



**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

September 15, 2008

In the Matter of

Water Quality Certification

for the

**HUMBOLDT STATE UNIVERSITY – COLLEGE CREEK STUDENT HOUSING,
CULVERT REPLACEMENT PROJECT
WDID NO. 1B08101WNHU**

APPLICANT:	Trustees of the California State University, Humboldt
RECEIVING WATER:	unnamed tributary to Gannon Slough
HYDROLOGIC UNIT:	Eureka Plain Hydrologic Area No. 110.00
COUNTY:	Humboldt
FILE NAME:	Humboldt State University – College Creek Student Housing Project

BY THE EXECUTIVE OFFICER:

1. On June 19, 2008, the Trustees of the California State University (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 related to replacing a culvert on the Humboldt State University (HSU) campus in Arcata. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 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 a component of ongoing campus development and improvements within the College Creek Student Housing Project element of the HSU Master Plan. The project is located along the paved College Walk that provides pedestrian access from the intersection of LK Wood Boulevard and 14th Street to the central part of campus near the intersection of Harpst and Rossow Streets. A drainage channel flows along the northwestern side of the College Walk. The channel currently begins at the outlet of a 36-inch culvert near the corner of the HSU soccer field along Rossow Street. The draining channel is only open for approximately 200 feet downstream of the 36-inch diameter culvert outlet before entering a 48-inch diameter

culvert at 14th Street. The area adjacent to the culverts and the channel is mostly manicured lawn.

3. The project involves removing approximately 10 feet of the outlet end of the existing 36-inch diameter culvert and replacing the removed section with a 48- inch diameter culvert. The inlet to the new culvert section will connect to a new manhole. A new concrete headwall will be added around the culvert outlet. The proposed headwall will be 15-feet across, 5-feet tall, and 9-inches thick. Installation of the headwall requires excavation of a 2-foot wide and 1.5-foot deep footing across the channel bottom. The new culvert and headwall have been designed to be located within the footprint of the existing culvert.
4. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control including seeding and mulching disturbed areas.
5. The Applicant has obtained authorization from the United States Army Corps of Engineers (File No. 2008-00253N) to perform the project under Nationwide Permit Number 18, pursuant to Clean Water Act, section 404. The applicant has applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
6. On July 30, 2008, the California State University Trustees certified an amendment to the Final Environmental Impact Report (EIR) (SCH No. 2004052085) for the project in order to comply with CEQA. The specific project is included in a revision to the 2004 Master Plan that reflects a revised student housing building footprint, re-orientation of the soccer field for the College Creek Housing Project, installation of a retaining wall to support the new soccer field alignment, installation of a fire lane, and culvert replacement and headwall installation. The Regional Water Board has considered the environmental documents and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
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: unnamed tributary to Gannon Slough in the Eureka Plain
Hydrologic Area No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: 40 square feet of ephemeral
stream channel within an
existing culvert
Area Permanently Impacted: No new areas of permanent
impact to the channel

Total Linear Impacts: Length Temporarily Impacted: 10 linear feet of ephemeral
stream channel within an
existing culvert

Length Permanently Impacted: No new areas of permanent impact to the channel

Dredge Volume: None

Latitude/Longitude: 40.87640 N/124.07997 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt State University, College Creek Student Housing Project Culvert Replacement Project (WDID No.1B08101WNHU), 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. 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. 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 September 15, 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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Original to: Mr. Gary Krietsch, Humboldt State University, Feuerwerker House,
1 Harpst Street, Arcata, CA 95521-8299

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
Ms. Lia Webb, Winzler and Kelly, 633 Third Street, Eureka, CA 95501