existing bridge involves 1) installing a temporary detour bridge upstream of the existing bridge; 2) demolition of the existing bridge including the 6 piers and footings within the stream channel; 3) falsework construction; and 4) construction of the new, single-span bridge. Hardscrabble Creek will be diverted by placing approximately 200 feet of 36-48 inch diameter steel pipe in the channel below the bridge and slowly introducing approximately 200 cubic yards of washed, native gravel into the Creek to displace the water. The gravel will be removed at the completion of the project phase requiring dewatering. A new bridge deck will be installed to the north of the existing bridge using temporary abutments on spread footings which will serve as a temporary bridge. Traffic will be diverted to the temporary detour bridge during the removal of the existing bridge.

The existing bridge has 6 piers with spread footings; each footing is 3.3 X 3.3 feet. Removal of the existing bridge involves removal of the deck, piers, and footings; rebar from the existing bridge will be cut off level with the stream bed to prevent injury to wildlife and recreational users of Hardscrabble Creek. Piers will either be cut off level with the streambed or removed in their entirety, depending on whether the footings are keyed into the bedrock. Waste materials from the demolition of the existing bridge will be disposed of at an approved site outside of the Six Rivers National Forest.

The roadway will be widened 15 feet to the south; this will involve the removal of approximately 330 yards of soil and rock. Shrubs, herbaceous vegetation, and approximately 6 trees, five Douglas firs 6" to 28" diameter at breast height (DBH) and one Madrone 10" DBH, will be removed to accommodate the widening. All felled trees will be left onsite as large woody debris for fish and wildlife habitat. Branches and shrubs will be chipped, and the spoils used for erosion control on site. All soil and rock spoils will be transported to an approved disposal site.

The project will occur between April and November of a single year, but the project may require another year depending on unforeseen delays and weather conditions. Construction within the creek will occur during the dry season, between June 15 and October 15. Equipment that may be used during construction and demolition includes pile-drivers, jackhammers, hoe-rams, drill rig with core barrel/rock auger, chainsaws, chippers, excavators, backhoes, loaders, cranes, dump trucks, pavers, rollers, graders,

and pumps. Night work will only be allowed before February 1 and after July 31, in order to avoid potential impacts to the Northern Spotted Owl. If night lighting is required during the permitted construction time, it will be directed toward the roadway. Noise impact is not expected to impact federally listed birds, such as marbled murrelets, as they travel during dusk and dawn hours. Construction activities causing sound levels in excess of ambient traffic noise will not be allowed before at least two hours after sunrise, and activities will stop at least two hours before sunset; pile driving, jackhammers, and pavement grinding will not occur during this time. Equipment staging will occur on existing paved or gravel pullouts along Route 199 east and west of the project area. In addition, a staging area off of Route 199 to the northwest of the existing bridge will require grading and the removal of some shrubs to allow access and placement of gravel. The staging areas will not be enlarged.

Receiving Waters: Middle Fork Smith River Hydrologic Area No. 103.30

Latitude/Longitude: 41.8393N/124.0248W

Filled or Excavated Area: Area Temporarily Impacted: 0.06 acre of perennial stream  
Area Permanently Impacted: None

Linear Impacts: Length Temporary Impacted: 150 feet of perennial stream  
Length Permanently Impacted: None

Federal Permit: United States Army Corps of Engineers Nationwide Permits 3 for *Maintenance* and 33 for *Temporary Construction, Access, and Dewatering*

Compensatory Mitigation: Compensatory mitigation for this project includes the replanting of riparian vegetation in a 5:1 ratio, and the removal of the old piers from the channel. The planting success criteria will be monitored for 4 years; an 80% success rate is expected.

Non-compensatory Mitigation: Non-compensatory mitigation will include the use of Best Management Practices (BMPs) for heavy equipment operation near waterways and for sediment and turbidity control. Silt fences, straw bales, fiber plants and/or fiber-rolls will be used to control sediment, as well as reseeding and mulching of bare soil for erosion prevention. Activities upstream associated with this project will be conducted in such a way as to avoid and/or minimize sedimentation impacts. The project is not expected to result in any cumulative adverse impacts to the stream or available spawning or

rearing habitat, nor is it expected to result in adverse modification of designated critical habitat for salmonids. The project will not result in adverse modification to Coho critical habitat, Essential Fish Habitat (EFH) for SONCC Coho or the California Coastal Chinook salmon. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.

**CEQA Compliance:** The California Department of Transportation, as the lead agency for CEQA, determined that this project will have no significant effect on the environment, and is categorically exempt from CEQA (Article 19, Class 1, Section 15301).

**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 CDOT Hardscrabble Creek Bridge Replacement Project, (Facility No. 1A06056WNDN) 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 28, 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, 15<sup>th</sup> Floor, Sacramento, CA 95814