



Linda S. Adams
Acting Secretary for
Environmental Protection

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

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



Edmund G. Brown Jr.,
Governor

June 7, 2011

In the Matter of

Water Quality Certification

for the

**HUMBOLDT REDWOOD COMPANY – EEL RIVER SUMMER CROSSINGS AT
TRUCK SHOP BAR AND DYERVILLE
WDID No. 1B11065WNHU**

APPLICANT: Humboldt Redwood Company, LLC
RECEIVING WATER: Lower Eel River and Middle Main Eel River
HYDROLOGIC AREA: Scotia Hydrologic Subarea No. 111.12 and Sequoia
Hydrologic Subarea No. 111.41
COUNTY: Humboldt
FILE NAME: Humboldt Redwood Company – Eel River Summer
Crossings, Truck Shop Bar and Dyerville

BY THE EXECUTIVE OFFICER:

1. On February 16, 2011, the Humboldt Redwood Company, LLC (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) to continue annual installation and removal of temporary summer crossings on the Eel River at the Truck Shop Bar near Scotia and at Dyerville (project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 12, 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 has installed summer crossings at Truck Shop Bar and Dyerville for many years for the primary purpose of conducting timber harvest related activities. Installation of these crossings involves excavation of gravel (aggregate) from the

adjacent gravel bars and placement of logs to construct bridge abutments and approach ramps. Flatcar bridges are set on top of the gravel and log abutments to complete the river crossings. After removal of the bridge deck, the gravel abutments and approach materials must be removed and graded into the gravel bar at least 30 feet from the water surface such that no depressions exist. Summer crossing installation and removal operations utilize a variety of heavy equipment including bulldozers, loaders, backhoes, excavators, and dump trucks.

3. The Truck Shop Bar crossing includes two approximately 60-foot long flatcar bridges connected by a log abutment that is placed on a gravel footing near the center of the low flow channel. The Dyerville crossing consists of one approximately 89-foot long flatcar bridge that typically spans the low flow channel. In some years it may be necessary for the gravel filled abutments and approach ramps to extend into the shallow edges of the wetted portion of the channel. Up to 400 cubic yards of native gravel fill material may be excavated from the adjacent gravel bar areas at each summer crossing location and used to construct the abutments and approach ramps.
4. The Truck Shop Bar crossing activities may result in up to 50 linear feet and 0.40 acre of temporary impacts to the Lower Eel River streambed. The Dyerville crossing activities may result in up to 50 linear feet and 0.35 acre of temporary impacts to the Middle Main Eel River streambed. The project shall not result in any permanent impacts to waters of the United States.
5. Summer crossing installations may begin as early as June 15 each year. The bridges and temporary fill materials must be removed prior to November 15. The summer crossings must also be removed within 24 hours of the California Department of Fish and Game (CDFG) directing the Applicant to remove the crossings.
6. Timber Harvest Plans (THPs), including plans for installing these crossings, were prepared pursuant to the California Environmental Quality Act (CEQA), through a CEQA equivalent process. THPs are part of a certified state regulatory program that provides a substitute document to a Negative Declaration or Environmental Impact Report. The California Department of Forestry and Fire Protection, as the lead agency for CEQA, certified THP Number 1-03-003HUM and THP Number 1-03-137HUM on August 7, 2003 and September 22, 2003, respectively. The CDFG reviewed THPs that were certified by the lead agency and found that the summer crossing projects will not result in significant environmental effects.
7. The Applicant has obtained authorization from the U.S. Army Corps of Engineers to perform the project under Individual Permit (File No. 2003-275650N) pursuant to Clean Water Act, section 404. Activities authorized by this certification were previously authorized under Lake or Streambed Alteration Agreements (No. 03-

0089 and 03-0090) from the CDFG. The Applicant recently applied to the CDFG for authorization to continue the historical activities.

8. The Middle Main Eel River and Lower Eel River Total Maximum Daily Loads (TMDLs) for temperature and sediment were established 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 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 Middle Main Eel River and Lower Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Activities authorized by Regional Water Board certification will not impact the riparian zone or reduce riparian vegetation. Implementation of Best Management Practices (BMP) for sediment and turbidity control and implementation of impact avoidance measures are also required. Accordingly, the project is consistent with, and implements portions of the Middle Main Eel River and Lower Eel River TMDLs.
9. The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free flowing conditions and outstanding values. Implementation of the project would not affect the free-flowing condition of the Eel River and would not affect the extraordinary values for which the segment was listed.
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, and does not otherwise authorize degradation of the waters affected by this project.

