



**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

May 8, 2007

In the Matter of

Water Quality Certification

for the

**CULVERT REPLACEMENT ON BLUE SLIDE ROAD AT LITTLE SLATER CREEK
WDID NO. 1B07017WNHU**

APPLICANT: Humboldt County Department of Public Works
RECEIVING WATER: Little Slater Creek
HYDROLOGIC UNIT: Ferndale Hydrologic Subarea 111.11
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Blue Slide Road at Little Slater Creek

BY THE EXECUTIVE OFFICER:

1. On February 27, 2007 the Humboldt County Department of Public Works (Humboldt County DPW) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with replacement of a culvert on Little Slater Creek at Blue Slide Road and restoration of the creek channel upstream of the culvert. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 26, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. High flows in Little Slater Creek in December 2002 washed out a 36-inch diameter and 70-foot long culvert under Blue Slide Road. The culvert pipe and approximately 1,000 cubic yards of fill material washed out from the stream crossing and the road had to be closed to traffic. Humboldt County made emergency repairs to the crossing, involving removal of the old culvert and installation of a temporary 48-inch diameter culvert in its place so the road could be reopened.
3. The temporary culvert was installed above the natural streambed elevation, causing stream flows to back up in the channel before reaching the culvert inlet and sediments to deposit in the channel above the inlet area. The temporary culvert is also a barrier for fish passage, as there is a 4-foot drop from the outlet to the channel. The project involves replacing the existing temporary culvert with an 8-foot

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diameter by 110-foot long corrugated metal culvert that will allow for both fish passage as well as adequately pass the flows resulting from a 100-year storm event.

4. The applicant will use an excavator to remove the existing culvert and approximately 2,700 cubic yards of overburden and fill material from the culvert alignment. The culvert alignment will be over-excavated to allow two feet of bedding material to be placed under the culvert and two feet of gravel to be placed inside the culvert pipe to provide a natural substrate bottom. Excavated fill material will be reused onsite as backfill around the new culvert. Any excess fill material will be hauled to an upland (not having wetlands or other waters of the State) disposal area. Rock slope protection will be placed around the inlet and outlet areas to prevent erosion.
5. The project also involves excavation of approximately 650 cubic yards of accumulated sediment and debris from the stream channel for a distance of approximately 150 feet upstream of the culvert inlet. An excavator will work from the top of bank to remove sediment and debris, and a bulldozer will be used in the stream channel to restore the bed and banks to pre-2002 conditions.
6. Installation of the larger fish passage culvert and the addition of rock slope protection around the inlet and outlet areas will result in approximately 660 square feet (0.015 acre) of additional permanent impacts to the streambed. The permanent impacts from this project are in addition to the approximately 1,000 square feet of streambed that was already filled by the existing culvert and fill.
7. Excavation limits for the proposed channel restoration vary. The horizontal limits of the channel excavation are approximately 40 feet at the inlet area, and the excavation limits gradually narrow to the natural channel width at a point approximately 150 feet upstream of the new culvert inlet. Channel restoration activities associated with this project will temporarily impact approximately 1,200 square feet of the streambed and banks.
8. Little Slater Creek is usually dry during the summer, when the project is scheduled. If surface water is present during construction, the applicant will install a temporary stream diversion, consisting of a sand bag coffer dam upstream of the culvert and an 18-inch pipe to carry the water by gravity from the coffer dam through the project. If subsurface water is encountered during excavation activities, the applicant will construct a detention basin within the excavation area to collect the water. Collected water will be pumped to an upland area for infiltration.
9. A 90-foot long flatcar bridge will be installed across Little Slater Creek to provide a temporary traffic detour through the project area. The flatcar bridge will be set on pre-cast concrete beams placed above the creek banks.
10. Compensatory mitigation is not required. Noncompensatory mitigation for this project includes revegetation of all disturbed areas with a mixture of native vegetation. Noncompensatory mitigation also includes the use of Best Management Practices for heavy equipment operation near a waterway and for sediment and erosion control. The proposed project is scheduled for the summer 2007 and is expected to take approximately two weeks to complete.
11. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.

12. The applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3, pursuant to Clean Water Act, section 404.
13. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, Section 15302 – Replacement or Reconstruction and Section 15304 – Minor Alterations to Land, pursuant to CEQA.

Receiving Water: Little Slater Creek in the Ferndale Hydrologic Subarea No. 111.11.

Filled or Excavated Area: Area Temporarily Impacted: 0.028 acre of stream channel
Area Permanently Impacted: 0.015 acre of stream channel

Dredge Volume: 650 cubic yards

Latitude/Longitude: 40.50813 N/124.15430 W

Accordingly, based on its independent review of the record, the regional water board certifies that the Humboldt County Department of Public Works blue slide road at little slater creek culvert replacement and channel restoration activities (wdid no. 1b07017wnhu), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Humboldt County DPW complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 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 title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to

allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.

5. 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 Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
12. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
13. The Eel River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Eel River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific implementation plans for this TMDL. If a TMDL implementation plan is adopted prior to the expiration date of this Order, the

Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

14. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. In the event of any change in control of ownership of land presently owned or controlled by Humboldt County DPW, Humboldt County DPW 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, and the 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.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b)

compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

19. The authorization of this certification for any dredge and fill activities expires on October 15, 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Andrew Bundschuh, Humboldt County DPW, 1106 Second Street,
Eureka, CA 95501-0579

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398