



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



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

June 5, 2008

In the Matter of

Water Quality Certification

for the

**PACIFIC LUMBER COMPANY – VAN DUZEN RIVER SUMMER CROSSINGS AT
CUMMINGS CREEK, 10 MILE, STRONGS STATION, AND ROOT CREEK**

WDID NO. 1B03043WNHU

APPLICANT: Pacific Lumber Company
RECEIVING WATER: Van Duzen River
HYDROLOGIC UNIT: Bridgeville Hydrologic Subarea No. 111.22
COUNTY: Humboldt
FILE NAME: Pacific Lumber Co. – Van Duzen River Summer Crossings
at Cummings Creek, 10 Mile, Strongs Station, and Root
Creek

BY THE EXECUTIVE OFFICER:

1. On February 14, 2008, the Pacific Lumber Company (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 the annual installation and removal of four summer bridge crossings over the Van Duzen River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 30, 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 project involves annual bridge installation and removal activities at four temporary crossing sites that are referred to as Cummings Creek, 10 Mile, Strongs Station, and Root Creek. Bridge crossings are installed at these locations for use during the applicant's timber harvest activities. The land where the bridges are placed and the bridge construction activities are covered under the terms of the Pacific Lumber Company Habitat Conservation Plan (HCP).
3. Proposed bridge installation and removal activities are similar for each crossing location. The bridge decks consist of log stringers or flat-cars placed on temporary

abutments that are installed near the edge of the low flow water line. Each bridge is approximately twelve feet wide and sixty feet long. Logs, pre-cast concrete blocks, large boulders, or a combination of these materials are used to build the temporary bridge abutments. Native aggregate materials are excavated from the adjacent dry gravel bar and used to build the roadway approach ramps to the bridges. During some years the bridges may not fully span the water and the temporary abutments may be located in shallow flowing water. Following annual bridge removal, the native aggregate material that was used to build the approach ramps will be returned to the borrow areas and graded to ensure that runoff will drain toward the river channel.

4. The project is not expected to result in any permanent impacts to the river channel. All of these bridge crossings are installed on established access roads in the same general location each year. Removal of riparian vegetation is not required. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment near a stream.
5. The Applicant has reapplied for authorization from the United States Army Corps of Engineers to continue performing the project under an individual permit (File No. 27565N) pursuant to Clean Water Act, section 404. The applicant has previously obtained Lake or Streambed Alteration Agreements for each crossing from the California Department of Fish and Game.
6. The regulation of timber harvesting operations by the California Department of Forestry and the State Board of Forestry is a certified state regulatory program that is exempt from the requirements for preparing environmental impact reports, negative declarations, and initial studies. Timber Harvest Plans, including the plans for installing these bridges over the Van Duzen River, are prepared pursuant to the California Environmental Quality Act (CEQA) through the CEQA equivalent process. Regional Water Board staff have determined that the seasonal bridge activities are exempt from further CEQA review because they are part of the applicant's timber harvesting operations which are regulated under a state regulatory program that has been certified by the Secretary for Resources.
7. 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.

Receiving Water: Van Duzen River in the Bridgeville Hydrologic Subarea No. 111.22

Filled or Excavated Area: Area Temporarily Impacted: 11,000 square feet (0.25 acre) of stream channel
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 160 linear feet of stream channel
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: Cummings Creek: 40.50942 N/124.01741 W
10 Mile: 40.50954 N/124.00325 W
Strongs Station: 40.49898 N/123.97477 W
Root Creek: 40.47763 N/123.94143 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Pacific Lumber Company's Van Duzen River Summer Crossings at Cummings Creek, 10 mile, Strongs Station, and Root Creek (WDID No. 1B03043WNHU), 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 annually, in writing, at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. The Applicant shall provide a copy of this Order and the application documents submitted for this certification to all contractors and subcontractors conducting the work, and shall require that a copy of the Order remain in their possession at the

- work site. The Applicant 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 Applicant 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 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 November 30, 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.

Catherine Kuhlman
Executive Officer

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Original to: Mr. Robert Vogt, Pacific Lumber Company, 125 Main Street, Scotia, CA
95565

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box
14, Eureka, CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398