



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

July 10, 2007

In the Matter of

Water Quality Certification

for the

**FRENCH'S CAMP/DIMMICK RANCH – SEASONAL BRIDGE INSTALLATION,
SOUTH FORK EEL RIVER
WDID NO. 1B07085WNHU**

APPLICANT: Thomas Dimmick
RECEIVING WATER: South Fork Eel River
HYDROLOGIC UNIT: Benbow Hydrologic Subarea No. 111.32
COUNTY: Humboldt
FILE NAME: French's Camp/Dimmick Ranch - Seasonal Bridge Installation,
So. Fork Eel River

BY THE EXECUTIVE OFFICER:

1. On May 3, 2007, Thomas Dimmick (Applicant) 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 the installation and removal of two temporary bridges over the South Fork Eel River for use during the annual reggae music festival at Cooks Valley, Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 13, 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 project involves installation of one single-lane bridge (Bridge "A") for use as an emergency access/egress route between French's Camp and Highway 101, and one four-lane bridge (Bridge "B") between the Dimmick Ranch and French's Campground. Bridge "A" will consist of one 90-foot long by 9-foot wide flatcar bridge placed on concrete block and gravel fill abutments. Bridge "B" will consist of four 90-foot long by 9-foot wide flatcar bridges placed on concrete block and gravel fill abutments.

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3. The abutments for both bridges are constructed by placing a row of pre-fabricated interlocking concrete blocks near the water's edge to form bulkheads on both sides of the river. Native gravel bar material will be excavated from the areas surrounding each of the bridge approach ramps and the material will be placed behind the concrete blocks to build the approach ramps to the height of the bridge span. Flatcar bridges will then be placed on the abutments.
4. The flatcar bridges and concrete blocks will be removed from the river each year. The native gravel used for constructing the approach ramps will be spread to the natural contour of the gravel bar where the material originated.
5. Compensatory mitigation is not required. Noncompensatory mitigation for this project includes the use of Best Management Practices for heavy equipment use near a waterway. The applicant proposes to conduct bridge installation and removal activities between June 1 and October 15 each year. Timing of bridge installation and removal may vary from year to year depending on requirements imposed by other permitting agencies.
6. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
7. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404.
8. The Humboldt County Planning Commission, as lead California Environmental Quality Act (CEQA) agency, has prepared an Environmental Impact Report and Supplemental Environmental Impact Report (SCH# 1992033035) for the project in order to comply with CEQA. As responsible agency, the Regional Water Board has considered the environmental documents. Potentially significant impacts identified in the environmental document within the Regional Water Board's jurisdiction are associated with festival activities including camping, swimming, and construction of temporary bridges. Proposed measures will mitigate project impacts to less-than-significant levels. Mitigation measures and conditions of approval are incorporated into this order by reference. This Water Quality Certification authorizes discharges associated with the seasonal bridge installation and removal; however, it requires that the Applicant comply with all applicable water quality standards and water quality-related conditions and requirements imposed by other agencies for all activities and discharges associated with the reggae music festival.

Receiving Water: South Fork Eel River in the Benbow Hydrologic Subarea
111.32

Filled or Excavated Area: Area Temporarily Impacted: 0.4 acre of streambed
Area Permanently Impacted: none

Total Linear Impacts: Length Temporarily Impacted: 172 linear feet of streambank
Length Permanently Impacted: none

Dredge Volume: None

Latitude/Longitude: 40.00675N/123.78028 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the French's Camp/Dimmick Ranch – Seasonal Bridge Installation, South Fork Eel River project (WDID No. 1B07085WNHU), 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 Applicant 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. This certification is conditioned upon compliance with all applicable water quality standards and water quality-related conditions and requirements imposed by other agencies for all activities and discharges associated with the reggae music festival
5. The Regional Water Board shall be notified each year in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the bridge construction and removal schedule, in order to allow staff to be present onsite during bridge construction and removal activities, and to answer any public inquiries that may arise regarding the project.
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 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.
7. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any project activities that could result in erosion or sediment discharges to surface water.

8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. 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.
10. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, from any activity associated with the reggae music festival, 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. 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.
13. 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.
14. 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.
15. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. The Applicant shall supply a copy of any water quality monitoring data and photographs collected in accordance with its County Use Permit(s) to the Regional Water Board no later than 30 days following the event.

18. 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.
19. 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.
20. 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).
21. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
22. Violation of any conditions and monitoring requirements in this Order shall be subject to civil liability in accordance with Water Code section 13385.

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

Catherine E. Kuhlman
Executive Officer

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