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 Waters:

Truck Shop Bar: Lower Eel River in the Scotia Hydrologic Subarea No. 111.12
Dyerville Middle Main Eel River in the Sequoia Hydrologic Subarea No. 111.41

Filled or Excavated Area:

Truck Shop Bar: Area Temporarily Impacted: 0.40 acre of streambed
Area Permanently Impacted: None
Dyerville: Area Temporarily Impacted: 0.35 acre of streambed
Area Permanently Impacted: None

Total Linear Impacts:

Truck Shop Bar: Length Temporarily Impacted: 50 linear feet of stream channel
Length Permanently Impacted: None
Dyerville: Length Temporarily Impacted: 50 linear feet of stream channel
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: Truck Shop Bar: 40.4653 N/124.0994 W
Dyerville: 40.3482 N/123.9145 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Redwood Company - Eel River Summer Crossings at Truck Shop Bar and Dyerville project (WDID No.1B11065WNHU), 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:

All the following conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

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. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. Regional Water Board staff shall be notified annually in writing at least five working days (working days are Monday – Friday) prior to the commencement of summer crossing installation activities, with details regarding the construction schedule, in order to allow staff to be present onsite during summer crossing installation, and to answer any public inquiries that may arise regarding the project.
5. Regional Water Board staff shall be notified annually prior to the commencement of summer crossing removal activities, with details regarding the summer crossing removal schedule, in order to allow staff to be present onsite during removal, and to answer any public inquiries that may arise regarding the project. The Applicant shall provide as much notification as possible in advance of summer crossing removal; however, the Applicant is not required to provide this notification at least five working days in advance summer crossing removal activities and this notification may be provided by telephone.
6. Summer crossings may not be installed before June 15 each year. The summer crossings and temporary fill materials must be completely removed prior to the end of the day on November 15 each year. The summer crossings must also be removed within 24 hours of the CDFG directing the Applicant to remove the crossings.
7. The Applicant shall provide a copy of this Order and the application documents submitted for this certification to all employees, contractors, and subcontractors conducting the work, and shall require that a copy of the Order remain in their possession at the work site. The Applicant shall be responsible for all work conducted by its employees, contractors, and subcontractors.
8. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
9. BMPs for sediment and turbidity control shall be implemented during summer crossing installation and removal activities or any other project activities that could result in erosion or sediment discharges to surface waters.

10. Disturbance or removal of annual vegetation shall not exceed the minimum necessary to complete the project. Disturbance or removal of woody riparian vegetation is prohibited.
11. This Water Quality Certification does not authorize the Applicant to draft surface waters.
12. 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.
13. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambanks and streambed. At no time shall the Applicant or any contractors allow the use of any vehicle or equipment, which leaks any substance that may impact water quality. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be located outside of waters of the State.
14. 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 including stopping work. 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.
15. Spill kits are required at each fueling location and at each location where power equipment will be working within waters of the State. In the event of an unauthorized release (spill or leak) of fuel or oil, or any other substance that may impact water quality to waters of the State, the Applicant shall immediately stop work and conduct the following measures:
 - a) notify the appropriate agencies including the Regional Water Board, CDFG, and the Office of Emergency Services (OES) at 1(800) 852-7550;
 - b) utilize the appropriate spill kits for containment and clean up of the release;
 - c) collect samples within the immediate area of release, 50 feet downstream, and downstream to the full extent of the release if the release reaches surface waters; and,
 - d) analyze required surface water samples for all appropriate constituents that may include but are not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).

16. 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.
17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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. 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 action(s).
19. In the event of any violation or threatened violation of the conditions of this Order, 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 for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
20. 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.

21. 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).
22. The authorization of this certification for any dredge and fill activities expires on November 15, 2015. Conditions and monitoring requirements outlined in this Order 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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Weblink: 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 can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original sent to: Mr. Benjamin Hawk, Humboldt Redwood Company, LLC, P.O. Box 37, Scotia, CA 95565

Electronic
Copy to: U.S. Army Corps of Engineers, District Engineer,
601 Startare Drive, Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps., Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398