California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Acting Chairman

Linda S. Adams
Secretary for Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Arnold Schwarzenegger
Governor

December 2, 2009

In the Matter of

Water Quality Certification

for the

HUMBOLDT COUNTY DPW – UNION STREET AND SEA AVENUE IMPROVEMENTS PROJECT
WDID No. 1B09038WNHU

APPLICANT:	Humboldt County Public Works Department
RECEIVING WATER:	Unnamed Tributary to Martin Slough and Wetlands
HYDROLOGIC UNIT:	Eureka Plain Hydrologic Unit No. 110.00
COUNTY:	Humboldt
FILE NAME:	Humboldt Co. DPW – Union Street and Sea Avenue Improvements Project

BY THE EXECUTIVE OFFICER:

1. On April 2, 2009, 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 road widening and drainage improvements near the intersection of Union Street and Sea Avenue in the community of Pine Hill on the south side of Eureka. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 24, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

2. Union Street is a major traffic collector and Sea Avenue is a minor collector within the Eureka urban area. The project consists of one work area running south to north along Union Street (0.66 miles) and one work area running east to west along Sea Avenue (0.34 miles) beginning at the Union Street intersection. The purpose of the project is to improve safety for pedestrians, bicyclists, and motorists by establishing paved or gravel shoulders, providing better line-of-sight distances, and improving roadside drainage and storm water runoff controls. The project includes

reconstructing sections of the roadway, road widening, new structural sections where required, and an overlay of the existing pavement.

3. At the southern end of the project, along Union Street between Higgins Street and Sea Avenue, the width of Union Street currently varies from approximately 24 to 36 feet. This section of Union Street runs downhill to the north until it reaches a low elevation area near the intersection of Sea Avenue where wetlands and an unnamed tributary to Martin Slough (Martin Slough tributary) are located. Improvements to this section will establish a 40-foot wide to 48-foot wide roadway. The widest sections will generally consist of two 12-foot wide vehicle lanes, two 4-foot wide pedestrian/bike paths, and two 8-foot parking lanes. The remaining sections of the southern end will generally consist of two 14-foot wide vehicle lanes and two 6-foot wide pedestrian/bike paths.

4. Developed drainage facilities do not currently exist along most of the roadway in the southern end of the project area. Some areas in this section contain grass-lined roadside drainages with small culverts running under gravel driveways where they cross the drainages. Existing drainages will be filled and driveway culverts will be removed to accommodate the wider roadway. New storm drain inlets and a subsurface storm water collection system will be installed along the roadway. Storm water runoff will be collected along the roadway and conveyed northward along the east side of Union Street. A subsurface storm water retention/detention pipe will be installed within the storm water collection system. Excess runoff will be discharged into a wetland area that will be constructed in an upland horse pasture area located on recently acquired County right-of-way that is adjacent to Union Street and the Martin Slough tributary. The constructed wetland area will expand existing wetlands on the west side of Union Street that drain into the Martin Slough tributary.

5. Drainage from the existing wetland area is currently conveyed under Union Street through a 2-foot diameter concrete pipe. The existing pipe will be replaced by a 40-foot long, 16-foot wide, and 4.5-foot high corrugated metal arch culvert. The invert of the new arch culvert will be countersunk 1.5 feet and layered with river-run aggregate base to form a natural substrate bottom. The new arch culvert will be placed at a slight angle to the existing culvert and the outlet of the new arch culvert will be shifted a short distance away from the existing culvert outlet. A short section of low gradient channel will be constructed from the new culvert outlet to the Martin Slough tributary. A section of the Martin Slough tributary between the existing culvert outlet and the confluence of the new channel will be preserved as a backwater channel that will continue to provide wetland habitat.

6. At the north end of the project, from the Union Street and Sea Avenue intersection to the curve on Union Street between Bacchetti Drive and Silva Avenue, the width of Union Street currently varies from approximately 24 to 36 feet. This section of Union Street begins an uphill climb from Sea Avenue to the north end of the project. Improvements to this section will establish a 40-foot wide to 54-foot wide roadway. The widest section will be at the northern end of the project and will consist of two

12-foot wide vehicle lanes, two 4-foot wide pedestrian/bike paths, two 8-foot parking lanes, and a 6-foot wide concrete sidewalk on the east side. The remaining improvements in this section will establish two 14-foot wide vehicle lanes and two 6-foot wide pedestrian/bike paths. A portion of the remaining section includes an existing 6-foot wide concrete sidewalk on the east side. Existing storm drainage facilities along this section of Union Street will be utilized. Additional drain inlets will be installed where needed to accommodate road widening. Storm water runoff from the northern end of the project area will be conveyed southward along the east side of Union Street and into a subsurface storm water retention/detention pipe that will be connected to the existing subsurface storm water collection system that runs down the east side of Union Street and discharges into an existing wetland area along the west side of Union Street and north side of Sea Avenue.

