



**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

June 26, 2007

In the Matter of

Water Quality Certification

for the

**PRICE CREEK ROAD BRIDGE ABUTMENT PROTECTION PROJECT
WDID NO. 1B07046WNHU**

APPLICANT: Humboldt County Department of Public Works
RECEIVING WATER: Price Creek
HYDROLOGIC UNIT: Ferndale Hydrologic Subarea 111.11
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Price Creek Road Bridge Abutment Protection

BY THE EXECUTIVE OFFICER:

1. On April 19, 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 placement of rock slope protection (RSP) on an eroding section of the Price Creek streambank to protect a bridge abutment on Price Creek Road. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 31, 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. The bridge over Price Creek at post mile 1.52 was built in 1981. In 1990, a county bridge inspector reported that the stream bank below the east bridge abutment was showing signs of erosion. The inspector noted that there was approximately twelve feet of earthen streambank material between the eroding streambank (right bank) and the concrete bridge abutment. In 1999, another county bridge inspection revealed that the streambank continued to erode and there was only six feet of material remaining between the eroding stream bank and the concrete bridge abutment. By 2003, only three feet remained between the eroding streambank and the abutment. A recent inspection confirmed that there is currently less than one

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foot of streambank material remaining between the eroding bank and the bridge abutment.

3. Inspections also revealed that sometime during the last few years a large tree, with the root-wad attached, was deposited in the stream channel directly across from the section of streambank that is eroding below the bridge abutment. The tree and root-wad appear to be directing high creek flows into the right bank and increasing erosion below the abutment. The tree and attached root wad will be removed and relocated downstream of the bridge to provide fish habitat.
4. The project mainly involves the placement of RSP (one-quarter ton to two-ton rock) along the eroding right streambank to protect the streambank and bridge abutment from additional erosion that could eventually lead to failure of the bridge structure. An excavator will access the stream channel from the old access road on the west side of the creek that was built during construction of the bridge. The excavator must operate from the stream channel in order to dig a toe trench at the base of the eroding streambank and to place the RSP up the bank.
5. The project will occur during the summer when flows in the creek are low. If necessary, any flow in the stream will be diverted away from the right bank. The affected area will be isolated from fish by placing fish exclusion fencing upstream and downstream of the construction activities.
6. The RSP materials will be stockpiled above the eroding streambank area on either side of the bridge abutment where the RSP material can be reached by the excavator operating in the stream channel. A toe trench (approximately 16' long x 3' wide x 2' deep) will be excavated along the base of the eroding bank. The largest RSP material (approximately 2-ton rock) will be placed in the toe trench and base of the RSP. The smaller RSP material will be placed as the RSP extends up the bank to the concrete abutment. The material excavated from the toe trench will be used to backfill the voids in the toe trench and RSP.
7. 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 use near a waterway and for sediment and erosion control. The project is expected to take four days to complete.
8. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
9. 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.
10. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15301 – minor alterations to land, pursuant to CEQA.

Receiving Water: Price Creek in the Ferndale Hydrologic Subarea 111.11

Filled or Excavated Area: Area Temporarily Impacted: 0.05 acre of streambank
Area Permanently Impacted: 0.005 acre of streambank

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: 20 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 40.52581 N/124.18766 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Price Creek Road Bridge Abutment Protection Project (WDID No. 1B07046WNHU), 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 Reclamation 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 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, 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,
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Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398