



**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

May 10, 2011

In the Matter of

Water Quality Certification

for the

**HUMBOLDT COUNTY DPW – JOHNSON GULCH AND BONANZA GULCH
SEDIMENT REMOVAL PROJECT
WDID No. 1B10119WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Johnson Gulch and Bonanza Gulch
HYDROLOGIC UNIT: Capetown Hydrologic Area No. 112.2
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Johnson Gulch and Bonanza Gulch
Sediment Removal Projects

BY THE EXECUTIVE OFFICER:

1. On November 22, 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 removal of accumulated sediment (aggregate) from Johnson Gulch and Bonanza Gulch to maintain flow capacity under bridges on Upper Bear River Road. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 4, 2011, 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 Applicant maintains bridge crossings along Upper Bear River Road over Johnson Gulch and Bonanza Gulch. The Johnson Gulch and Bonanza Gulch stream channels are located in steep terrain that is subject to upland landslides and sedimentation. During high flow events these streams often transport substantial quantities of sediment and debris. As these high gradient stream channels exit the steep mountains and approach their confluence with the Bear River, the channel

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gradients diminish, flow velocities are reduced, and sediment is deposited beneath the bridges and downstream to their confluence with Bear River.

3. The project includes removal of excess sediment from Johnson Gulch and Bonanza Gulch when the stream channels are dry for the sole purpose of maintaining adequate flow capacity under the bridges. Removal of the excess sediment from these channels has been conducted in the past in order to protect the bridge structures and maintain a safe travel route for the local population and emergency personnel. Historical sediment removal activities were conducted under a Lake and/or Streambed Alteration Agreement issued by the California Department of Fish and Game (DFG).
4. Johnson Gulch: The Applicant's bridge over Johnson Gulch is located approximately 16 miles south of the community of Ferndale and approximately 2 miles east of Mattole Road at Capetown. Aggregate removal activities will occur downstream of the Upper Bear River Road bridge during normal maintenance activities for the purpose of restoring adequate flow capacity under the bridge. Aggregate removal activities may occur as often as annually.

A bulldozer and/or loader working in the dry stream bed will be used to remove excess aggregate to the top of the streambank where the material can be removed and transported to nearby upland stockpile areas. An existing access route will be used by heavy equipment to enter and exit the stream channel. Aggregate removal activities will begin at the downstream edge of the bridge and extend downstream 175 linear feet. Aggregate removal activities will temporarily impact 4,900 square feet and 175 linear feet of stream channel and up to 1,815 cubic yards of aggregate may be removed during each maintenance event. No riparian vegetation will be removed during the project.

5. Bonanza Gulch: The Applicant's bridge over Bonanza Gulch is located approximately 1.27 miles east (upstream) of the confluence of Johnson Gulch and Bear River. Aggregate removal activities will occur downstream of the Upper Bear River Road bridge during normal maintenance activities for the purpose of restoring adequate flow capacity under the bridge. Aggregate removal activities may occur as often as annually.

A bulldozer and/or loader working in the dry stream bed will be used to remove excess aggregate to the top of the streambank where the material can be removed and transported to nearby upland stockpile areas. An existing access route will be used by heavy equipment to enter and exit the stream channel. Aggregate removal activities will begin at the downstream edge of the bridge and extend downstream 250 linear feet. Aggregate removal activities will temporarily impact 7,500 square feet and 250 linear feet of stream channel and up to 2,775 cubic yards of aggregate may be removed during each maintenance event. No riparian vegetation will be removed during the project.

6. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in a stream channel. Aggregate removal activities are expected to begin in 2011 and may occur as often as annually.
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 class 1, section 15301 – existing facilities, pursuant to CEQA.
8. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit, pursuant to Clean Water Act, section 404. The Applicant has also applied to DFG for a Lake and/or Streambed Alteration Agreement.
9. 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.
10. 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: Johnson Gulch and Bonanza Gulch in the Capetown Hydrologic Area No. 112.2

Filled or Excavated Area: Area Temporarily Impacted: Johnson Gulch - 4,900 square feet of stream channel; Bonanza Gulch - 7,500 square feet of stream channel
Area Permanently Impacted: Johnson Gulch – None; Bonanza Gulch - None

Total Linear Impacts: Length Temporarily Impacted: Johnson Gulch - 175 linear feet of stream channel; Bonanza Gulch - 250 linear feet of stream channel

Length Permanently Impacted: None

Dredge Volume: Johnson Gulch – Up to 1,815 cubic yards of sediment may be removed from the dry streambed as often as annually
Bonanza Gulch – Up to 2,775 cubic yards of sediment may be removed from the dry streambed as often as annually

Latitude/Longitude: Johnson Gulch – 40.4602 N/124.3366 W
Bonanza Gulch – 40.4631 N/124.2988 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Johnson and Bonanza Gulch Sediment Removal Projects (WDID No. 1B10119WNHU), 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 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. 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. Existing riparian vegetation shall not be removed. The Applicant shall perform the projects in a manner that does not impede the natural propagation of native riparian vegetation.
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 May 10, 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.

Catherine Kuhlman
Executive Officer

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Second Street, Eureka, CA 95501-0579

Electronic

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box
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1455 Market Street, San Francisco, CA 94103-1398