



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



**Linda S. Adams**  
Secretary for  
Environmental Protection

[www.waterboards.ca.gov/northcoast](http://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

September 7, 2010

---

---

In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT COUNTY DPW – JACOBY CREEK BRIDGE SEDIMENT REMOVAL  
PROJECT  
WDID No. 1B07145WNHU**

APPLICANT: Humboldt County Public Works Department  
RECEIVING WATER: Jacoby Creek  
HYDROLOGIC UNIT: Eureka Plain Hydrologic Unit No. 110.00  
COUNTY: Humboldt  
FILE NAME: Humboldt Co. DPW – Jacoby Creek Bridge, Sediment  
Removal Project

---

---

BY THE EXECUTIVE OFFICER:

1. On August 1, 2008, the Humboldt County Department of Public Works (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 removal of accumulated sediment from under the bridge over Jacoby Creek on Old Arcata Road. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 15, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project. Certification was issued on October 8, 2008.
2. The bridge on Old Arcata Road over Jacoby Creek is a 90-foot long by 36-foot wide concrete structure located approximately one mile upstream from its confluence with Humboldt Bay. This low gradient reach of the stream tends to accumulate excess sediment. The results of a stream channel assessment indicated that approximately 900 cubic yards of additional sediment had accumulated under the bridge area since the bridge was installed in 1988. Most of the sediment was deposited on the upper streambanks near the bridge abutments. The accumulated sediment is contributing

**California Environmental Protection Agency**

*Recycled Paper*

to more frequent flooding in the area which sometimes causes Old Arcata Road to be closed to through traffic.

3. The Applicant conducted sediment removal activities from underneath the Jacoby Creek Bridge in September 2009 to help alleviate frequent winter flooding in the immediate area. However, the Applicant was only able to remove approximately 100 cubic yards of sediment out of an allowable annual extraction amount of 350 cubic yards. In December 2009 and January 2010 localized flooding occurred once again within the County's roadway and surrounding private properties. Soon thereafter, County staff met with Department of Fish and Game (CDF&G) staff to discuss options that would allow for removal of more sediment during future activities.
4. On June 10, 2010, the Applicant filed a revised application for certification to continue previously authorized sediment removal activities with additional activities associated with diverting stream flows around the active work areas in order to excavate sediment from the entire width of the stream channel. Previously, authorized sediment removal activities were restricted to the left and right banks, outside of the active "wetted" stream channel. The Applicant submitted the revised application and project description in order to comply with additional condition number eleven in the October 2008 certification which requires written approval of the Regional Water Board Executive Officer prior to implementing any significant change to the project. The Regional Water Board provided public notice of the revised application and project description pursuant to title 23, California Code of Regulations, section 3858 on August 6, 2010, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on the revised project.
5. The project involves annual bridge maintenance in the form of sediment removal from underneath the bridge. The purpose of the project continues to be reduction of frequent flooding in the immediate area of the bridge during winter months when Jacoby Creek rises and overtops its banks. Previously, authorized sediment removal activities were restricted to the left and right banks, outside of the active "wetted" stream channel. Authorized project activities include diverting the low summertime flows around the active excavation areas in order to excavate the entire width of the stream channel.
6. Since Jacoby Creek contains listed fish species during all times of the year, the Applicant will enlist the help and guidance of CDF&G to conduct fish relocation efforts prior to diverting flows. Prior to any fish relocation activities conducted by CDF&G or other qualified professionals, several site preparation activities will occur. Silt fence will be placed along the dry portion of the channel margin to prevent sediment from entering the flowing stream during construction activities. A longitudinal trench will be excavated along the non-wetted portion of the stream channel using small equipment or hand-tools. The trench will be large enough to contain an 18-inch diameter HDPE pipe. The pipe will be used to convey the stream

through the project area. Once the trench is completed, approximately 120 linear feet of 18-inch diameter pipe will be placed within the trench. Fish exclusion fencing (1/4-inch mesh hardware cloth) will be placed across the channel above the upstream end and below the downstream end of the project. After the site is prepared for fish exclusion and relocation, CDF&G will be notified for assistance. If CDF&G is not available to assist the Applicant in relocation efforts, the Applicant will hire a qualified biologist approved by CDF&G or eliminate the relocation efforts and proceed with sediment removal activities as previously authorized and described in the original project description (no work in the wetted channel). Diversion of the stream and fish relocation efforts may not be necessary during subsequent maintenance activities.

7. After fish have been relocated outside the project area, stream diversion activities will commence. The Applicant may divert the stream around the project area by installing a sandbag cofferdam or water bladder device on the upstream end of the diversion pipe. The other method of diverting the stream flow would involve pumping the flow using diesel or electric water pumps situated on the banks outside of the stream channel and work area. Generators and/or fueling areas will be located on the top of bank and outside of the work area. To prepare the site for mechanical pumping/diversion, a small pit would be excavated outside the wetted channel and near the upstream end of the project area. After the pit was created, the stream flow would be conveyed into the pit where it would then be pumped around the project area and allowed to filter through a vegetated embankment before entering the stream channel downstream of the fish exclusion fencing.
8. Diverting the stream through the project area would most likely occur in two stages. The first stage would be to divert the stream along one side of the streambank while work is being conducted on the opposite side. Once sediment is removed from one half of the channel the stream would be diverted to the other side to allow excavation to be completed on the other half of the channel.
9. After the project area has been excluded of fish and the stream has been properly diverted, excavation of accumulated sediment within the County right-of-way will commence. Access to the stream channel will be from a path along the guardrail on the northeast side of the bridge. The procedures for excavation will follow the same guidelines as described in the 2008 project description. It is likely that a platform bridge will need to be constructed over the diversion pipe so that equipment can enter the channel without damaging the diversion pipe. In 2009, a platform bridge was built over the wetted stream channel out of 4-inch by 12-inch by 12-inch boards. The platform allowed the bobcat and hand-operated excavator to cross over the wetted channel from one side to the other. This worked very well and would most likely be utilized again to cross over the diversion pipe. When stream diversion is not required, the temporary platform bridge will be constructed as it was in 2009 to allow equipment and personnel to cross over the wetted portion of the channel. Rakes and hoes will be used to smooth the disturbed areas, remove depressions, and restore the gradual slope along the streambanks. Excavated sediment will be



Dredge Volume: None

Latitude/Longitude: 40.84046 N/124.06990 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Jacoby Creek Bridge Sediment Removal Project (WDID No.1B07145WNHU), as described in the revised application submitted June 10, 2010, 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 and 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. 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. 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.
12. 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.
13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.

16. 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.

17. 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).

18. The authorization of this certification for any dredge and fill activities expires on September 3, 2015. 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

100907\_DLP\_HumCo\_jacobysed\_401.doc

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

Electronic

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

**California Environmental Protection Agency**