7. The Sea Avenue section of the project begins at Little Fairfield Street and extends east along Sea Avenue to the Union Street intersection. The width of Sea Avenue in this section currently varies from approximately 20 to 32 feet. Most of this section of Sea Avenue runs downhill toward Union Street. Improvements to this section include asphalt overly in the widest section and widening of the narrow sections to establish a 28-foot wide to 32-foot wide roadway. The widest section will include two 12-foot wide vehicle lanes and two 4-foot wide gravel shoulders. The remaining sections will be widened to include two 10-foot wide vehicle lanes and two 4-foot wide gravel shoulders.

8. The east end of Sea Avenue is located in a low-lying area with wetland areas on both sides. Frequent flooding occurs during the winter and there are periods when the road is inundated with water. The wetland on the north side of Sea Avenue drains into the wetland on the south side through an existing 2-foot diameter culvert. The project includes raising the roadbed elevation by up to 6 feet and replacing the culvert. The roadbed will be raised by installing earth retaining gabion basket walls along both shoulders of Sea Avenue, continuing around the south west corner of the Union Street intersection, and continuing south along the west side of Union Street. A new 30-foot long, 16-foot wide, and 4.5-foot high metal arch culvert will be installed to replace the existing culvert under Sea Avenue. The invert of this new arch culvert will also be countersunk approximately 1.5 feet and layered with river-run aggregate base to form a natural substrate bottom.

9. Installation of gabion basket walls will permanently impact an area approximately 4 feet wide and parallel to the road shoulder. Construction activities related to gabion wall installation will temporarily impact an additional 4-foot wide area adjacent and parallel to the gabion walls. The footprint of the gabion wall structures may not actually result in a permanent loss of wetlands; however, in order to expedite permitting, the Applicant has assumed that the grassy shoulder area between the existing pavement and high quality wetlands consists of low-quality wetland. Therefore, the Applicant assumes that the project will permanently impact 2,640 square feet of wetlands along the road shoulder. The project will also result in temporary impacts to 2,640 square feet of wetland.

10. Compensatory mitigation is required for the project. Mitigation includes the creation of 3,000 square feet of wetland area near the outlet of the new arch culvert under Union Street and the outlet of the storm water collection system located under the southern end of the project. The wetland mitigation area will drain to the low gradient channel that will be created between the new arch culvert outlet and the Martin Slough tributary. Noncompensatory mitigation includes restoration of temporary wetland impact areas and the use of Best Management Practices for erosion and turbidity control. Work within drainage ditches and wetland areas will be performed during dry conditions. Depending on the availability of project funding, project activities are scheduled to begin in 2010. The project is expected to take six months to complete

11. The applicant has obtained authorization from the United States Army Corps of Engineers (File No. 2009-00133) to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.

12. On December 11, 2007, Humboldt County approved a Negative Declaration (SCH No. 2007102111) 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.

13. 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 Martin Slough and wetlands in the Eureka Plain Hydrologic Unit No. 110.00
Filled or Excavated Area:	Area Temporarily Impacted: 3,760 square feet of wetlands Area Permanently Impacted: 2,640 square feet of wetlands
Total Linear Impacts:	Length Temporarily Impacted: None Length Permanently Impacted: None
Dredge Volume:	None
Latitude/Longitude:	40.77094 N/124.17780 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW - Union Street and Sea Avenue Improvements Project (WDID No. 1B09038WNHU), 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.

6. Best Management Practices (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. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.

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. Wetland creation, enhancement, revegetation, and monitoring activities shall be implemented in accordance with the Wetland Creation and Monitoring Plan dated March 23, 2009. Mitigation areas shall be monitored annually for at least three years with at least one site visit during the spring or summer months. A monitoring report, containing observations and photos taken throughout a three-year monitoring period, shall be submitted to this office within 180 days of completing the three-year monitoring period. If monitoring indicates that the revegetation and wetland creation efforts were unsuccessful, a revised or supplemental revegetation plan shall be submitted with the monitoring report.

11. 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.

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 December 2, 2014. 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, Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398