



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, 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

February 13, 2008

In the Matter of

Water Quality Certification

for the

**USDOT – FEDERAL HIGHWAY ADMINISTRATION – BLUFF CREEK ROAD
CULVERT REPLACEMENT**

WDID NO. 1B07162WNHU

APPLICANT: Federal Highway Administration
RECEIVING WATER: Unnamed tributary to Aikens Creek
HYDROLOGIC UNIT: Orleans Hydrologic Subarea No. 105.12
COUNTY: Humboldt
FILE NAME: USDOT – FHA, Bluff Creek Road Culvert Replacement

BY THE EXECUTIVE OFFICER:

1. On October 25, 2007, the U.S. Department of Transportation, Federal Highway Administration (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 a culvert replacement project on Bluff Creek Road near Weitchpec. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 17, 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 purpose of the project is to replace an existing deteriorated culvert on an ephemeral stream with a shorter and larger diameter culvert that will pass a 100-year storm event. The project involves removal of an existing 128-foot long and 6-foot diameter corrugated metal culvert and replacement with an 88-foot long and 7-foot diameter corrugated metal culvert in the same alignment. A concrete headwall will be installed at the new inlet and rock riprap will be placed below the new outlet. The headwall and riprap will be placed in areas where the existing longer culvert and fill will be removed. A temporary sandbag cofferdam will be placed immediately upstream of the culvert inlet to impound water that will be pumped around the

California Environmental Protection Agency

Recycled Paper

construction area. Pumped water will be discharged to the channel immediately downstream of construction activities.

3. The culvert replacement project is part of a larger Bluff Creek Road project that includes constructing a 160-foot long reinforced slope at a slide area, chipsealing 1.9 miles of existing road, and obliteration of an abandoned switchback section of the road. Slides and slope failures in the abandoned switchback section have been significant and maintaining this section has been impractical. Obliteration of the switchback section involves removal of guardrail, rock and slide material, and asphalt. Rock and slide material will be used to fill roadside ditches and to outslope the roadbed. The final graded surface will be scarified, mulched, and seeded with native plant species.
4. The project will result in a slight decrease in the overall area and length of permanent fill in the stream channel. The project will result in approximately 0.002 acre and 22 linear feet of temporary impacts to the stream channel. 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 operation of heavy equipment near a waterway. In addition, approximately 40 cubic yards of slide material will be removed from a 160-foot wide slide area located approximately 600 feet from the culvert and the slide area will be stabilized with riprap to protect this source of sediment from storm water runoff. The project is scheduled for the summer of 2008 during the dry period when there is little or no flow in the stream. Construction activities are expected to take four months to complete.
5. A Lake or Streambed Alteration Agreement is not required for federal projects on federal land.
6. The Applicant has received authorization from the United States Army Corps of Engineers (File No. 2007-400846) to perform the project under Nationwide Permit Numbers 14 and 33, pursuant to Clean Water Act, section 404.
7. 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: Unnamed Tributary to Aikens Creek in the Orleans Hydrologic Subarea No. 105.12

Filled or Excavated Area: Area Temporarily Impacted: 0.002 acre of stream channel
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 22 linear feet of stream channel
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 41.23226 N/123.66581 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the USDOT – FHA, Bluff Creek Road Culvert Replacement Project (WDID No. 1B07162WNHU), 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 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. 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.

9. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
10. 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.
11. A copy of this Order and the application documents 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.
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 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 February 11, 2013. 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

021308_DLP_usdot_bluffcrkclvrtreplace_401cert.doc

Original to: Mr. Allen Grasmick, U.S. Dept. of Transportation - Federal Highway
Administration, 12300 West Dakota Avenue, Lakewood, CO 80228

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