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Secretary for
Environmental Protection

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

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Arnold
Schwarzenegger
Governor

August 21, 2007

In the Matter of

Water Quality Certification

for the

**HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS, HOLMES-LARABEE
SUMMER CROSSING
WDID NO. 1B01145WNHU**

APPLICANT: Humboldt County
RECEIVING WATER: Eel River
HYDROLOGIC UNIT: Scotia Hydrologic Subarea No. 111.12
COUNTY: Humboldt
FILE NAME: Humboldt County Department of Public Works, Holmes-Larabee Summer Crossing

BY THE EXECUTIVE OFFICER:

1. On May 21, 2007, the County of Humboldt, Department of Public Works, 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 Holmes-Larabee Summer Crossing Project (project) on the Eel River, Humboldt County. The purpose of the project is to provide access for the residents of Larabee and logging equipment by installing a flatcar seasonal bridge across the low flow of the Eel River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 21, 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 site is located east of Highway 101 and the Avenue of the Giants (Highway 254) frontage road, at the end of Holmes-Larabee access road which crosses the Eel River. The permanent section of the Holmes-Larabee Bridge (County Bridge 4C-171) was constructed in 1937 of reinforced concrete deck about 30 centimeters thick and 3.7 meters wide. The bridge currently only extends part of the way across the Eel River. A portion of existing concrete

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bridge was removed in 1960 to facilitate wintertime flows. The existing permanent concrete bridge that spans the west channel is approximately 300 feet long. The riverbed at the proposed project site is approximately 800 feet wide (at Ordinary High Water level) with an approximately 300 foot wide gravel bar in the center; the size and shape of the gravel bar varies from year to year according to gravel recruitment. Winter flows average 8,000 to 20,000 cubic feet per second (CFS), a rate that would submerge the existing permanent low-level concrete bridge and gravel bar.

3. The project involves two fills; the primary fill is located at the gap approximately half way across the permanent bridge. The gap is approximately 35 x 15 feet; the depth varies depending on the amount of gravel recruitment during the winter flows. The gap in the bridge structure (35' long) is approximately 300 feet from the west bank. The gap is permanently filled with 2 ton rock up to a level just below the bridge surface elevation. The applicant proposes to place approximately 40 cubic yards of river run gravel (currently stockpiled above Ordinary High Water on the project site) over the boulders to bring the elevation up to the bridge surface. The applicant proposes to construct the approaches to the temporary flatcar crossing at the east end by pushing gravel from the adjacent gravel bar according to parameters set forth in the 404 permit by the United States Army Corps of Engineers (ACOE). A bulldozer will access the gravel bar in the center of the river from the bridge after the gap has been filled; equipment will not enter the waterway. The applicant proposes to construct a gravel ramp at the east channel using approximately 150- 200 cubic yards of gravel from the stockpile of gravel above Ordinary High Water. The applicant proposes to place an 85-foot flatcar bridge over the east channel using brow logs, k-rails or gravel wrapped in filter fabric as the abutments for the flatcar. The method used depends on the configuration of the site, choosing the best method with the objective of minimizing sediment delivery to the channel.
4. The applicant proposes to start construction after June 1 of each year and to remove the temporary bridge no later than November 15 or earlier if the Eel River flows reach 175 cubic feet per second at the Scotia gauge. The applicant estimates the construction and dismantling times for the project to be one day for each operation. No compensatory measures are required for this project. The total acres involved are 0.05 acres with a total of 300 cubic yards (cy) of fill. Non-compensatory mitigation measures include the use of Best Management Practices for equipment operations and erosion and sediment control. The National Marine Fisheries Service (NMFS) consultation determined that the proposed project is not likely to adversely affect threatened Southern Oregon/Northern California Coast salmonids, steelhead, or their critical habitat. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the United States. Mitigation measures to avoid significant environmental effects are incorporated as conditions of this permit
5. The federal Clean Water Act (33 U.S.C. §§ 1251-1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result

in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project.

6. 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.
7. The applicant has an individual permit (268971N) from the United States Army Corps of Engineers for authorization to perform the project pursuant to Clean Water Act, section 404.
8. The Humboldt County Department of Public Works (DPW) determined that the project is categorically exempt in 2001, in accordance with Article 19, section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. Based on a review of the project information submitted to date, Regional Water Board staff have determined that this project is categorically exempt from CEQA review (class 1, section 15301 – Existing Facilities) and anticipate filing a Notice of Exemption for this project, as well. The applicant has a Lake or Streambed Alteration Agreement from the California Department of Fish and Game, which expires on December 31, 2007(R1#98-0110).

Receiving Water: Scotia Hydrologic Subarea No. 11.12

Filled or Excavated Area: Area Temporarily Impacted: 0.05 acres with a total of 300 cubic yards (cy) of fill
Area Permanently Impacted: None

Latitude/Longitude: 40.415675 N/123.941783 W

Expiration: October 15, 2012

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the County of Humboldt Department of Public Works Holmes-Larabee Summer Crossing project (WDID No. 1B01145WNHU), 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 County of Humboldt 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. County of Humboldt, Department of Public Works (DPW) shall notify the Regional Water Board prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff the opportunity 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. The County of Humboldt DPW shall provide a copy of this Order to all contractors and all subcontractors conducting the work, and require that a copy of the Order remain in their possession at the work site. The County of Humboldt shall be responsible for work conducted by its contractors or subcontractors.
8. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the County of Humboldt shall cease the associated project activities 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.
9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.

10. 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.
11. 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.
12. 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.
13. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
14. 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 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.
15. In the event of any change in control of ownership of land presently owned or controlled by the County of Humboldt, the County of Humboldt 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.

16. 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).
17. The authorization of this certification for any dredge and fill activities expires on October 15, 2012. 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 Diana Henriouille at (707) 576-2350.

Robert Klamt
Interim Executive Officer

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Original to: Ms. Ann Glubczynski, Humboldt County Department of Public Works,
Natural Resources Division, 1106 Second Street, Eureka, CA 95501

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