



Linda S. Adams
Acting Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman**

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Edmund G. Brown Jr.
Governor

June 29, 2011

In the Matter of

Water Quality Certification

for the

**HUMBOLT COUNTY DPW – MAPLE CREEK ROAD AT BOULDER CREEK, BRIDGE
SCOUR REPAIR PROJECT
WDID No. 1B11043WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Boulder Creek
HYDROLOGIC AREA: Butler Valley Hydrologic Area No. 109.30
COUNTY: Humboldt
FILE NAME: Humboldt County DPW – Maple Creek Road at Boulder
Creek, Bridge Scour Repair Project

BY THE EXECUTIVE OFFICER:

1. On April 11, 2011, 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 implementation of bridge abutment repairs and scour protection measures. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 31, 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 a bridge over Boulder Creek on Maple Creek Road. Records indicate that the single-span concrete bridge structure was built in 1923. The entire footing of the western (left bank) abutment is currently exposed due to scour. Erosion along the left streambank immediately upstream of the abutment

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has resulted in failure and mobilization of the existing rock slope protection (RSP) that was previously installed to protect the bridge abutment and adjacent streambank area from scour during high flow events.

3. The project will repair the existing RSP area and add RSP scour protection along the exposed abutment footing in order to protect the bridge abutment and maintain the integrity of the structure. Project activities involve the installation of additional RSP along the left streambank beginning upstream of the bridge abutment and continuing downstream along the toe of the abutment. Equipment and RSP materials will be staged on flat areas adjacent to the county road on both sides of the bridge. An excavator operating from the roadway will be used to lower the RSP materials (2 to 3 ton rock) into the stream channel.
4. The Applicant is planning to access the project area from along the left streambank a short distance downstream of the bridge. The planned access route is located on private property. The Applicant will secure a temporary construction easement from the land owner. One approximately 3-inch diameter willow will be removed from the streambank along the access route and other riparian vegetation along the access route shall only be pruned as necessary to provide adequate clearance for the excavator.
5. The project involves installation of a temporary work pad along the bottom edge of the left streambank so the excavator will not be operating directly in the flowing portion of the stream. Native material from a gravel bar located at the base of the access route may be used to build the temporary work pad. The work pad will extend upstream from the access route toward the bridge until the excavator can reach the upstream extent of the RSP repair area. Once the excavator is able to reach the upstream extent of the RSP a trench will be excavated along the toe of the existing RSP and along the base of the abutment. The toe trench will be approximately 38-feet long, 3-feet wide, and 2-feet deep. A layer of three-ton rocks will be placed in the bottom of the toe trench to provide a stable foundation for the subsequent layers of rock. Material excavated from the toe trench will be used to fill the interstitial spaces around rocks placed in the toe trench. Additional rock will then be stacked along the streambank and abutment area beginning at the upstream end of the existing RSP and continuing to the downstream end of the abutment.
6. The temporary work pad will be removed to the extent feasible to ensure unrestricted fish passage following installation of the RSP. All areas disturbed during the project will be restored to pre-existing conditions to the extent practicable. The temporary access route will be mulched and seeded to minimize sediment transport into the stream channel. Any holes and depressions created during the project will be graded smooth to facilitate draining and prevent fish stranding.

7. Prior to the start of in-stream construction activities, fish exclusion fencing will be installed upstream and downstream of the project area. After the upstream fencing is installed, a biological monitor will use a broom to brush the water surface and gravel areas to mobilize any fish that may be present in the area. Additional fencing will be installed across the downstream end of the construction area as fish hazing occurs. Fencing will not be placed across the downstream end until at least two hazing passes have been completed. Every attempt will be made to ensure that fish are not able to enter the active construction area. The biological monitor will also monitor the area on a regular basis to verify that fish are not present within the fish exclusion area during construction. If fish are observed, construction activities will be suspended until the fish are relocated to a suitable location out of the construction area.
8. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 3, pursuant to Clean Water Act, section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake and/or Streambed Alteration Agreement.
9. 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 15602 after issuance of this order.
10. Compensatory mitigation is not required. Non-compensatory mitigation measures include the use of Best Management Practices for sediment and erosion control. The project is expected to take up to 10 days to complete and will be implemented between July 1 and October 15.
11. The Mad River Total Maximum Daily Loads (TMDL) for sediment and turbidity 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 Mad River are exceeded due to excessive sediment and turbidity. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment and turbidity in the Mad River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by this Order are designed to reduce bank erosion and require implementation of Best Management Practices (BMPs) for sediment control and erosion control. Accordingly, this Order is consistent with, and implements portions of the Mad River TMDL

12. 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.
13. 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: Boulder Creek in the Butler Valley Hydrologic Area No. 109.30

Filled or Excavated Area: Area Temporarily Impacted: 240 square feet of streambed
Area Permanently Impacted: 114 square feet of streambank

Total Linear Impacts: Length Temporarily Impacted: 30 linear feet of streambed
Length Permanently Impacted: 38 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 40.7613 N/123.8732 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Maple Creek Road at Boulder Creek, Bridge Scour Repair Project (WDID No.1B11043WNHU), 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 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. The Regional Water Board staff 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. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
6. 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).
7. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
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 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 waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
10. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The Applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
11. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
12. This Water Quality Certification does not authorize the Applicant to draft surface waters.
13. 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.
14. 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 streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.
15. 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.

16. Spill kits are required at each fueling location and at each location that where power equipment will be working within waters of the State. In the event of an unauthorized release of fuel (spill or leak) 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 including but not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).
17. 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.
18. 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.
19. 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.

20. 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).
21. The authorization of this certification for any dredge and fill activities expires on June 29, 2016. 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. Doug Dinsmore, Humboldt County Public Works Department,
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Electronic
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Drive, Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps., Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398

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