



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



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Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

August 22, 2008

In the Matter of

Water Quality Certification

for the

**HUMBOLDT COUNTY DPW – FIELDBROOK ROAD AND MURRAY ROAD,
REHABILITATION AND SHOULDER WIDENING
WDID NO. 1B08096WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: wetlands, South Fork Anker Creek, North Fork Anker Creek,
and an unnamed tributary to Anker Creek
HYDROLOGIC UNIT: Blue Lake Hydrologic Area No. 109.10
COUNTY: Humboldt
FILE NAME: Humboldt County DPW – Fieldbrook Road and Murray
Road, Rehabilitation and Shoulder Widening (WDID No.
1B08096WNHU)

BY THE EXECUTIVE OFFICER:

1. On June 4, 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 shoulder widening and drainage improvement activities along an approximately 1.5 mile segment of Fieldbrook Road in Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 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. Fieldbrook Road is a two-lane road that runs through the small rural town of Fieldbrook and connects to Murray Road to the north and Glendale Road to the south. Fieldbrook Road is a primary corridor for the community with small shops, a gas station, a school and churches located along the roadway. The roadway is heavily used by bicycles and pedestrians for recreation and access to local destinations including Fieldbrook School. The community has repeatedly requested that the shoulders of Fieldbrook Road be widened near the school. The lack of

shoulders and the high volume of traffic, including a high percentage of logging trucks, make it a very dangerous road for bicycles and pedestrians. Despite these dangers, many children are walking and riding to school along this roadway.

3. The project consists of shoulder widening and drainage improvements along an approximately 1.5 mile segment of Fieldbrook Road that runs through the community. The existing roadway within the project area has two 10-foot wide travel lanes with minimal (zero to 2 feet wide) paved shoulders. The existing road provides insufficient space for motorists to adjust to emergency situations and for bicyclists and pedestrians to travel adjacent to the vehicle travel lanes. The project will improve line-of-sight distances and safety for pedestrians, bicyclists, and motorists by widening the roadway to include continuous four to six-foot wide paved shoulders along both sides of the 1.5 mile long section. A 3 mile long section of the road surface, including the 1.5 mile long section in the project area, will be rehabilitated and repaved shortly after the shoulder widening and drainage improvement activities are complete.
4. The project will increase the amount of impervious surface area within the project area. Projects that increase the amount of impervious surface area can increase the volume of storm water runoff from the area, the duration of elevated storm water flows, and the runoff flow rate, which can lead to channel scour, bank erosion, and flooding. The applicant has evaluated potential changes in storm water runoff and flow rates from the project. In general, the results of their evaluation indicate that the potential increase in runoff from the project is extremely small during the 100-year storm event. However, in order to maintain the existing storm water runoff conditions after the project is completed, post-construction storm water treatment and detention facilities have been incorporated into the project design.
5. The project was divided into three drainage basin areas for the purpose of describing project activities and for conducting a hydrologic analysis. Activities in each section include the following:

Section 1: The northern end of the project is Section 1 (Station 1+00 to 21+50) and includes North Fork Anker Creek. Storm water runoff from the west side of the road is dispersed via sheet flow over the adjacent land. Runoff from the east side is collected in a partially paved roadside ditch that carries the runoff to North Fork Anker Creek. The road will be widened in both directions and the existing roadside ditch will be filled. The existing ditch on the east side of the road from Station 1+00 to 3+50 will be relocated to the edge of the new road shoulder. The remainder of the ditch will be replaced with an 18-inch diameter subsurface storm drain pipe. Filling a portion of the existing ditch will result in approximately 1,725 square feet of permanent impacts to existing wetlands located in the ditch. Activities in Section 1 are not expected to have any temporary impacts to existing wetlands.

Hydrologic analysis of Section 1 shows that during the peak flow of a 100-year storm event, the post-development conditions of the project will result in a 0.167 cubic feet per second increase in storm water runoff. This amount corresponds to a 2.98% increase in storm water runoff that will be transferred to NF Anker Creek during the peak flow of the 100-year event. In order to mitigate for the additional runoff, a retention/detention (R/D) facility will be installed to detain up to 4% of the peak flows,

thus resulting in a lower amount of runoff entering the creek during the peak flow time compared to the pre-developed rate.

The R/D facility will be constructed between Stations 11+50 and 12+50, and will consist of a 3-foot diameter by 100-foot long underground pipe running parallel to the new 18-inch diameter storm drain pipe. The location for the R/D facility was selected because it has available right-of-way space, a suitable storm drain inlet, and it will capture runoff from the Fieldbrook Market and Fire Station parking lots. The R/D facility is designed to capture the first flush of runoff from these asphalt parking areas, the roadway, and adjacent properties. During storm events up to a 2-year event, runoff will be directed into the R/D facility where it will act as a retention facility and allow the runoff to slowly infiltrate into the soil. During storms that are greater than a 2-year event, the R/D facility will retain and infiltrate the first flush of runoff and the excess runoff will be slowly discharged to North Fork Anker Creek via the storm drain system. A 75-foot long by 6-foot wide energy dissipater, consisting of three to five rock slope protection (RSP) check-dams, will be constructed between the new storm drain outlet near Station 17+75 and North Fork Anker Creek.

