



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



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

[www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Arnold  
Schwarzenegger**  
*Governor*

September 17, 2007

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In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT COUNTY DPW – RUSS CREEK BRIDGE ABUTMENT PROTECTION  
WDID NO. 1B07091WNHU**

APPLICANT: Humboldt County Department of Public Works  
RECEIVING WATER: Russ Creek  
HYDROLOGIC UNIT: Ferndale Hydrologic Subarea No. 111.11  
COUNTY: Humboldt  
FILE NAME: Humboldt Co. DPW – Russ Creek Bridge Abutment  
Protection

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BY THE EXECUTIVE OFFICER:

1. On June 18, 2007, the Humboldt County Department of Public Works (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 related to repairing bridge abutment footings on the Russ Lane Bridge over Russ Creek near Ferndale. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 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 Russ Creek Bridge has been listed by the California Department of Transportation as "critical scour" and requires immediate repair. The repair project involves using concrete to fill the scoured and undermined areas along both bridge abutment footings.
3. Hand tools will be used to excavate a trench (approximately 1' wide by 1' deep by 20' long) to remove up to two cubic yards of sediment under and along the base of each abutment. Excavated material will be removed from the stream and transported to an upland disposal site.

***California Environmental Protection Agency***

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4. Wooden boards will be secured approximately six inches out from the face of the existing abutment footings and along the outer edge of the excavated trench to form the concrete footing repairs. Concrete will be pumped into the forms from the roadway to fill the void space under the existing footings and the newly formed footing extension. Approximately two cubic yards of concrete will be used to repair each abutment footing.
5. The project is scheduled to be completed during the summer (July 1 to October 15) when the stream is dry or flows are very low. If water is present under the bridge a diversion around the work area will be created by installing a sandbag diversion dam. A screened 18-inch diameter pipe will be used to carry the water through the work area.
6. The project will result in permanent impacts to a section of the streambank that was previously impacted by the existing bridge abutments. Compensatory mitigation is not required for the project. Noncompensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control and the use of concrete in a waterway. Construction activities are expected to take three days to complete.
7. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
8. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3, pursuant to Clean Water Act, section 404.
9. 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 – existing facilities, pursuant to CEQA.

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

Filled or Excavated Area: Area Temporarily Impacted: 0.001 acre of streambed  
Area Permanently Impacted: 40 square feet of (0.001 acre)  
of streambank area that is covered by existing concrete  
bridge abutments.

Total Linear Impacts: Length Temporarily Impacted: 40 linear feet of streambed  
Length Permanently Impacted: 40 linear feet of streambank  
area that is already covered by concrete bridge abutments.

Dredge Volume: 4 cubic yards

Latitude/Longitude: 40.58573 N/124.31160 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Russ Creek Bridge Abutment Protection Project (WDID No. 1B07091WNHU), 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. The Regional Water Board shall be notified 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. A copy of this Order and the application submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
6. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. It is the Applicant's responsibility to ensure that their contractor(s) are knowledgeable of the authorized project activities, BMPs, avoidance measures and mitigation measures contained 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.
7. 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.
8. All concrete, all materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with surface water.
9. 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 and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

10. 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.
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. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.
16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on September 17, 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 Dean Prat at (707) 576-2801.

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Robert R. Klamt  
Interim Executive Officer

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Original to: Mr. Hank Seemann, Humboldt County Department of Public Works  
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