



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



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

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**Edmund G. Brown, Jr.,**  
Governor

January 6, 2011

In the Matter of

**Water Quality Certification**

for the

**HUMBOLDT COUNTY DPW – ALDERPOINT ROAD P.M. 12.0-12.2, STORM  
DAMAGE REPAIR  
WDID No. 1B10056WNHU**

APPLICANT: Humboldt County Public Works Department  
RECEIVING WATER: Wetlands and Unnamed Tributary to Jewitt Creek  
HYDROLOGIC UNIT: Jewett Creek in the Spyrock Hydrologic Subarea No. 111.42  
COUNTY: Humboldt  
FILE NAME: Humboldt Co. DPW – Alderpoint Road P.M. 12.0-12.2,  
Storm Damage Repair

BY THE EXECUTIVE OFFICER:

1. On May 24, 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 associated with repairing Alderpoint Road near Post Mile 12.0 where a landslide and slipout occurred during the winter storms of 2005-2006. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 26, 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 in 2005-06 resulted in a slide above Alderpoint Road that blocked the inboard roadside drainage channel. The slide caused water to flow across the road which saturated the fill prism and caused the road shoulder to slip. Emergency repair work consisted of placing barricades and rocky backfill material in the slipout, and resurfacing the roadway with cold mix asphalt. The project involves

construction of a subsurface edge drain along the uphill side of the road and reconstruction of the damaged roadway.

3. Construction of the edge drain involves excavation of a 350-foot long by 2-foot wide by 4-foot deep trench along the uphill side of the road and installation of 350 linear feet of 8-inch diameter perforated plastic pipe in the trench along with filter fabric and permeable backfill material. The new edge drain pipe will collect and transport water to the north where it will enter a new 18-inch diameter cross drain pipe. The cross drain pipe will carry flows under the roadway to the downhill side. A down drain pipe will be connected to the cross drain pipe and the down drain outlet will be placed in an existing rocked outlet area below an existing culvert located on an unnamed tributary to Jewett Creek.
4. Construction of the edge drain requires relocating the existing inboard roadside drainage channel approximately 4 feet toward the hillside. The new roadside drainage channel will be 350-feet long by 2-feet wide by 1-foot deep. Approximately 48 linear feet of the existing roadside drainage on the downstream end will not be disturbed and the drainage channel will continue to flow into an unnamed tributary to Jewett Creek approximately 4 feet upstream of the existing culvert inlet. A rock buttress will be installed at the base of fill slope on the downhill side of the roadway to stabilize the fill slope. The roadway surface will be reconstructed with aggregate base and asphalt concrete.
5. Compensatory mitigation is required for permanent impacts to 176 square feet of wetlands in the inboard roadside drainage channel and temporary impacts to 262 linear feet of the roadside drainage channel. Impacts will be mitigated onsite within a reconstructed roadside drainage channel. Due to existing hillside seeps above the new drainage channel and restoration of the existing drainage conditions, wetlands are expected to reestablish within the newly created roadside drainage channel. The applicant shall monitor the new channel to demonstrate that the channel is revegetated by wetland plants and at least 176 square feet of jurisdictional wetlands are recreated such that the project does not result in any permanent loss of wetland area. Noncompensatory mitigation will include the use of Best Management Practices (BMPs) for sediment and turbidity control. The proposed project is scheduled for construction during the summer when the drainage channel and wetland are dry.
6. 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.

7. The applicant has received authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Nos. 3 and 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 Middle Main Eel River and Tributaries Total Maximum Daily Loads (TMDL) for temperature and sediment was established in 2005 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 Middle Main Eel River and tributaries 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 Middle Main Eel River and tributaries pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order include stabilization of the failing roadway section and implementation of BMPs for sediment and turbidity control. The authorized activities 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 Middle Main Eel River and Tributaries TMDL.
9. 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.”
10. 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.

11. 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 Jewitt Creek in the Spyrock Hydrologic Subarea No. 111.42

Filled or Excavated Area: Area Temporarily Impacted: 524 square feet of roadside drainage channel  
Area Permanently Impacted: 176 square feet of wetland in the inboard roadside drainage channel

Total Linear Impacts: Length Temporarily Impacted: 262 linear feet roadside drainage channel  
Length Permanently Impacted: 88 linear feet of wetland in the inboard roadside drainage channel

Dredge Volume: None

Latitude/Longitude: 40.12150 N/123.64258 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Alderpoint Road P.M. 12.0-12.2, Storm Damage Repair (WDID No. 1B10056WNHU), 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 17, 2010. The created wetland area within the reconstructed roadside drainage channel 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 drainage channel through the natural propagation of wetland plants. 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 at least 176 square feet of wetlands are not established within the drainage channel through natural propagation of wetland plants, the drainage channel area 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 January 6, 2016. 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. 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