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

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Arnold  
Schwarzenegger  
Governor

June 16, 2008

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In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT COUNTY DPW – OLD ARCATA ROAD/MYRTLE AVENUE WIDENING  
AND REHABILITATION PROJECT  
WDID NO. 1B08045WNHU**

APPLICANT: Humboldt County Public Works Department  
RECEIVING WATER: Rocky Gulch, Cochran Creek, and wetlands  
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00  
COUNTY: Humboldt  
FILE NAME: Humboldt Co. DPW – Old Arcata Road/Myrtle Avenue  
Widening and Rehabilitation Project

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**BY THE EXECUTIVE OFFICER:**

1. On March 19, 2008, the Humboldt County Public Works Department (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 Old Arcata Road/Myrtle Avenue Road Widening Project near Eureka, Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 19, 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 is located along a two-lane road that connects the cities of Eureka and Arcata. The project includes road realignment, road and shoulder widening, modification of an existing intersection, and several culvert and drainage improvements along an approximately three mile segment of the road that includes portions of Old Arcata Road and Myrtle Avenue. The existing road in the project area has ten to twelve foot wide travel lanes with minimal shoulder space to allow motorists to make adjustments to emergency situations and for bicyclists and pedestrians to travel adjacent to the vehicle travel lanes. There are several vertical curves on the existing road that do not provide the required sight distances for stopping and two horizontal curves that do not meet minimum radius standards. The purpose of the project is to improve safety for pedestrians, bicyclists, and motorists

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by widening and upgrading the transportation corridor and the roadway geometry to current standards.

3. The project has been designed to avoid or minimize impacts to wetlands. The primary wetland type that will be impacted is roadside ditches. In areas where roadside ditches must be filled to accommodate the road widening, new ditches will be constructed where feasible; however, there are some areas where private property constraints along the road alignment preclude impact avoidance or onsite ditch replacement. The project will result in permanent impacts to 2.53 acres of existing wetlands. Compensatory mitigation is required for the permanent wetland impacts.
4. In anticipation of the unavoidable permanent wetland impacts from this project, the County developed a wetland mitigation bank at the Fay Slough Wildlife Area (FSWA), located downstream (west) from the project area, in coordination with the Department of Fish and Game. A Letter of Understanding was executed in 1990 in which the County agreed to create new wetlands by removing portions of old dikes and road fills and constructing approximately 500 feet of new dikes for the purpose of water impoundment. This work was performed in 1992. In 2001, the County assessed the results of the wetland creation efforts. The assessment showed that 10.67 acres of wetlands were created at the site. Two acres were sold to the City of Eureka in 1993, and 0.73 acres were used as mitigation for a project on Elk River Road in 2002. The Applicant reported that the balance of wetland credits in the mitigation bank was 7.94 acres before a debit for this project.
5. The road widening and drainage improvement activities include the installation of new and larger culverts, culvert extensions to accommodate the wider road, and headwalls for erosion protection. Road widening activities will result in an increase in the amount of impervious surface area within the project area. Increasing the amount of impervious surface area in a watershed has the potential to cause an increase in peak runoff volume and flow rate which can lead to channel scour, bank erosion, and flooding. Runoff flow rates for each affected drainage area were calculated for a 100-year recurrence interval using precipitation rates from the National Weather Service Eureka intensity duration frequency curves. The flow calculations for each drainage area indicate that the increase in runoff rates for each drainage area will be negligible. However, in order to filter runoff and minimize potential impacts associated with the increase in impervious surface, the project includes reconstruction of the vegetated roadside ditches where feasible, and construction of a 5 to 8-foot wide and 350-foot long vegetated bio-swale along the section of the realigned road that drains to a tributary to Fay Slough.
6. Compensatory mitigation for the project includes the use of 2.53 acres of wetland credit in the FSWA wetland mitigation bank. The rationale for approving the one-to-one mitigation ratio is based on: the presence of higher quality wetlands at the FSWA wetland mitigation Bank compared to wetlands located within the project area (primarily roadside ditches); the mitigation bank was established by 1997, which has provided more than a 10-year period in which these wetlands were established before the mitigation credits will be used for this project; and a majority of the wetland impacts for this project are taking place within the same drainage basin. Mitigation also includes the creation of additional wetlands onsite through reconstruction of the roadside ditches where feasible. Mitigation for the permanent impacts to stream and drainage channels includes implementation of a revegetation

plan that includes erosion control planting, riparian planting, and a post-planting maintenance and monitoring program.

7. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control. The project activities are scheduled to begin in June 2008 and the project is expected to take two years to complete.
8. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under an individual permit (File No. 2000-257310), pursuant to Clean Water Act, section 404. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
9. On October 23, 2001, Humboldt County approved a Final Environmental Impact Report (SCH No. 2001052113) 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.
10. 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 Waters: Rocky Gulch, Cochran Creek, and wetlands in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 1960 square feet (0.045 acre) of stream channel  
Area Permanently Impacted: 2.53 acre of wetland

Total Linear Impacts: Length Temporarily Impacted: 360 linear feet of stream channel  
Length Permanently Impacted: 352 linear feet of stream bank including 176 linear feet of streambed

Dredge Volume: None

Latitude/Longitude: South End: 40.78629 N/124.08325 W  
North End: 40.83321 N/124.07452 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Old Arcata Road/Myrtle Avenue Widening and Rehabilitation Project (WDID No. 1B08045WNHU), 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 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, BMPs, and mitigation 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 Applicant shall implement the revegetation activities described the Revegetation Plan. Revegetation sites shall be monitored at least once per year in the spring or summer for a minimum of three years following completion of the project. The Applicant shall submit annual post-planting maintenance and monitoring reports that describe the condition of the revegetation sites in terms of percent ground cover for the erosion control vegetation plantings and percent survival for the container plantings. The final monitoring report shall contain appropriate information to demonstrate that the success criteria have been met or the Applicant shall submit a supplemental revegetation plan to compensate for any sites that did not meet the success criteria in the Revegetation Plan.
13. The mitigation measures contained in the Environmental Impact Report (EIR) are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures in the EIR.
14. Within 90 days of the date of this water quality certification, the Applicant shall submit a revised account summary for the FSWA wetland mitigation bank, reviewed and approved by the California Department of Fish and Game, that reflects the appropriate debit amount (2.53 acres) for the compensatory mitigation for this project and any wetland credits remaining in the FSWA wetland mitigation bank. The revised account summary shall also include an updated map of the FSWA wetland mitigation bank showing the amount and type(s) of wetland credits that have been debited to date and the remaining wetland credits that are available for future use.
15. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. 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.

18. 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.

19. 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).
20. The authorization of this certification for any dredge and fill activities expires on June 16, 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.

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Catherine Kuhlman  
Executive Officer

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Original to: Mr. Andrew Bundschuh, Humboldt County Public Works Department,  
1106 Second Street, Eureka, CA 95501-0579

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,  
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