



**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
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

October 2, 2007

In the Matter of

Water Quality Certification

for the

**REDWOOD COMMUNITY ACTION AGENCY – WIDOW WHITE CREEK,
BIOTECHNICAL BANK STABILIZATION AND STREAM ENHANCEMENT
WDID NO. 1B07121WNHU**

APPLICANT: Redwood Community Action Agency
RECEIVING WATER: Widow White Creek
HYDROLOGIC UNIT: Blue Lake Hydrologic Area No. 109.10
COUNTY: Humboldt
FILE NAME: Redwood Community Action Agency – Widow White Creek,
Biotechnical Bank Stabilization and Stream Enhancement

BY THE EXECUTIVE OFFICER:

1. On August 3, 2007, the Don Allen, representing the Redwood Community Action Agency (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 a bank stabilization and stream habitat enhancement project on Widow White Creek in McKinleyville. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 10, 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. Widow White Creek is in a coastal watershed that drains an approximately five square mile area. Widow White Creek supports coho salmon, steelhead trout, and cutthroat trout, and may support chinook salmon.
3. The project is located on the north bank of Widow White Creek approximately 1,000 feet west (downstream) of Highway 101 on property owned by Bud and Diane Slagle (AP#511-011-019). Streambank erosion and wind storms in the winter of 2006-2007 resulted in the loss of mature spruce trees, alders, and willows within the riparian corridor along 185 feet of Widow White Creek in the project area. Streambank

California Environmental Protection Agency

Recycled Paper

erosion has reduced the area of the terrace on which the Widow White Creek Interpretive Trail (part of the Hammond Coastal Trail) will be located to the extent that additional streambank erosion could result in erosion of the trail corridor. The project involves streambank stabilization and riparian habitat enhancement activities intended to prevent the creek from eroding more of the streambank and the adjacent trail easement while also enhancing the channel and riparian habitat. The project is also intended to prevent additional adverse impacts downstream of the project area by preventing additional fine sediment from entering the creek channel.

4. An excavator will be used to excavate a two foot deep toe trench along the streambank, excavate the streambank to reduce the slope of the bank to be between 1:1 (horizontal to vertical) and 1.5:1, install rock slope protection (RSP), and to remove fallen trees/logs that will be used in the project to create fish habitat structures. The excavator will place two-ton boulder riprap into the toe trench and onto the streambank. One quarter-ton to one half-ton rock and the materials removed during the streambank contouring will be used to fill in behind the two-ton rock and armor the streambank to a height of six to eight vertical feet above the low flow water surface. Smaller rock will be used to fill the voids between the larger boulders to prevent piping of fine sediment from the streambank. Live stake willow cuttings will be planted between the individual boulders in the RSP to restore the riparian willows that were removed by the bank erosion. Shore pine, Sitka spruce, and native shrubs will be planted on the terrace adjacent to the creek to restore a multi-storied riparian forest.
5. Excavation of the streambank and installation of RSP, log habitat structures, and riparian plantings will result in permanent impacts to 185 linear feet and 2220 square feet (0.05 acre) of streambank. Compensatory mitigation is not required for the project. Noncompensatory mitigation for this project includes seeding and mulching disturbed areas with erosion control mix and sterilized rice straw. Noncompensatory mitigation for this project also includes the use of Best Management Practices for sediment and turbidity control and the operation of heavy equipment in a waterway. The project is scheduled for the summer 2007 when flows in the creek are low. Construction activities are expected to take seven days to complete.
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 for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 13, pursuant to Clean Water Act, section 404.
8. On September 17, 2007, Humboldt County adopted a negative declaration (SCH No. 2007072037) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The environmental document does not identify any significant impacts and mitigation measures were not made a condition of the approval of the project.

Receiving Water: Widow White Creek in the Blue Lake Hydrologic Area No.
109.10

Filled or Excavated Area: Area Temporarily Impacted: 0.01 acre of streambank
Area Permanently Impacted: 2220 square feet of streambank (0.05 acre)

Total Linear Impacts: Length Temporarily Impacted: 20 linear feet of streambank
Length Permanently Impacted: 185 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 40.96250 N/124.11940 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Widow White Creek Biotechnical Bank Stabilization and Stream Enhancement Project (WDID No. 1B07121WNHU), 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. 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.
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. 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 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.

15. 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.

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 2, 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.

Robert R. Klamt
Interim Executive Officer

100207_DLP_widowwhite_bankstabilize_401cert.doc

Original to: Mr. Don Allen, Redwood Community Action Agency, 904 G 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

California Environmental Protection Agency