Section 2: The middle portion of the project is Section 2 (Station 21+50 to 53+00) and contains South Fork Anker Creek and an unnamed tributary to Anker Creek. Between Wagle Lane (21+50) and Anker Road (27+50), storm water runoff flows off the west side of the roadway and is dispersed via sheet flow over the adjacent land. Runoff from the east side of the road is collected in a roadside ditch that drains to South Fork Anker Creek. Between Anker Road and Fieldbrook School (41+00) there are no distinct ditches and runoff is dispersed over land. South of Fieldbrook School, between Stations 42+75 and 47+75, runoff collects in a ditch along the west side of the road. There are no roadside ditches between Stations 48+00 and 53+00 and only shoulder widening in upland areas will occur in that area.

The roadway will be widened in both directions in Section 2. The roadside ditch between South Fork Anker Creek and Station 24+00 will remain an open ditch but the ditch will be reformed and light RSP will be placed in the outlet area near South Fork Anker Creek. An 18-inch diameter storm drain pipe will replace portions of the existing roadside ditch including the sections between Station 24+00 and Anker Road and between Stations 42+75 and 47+75. Between Anker Road and Station 30+00, a new ditch will be formed to carry storm water to the new 18-inch diameter storm drain pipe and eventually to South Fork Anker Creek. A vegetated bio-swale will be constructed between Stations 44+75 and 47+75. The existing ditch between Stations 44+75 and 47+75 will be widened to create the 8 to 10-foot wide vegetated bio-swale that is designed to treat storm water runoff before it enters an unnamed tributary to Anker Creek (48+00).

Filling portions of the existing ditches in this section will result in approximately 826 square feet of permanent impacts to existing wetlands in the roadside ditches. Construction activities are expected to result in approximately 630 square feet of temporary impacts to existing wetlands in the ditches. Hydrologic analysis of

Section 2 shows that during the peak of a 100-year storm event, the vegetated bio-swale will act as an R/D bio-filtration system and the post-construction conditions will result in a net decrease of storm water flows of 0.087 cubic feet per second.

Section 3: The southern end of the project is Section 3 (Station 53+00 to 72+00). The majority of the storm water runoff in Section 3 flows off each side of the roadway and is dispersed over land and vegetation. An existing roadside ditch located on the east side of the road between Stations 55+00 and 57+50 collects runoff for approximately 250 feet before the flows are eventually dispersed onto an outlying vegetated area. This section of roadside ditch will be relocated adjacent to the new road shoulder. Filling the roadside ditch will result in approximately 250 square feet of permanent impacts to existing wetlands in the ditch. Hydrologic analysis of Section 3 shows that the project activities will not cause an increase in storm water runoff.

6. The project will result in 2816 square feet of permanent impacts and 630 square feet of temporary impacts to existing wetlands in roadside ditches. Compensatory mitigation is required for the permanent impacts to existing wetlands in roadside ditches. Compensatory mitigation consists of creating 2,925 square feet of wetlands in new roadside ditches and a vegetated bio-swale. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment in a stream channel. Noncompensatory mitigation also includes seeding and mulching disturbed areas. The project is scheduled to begin during the summer of 2008.
7. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404. The applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
8. 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.
9. 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: wetlands, South Fork Anker Creek, North Fork Anker Creek, and an unnamed tributary to Anker Creek in the Blue Lake Hydrologic Area No. 109.10

Filled or Excavated Area: Area Temporarily Impacted: 630 square feet of wetlands in roadside ditches
Area Permanently Impacted: 2816 square feet of wetland in roadside ditches

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

Dredge Volume: None

Latitude/Longitude: Northern End : 40.96690 N/124.03391 W
Southern End : 40.94893 N/124.02888 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Fieldbrook Road and Murray Road, Rehabilitation and Shoulder Widening Project (WDID No.1B08096WNHU), 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. The Applicant shall implement the August 2008 Wetland Creation and Monitoring Plan (Plan). The Applicant shall monitor the wetland bio-swale and riparian area on an annual basis, with at least one site visit during the spring or summer months, for a minimum of three years following completion of the project. A final monitoring report shall be submitted that contains observations and photos taken throughout the monitoring period. If the final monitoring report indicates that the revegetation and wetland bio-swale creation does not meet success criteria contained in the Plan, a revised or supplemental mitigation plan shall be implemented until the success criteria is achieved.
9. 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.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
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. 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.
14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.

17. 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.

18. 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).
19. The authorization of this certification for any dredge and fill activities expires on August 22, 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.

Catherine Kuhlman
Executive Officer

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