



Linda S. Adams
Secretary for
Environmental Protection

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

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Arnold
Schwarzenegger
Governor

May 28, 2008

In the Matter of

Water Quality Certification

for the

**Ralph Culvert Replacement Project
WDID NO. 1B08055WNHU**

APPLICANT: Carol and C. J. Ralph
RECEIVING WATER: Mad River Slough
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00
COUNTY: Humboldt
FILE NAME: Ralph Culvert Replacement Project

BY THE EXECUTIVE OFFICER:

1. On March 27, 2008, Carol and C.J. Ralph (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 in a dike separating agricultural land from the Mad River Slough, Arcata, Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 1, 2008, 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 primary purpose of the project is to allow freshwater outflow and to prevent salt water intrusion into agricultural grazing land. There are two ponds on the agricultural land with a large population of red-legged frogs and Pacific chorus frog eggs. The existing culvert has a flapper valve and gate valve; corrosion has caused the valves to fail. Manual closure of the gate valve stops the inflow but also blocks the outflow, causing flooding on agricultural/pasture land, preventing cattle from grazing. Saltwater intrusion to the pond area is detrimental to the frog populations.
3. The existing culvert through the dike is 15-inch diameter and 44 feet long, with a flapper valve on one end and a gate valve on the other end. The project involves replacing the existing culvert with one of the same footprint. An excavator will be staged on top of the dike and used to dig out the concrete and pipe. All the spoils

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from the culvert removal will be used as backfill during placement of the new culvert. None of the debris will be placed in the wetland area. Slough side project activities will occur above water. A cofferdam with 10 cy of soil will be placed on the inland side to clear water from 15 feet of ditch. A qualified biologist possessing a Section 10 Endangered Species Act (ESA) take permit or equivalent authorization from the appropriate agency will conduct a survey for the presence of tidewater gobies prior to installation of the cofferdam and shall be qualified to capture and relocate tidewater gobies from the immediate work area to adjacent waters. The cofferdam will be removed at the completion of the proposed project. Erosion cloth and riprap cover the outside slope of the dike. Upon completion of the culvert the inside slope will be planted with native plants and North Coast pasture mix.

4. Culvert replacement activities will not result in any impacts to wetlands. Compensatory mitigation is not proposed for this project. Noncompensatory mitigation measures for the proposed project will include the use of Best Management Practices (BMPs) for sediment and erosion control and equipment use near water ways. The project activities will occur during low tide and will require two days for completion. No debris or fill will enter the adjacent Mad River Slough.
5. The applicant has received authorization (File No. 2008 00122N) from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3 *Maintenance*, pursuant to Clean Water Act, section 404.
6. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project.
7. The Regional Water Board, as lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption (Class 1, Section 15301 Existing Facilities), pursuant to CEQA.

Receiving Water: Mad River Slough in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 55 square feet (0.001 acre)

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: none

Dredge Volume: None

Latitude/Longitude: 40.89021 N/124.14192 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Ralph Culvert Replacement Project (WDID No. 1B08055WNHU), 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:

California Environmental Protection Agency

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. 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.
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. 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.
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. The authorization of this certification for any dredge and fill activities expires on May 28, 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 Diana Henriouille at (707) 576-2350.

Catherine Kuhlman
Executive Officer

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Original to: Carol and C.J. Ralph, 7000 Lanphere Road, Arcata, CA 95521

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398