



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



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

December 17, 2010

In the Matter of

Water Quality Certification

for the

**HUMBOLDT COUNTY DPW – ALDERPOINT ROAD P.M. 41.4 AND 41.6, STORM
DAMAGE REPAIR
WDID No. 1B10073WNHU**

APPLICANT:	Humboldt County Public Works Department
RECEIVING WATER:	Wetlands and Unnamed Tributary to Larabee Creek
HYDROLOGIC UNIT:	Larabee Creek Hydrologic Subarea No. 111.13
COUNTY:	Humboldt
FILE NAME:	Humboldt Co. DPW – Alderpoint Road P.M. 41.4 – 41.6, Storm Damage Repair

BY THE EXECUTIVE OFFICER:

1. On June 21, 2010, 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 related to repairing a slipout and replacing a culvert on Alderpoint Road approximately 5.8 miles south of Bridgeville. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 19, 2010, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Winter storms of 2005-2006 caused a slipout of Alderpoint Road at Post Mile (PM) 41.4 and separation of the asphalt surface at PM 41.6. A damaged 24-inch diameter cross-drain culvert at PM 41.4 backs up water at the inlet which creates a small seasonal pond around the inlet area. The project involves replacement of the existing 24-inch diameter cross-drain culvert and installation of a subsurface stabilization trench near PM 41.4. The project also includes construction of a stabilization trench under the roadway at PM 41.6. Activities at PM 41.6 do not involve any impacts to waters of the state.

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3. Activities at PM 41.4 include excavation of the roadway within the slipout area to allow for installation of the stabilization trench, and removal and replacement of the existing culvert. An area approximately 150-feet long by 22-feet wide by 18-feet deep will be excavated from the southbound lane of the roadway and 180 linear feet of 8-inch diameter perforated pipe will be installed within the excavation to create the stabilization trench. An additional trench will be excavated perpendicular to the stabilization trench and 40 linear feet of solid 8-inch diameter pipe will be placed in the trench and connected to the perforated pipe to create a stabilization trench outlet for the water that collects in the perforated pipe. The stabilization trench outlet will be located on the hill slope below the roadway.
4. An additional area approximately 20-feet long by 16-feet wide by 4-feet deep will be excavated across the roadway to allow for removal and replacement of the failing cross-drain culvert. A new 60-foot long and 24-inch diameter plastic pipe will be placed in the same alignment as the existing culvert. The inlet end of the new cross-drain culvert will be installed at the same elevation as the existing culvert in order to maintain the existing hydrology and seasonal wetland in its existing form. The new culvert will be placed at a steeper slope to encourage the flow of light debris through the culvert. A rock energy dissipater will be installed in the channel below the new cross-drain culvert outlet to prevent channel erosion.
5. Culvert excavation and replacement activities will temporarily impact 120 square feet and 60 linear feet of stream channel. Culvert excavation and replacement activities will also temporarily impact 64 square feet of the seasonal wetland near the culvert inlet. The rock riprap energy dissipater at the culvert outlet will permanently impact 120 square feet and 30 linear feet of stream channel, and 2.25 square feet of wetland. The culvert will be replaced in its original location and will not result in any additional permanent impacts to the stream channel.
6. Compensatory mitigation is required for the permanent impacts to 2.25 square feet of existing wetlands and temporary impacts to 64 square feet of existing wetlands. In accordance with the applicant's Wetland Creation and Monitoring Plan (Monitoring Plan), the seasonal wetland area near the culvert inlet and the rock energy dissipater area will be monitored annually for a minimum of three years following project completion. The purpose of the Monitoring Plan is to document and quantify wetland creation within the armored channel through the natural propagation of wetland plants. The seasonal wetland near the culvert inlet will also be monitored for three years to demonstrate that the existing wetland hydrology was restored upon completion of the project and the project did not result in any adverse impacts to the wetland area or beneficial uses of the seasonal wetland. If monitoring indicates that the project resulted in adverse impacts to the seasonal wetland near the culvert inlet or at least 2.25 square feet of wetlands were not established within the rock energy dissipater area, these wetland areas will be reassessed to determine if conditions can be modified or created to encourage wetland propagation and a revised or supplemental revegetation and monitoring plan will be implemented. Noncompensatory mitigation will include the use of Best Management

Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in a stream channel. The project is scheduled for construction during the summer when the stream channel and seasonal wetland are dry.

7. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project is categorically exempt from CEQA review, section 15301 – existing facilities, pursuant to CEQA. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
8. The applicant has received authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3, pursuant to Clean Water Act Section 404. The Applicant has also obtained a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
9. The Lower Eel River Total Maximum Daily Loads (TMDL) for temperature and sediment was established in 2007 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Lower Eel River are exceeded due to excessive temperature and sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Lower Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order include culvert replacement, stabilization of the failing roadway section, and implementation of BMPs for sediment and turbidity control. These actions are intended to improve the roadway in manner that reduces the threat of sediment discharge. Actions authorized by this Order do not involve impacts to the riparian zone. Accordingly, this Order is consistent with, and implements portions of the Lower Eel River TMDL.
10. Pursuant to Regional Water Board Resolution R1-2004-0087, *Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region* (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.”
11. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California’s antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on

specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

12. 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 and an unnamed tributary to Larabee Creek in the Larabee Creek Hydrologic Subarea No. 111.13

Filled or Excavated Area: Area Temporarily Impacted: 120 square feet of stream channel and 64 square feet of wetland
Area Permanently Impacted: 120 square feet of stream channel and 2.25 square feet of wetland

Total Linear Impacts: Length Temporarily Impacted: 60 linear feet stream channel
Length Permanently Impacted: 30 linear feet of stream channel

Dredge Volume: None

Latitude/Longitude: 40.41333 N/123.75841 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Alderpoint Road P.M. 41.4 – 41.6, Storm Damage Repair (WDID No. 1B10073WNHU), 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. 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. Wetland monitoring activities shall be implemented in accordance with the applicant's Wetland Creation and Monitoring Plan (Monitoring Plan) dated September 15, 2010. The seasonal wetland area near the culvert inlet and the rock energy dissipater area shall be monitored annually for a minimum of three years following project completion. The purpose of the Monitoring Plan is to document and quantify wetland creation within the armored channel through the natural propagation of wetland plants. The seasonal wetland near the culvert inlet shall also be monitored for three years to demonstrate that the existing wetland hydrology was restored upon completion of the project and the project did not result in any adverse impacts to the size or beneficial uses of the seasonal wetland. 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 project resulted in adverse impacts to the seasonal wetland near the culvert inlet or at least 2.25 square feet of wetlands were not established within the rock energy dissipater area, these wetland areas shall be reassessed to determine if conditions can be modified or created to encourage wetland propagation and a revised or supplemental revegetation and monitoring plan shall be submitted with the monitoring report.

10. 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.
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 17, 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

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Original to: Mr. Doug Dinsmore, 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