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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

September 7, 2011

In the Matter of
Water Quality Certification
for the
**Humboldt County DPW – McCann Low Level Bridge Crossing
WDID No. 1B01013WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Middle Main Eel River
HYDROLOGIC UNIT: Sequoia Hydrologic Subarea No. 111.41
COUNTY: Humboldt
FILE NAME: Humboldt County DPW – McCann Low Level Bridge Crossing

BY THE EXECUTIVE OFFICER:

1. On May 23, 2011, 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 annual maintenance of the low water bridge crossing over the Eel River at McCann (project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 8, 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 permanent low water bridge crossing on McCann Road over the Eel River. The crossing consists of a 305-foot long permanent bridge structure that was built in 1965 and a gravel approach ramp that requires reconstruction following high flow events. The McCann low water bridge crossing is an important route to the west side of the river and Highway 101 corridor for

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residents in the McCann area. This route also provides access for emergency medical and fire personnel as well as utility personnel and equipment.

3. Use of the McCann low water bridge crossing is dependent on river stage and flows. Summer low flows are typically 8 feet below the bridge deck; however, the deck is below the elevation of ordinary high water and becomes submerged during winter flows over 10,000 cubic feet per second as measured approximately 16 miles upstream at the Fort Seward gauge. During periods when the bridge structure is submerged, the Applicant uses a small motorized boat to operate a ferry service that shuttles the public across the river several times per day, seven days per week. Reconstructing the gravel approach ramp whenever possible and periodically removing sediment along dry portions of the gravel bar to increase flow capacity under the permanent bridge structure minimizes the risks involved with operating the small ferry boat during high flows.
4. Authorized bridge maintenance activities include: 1) multiple installations of the gravel approach ramp during the winter; 2) removal of sediment from the channel during the dry portion of the year to maintain adequate flow capacity under the permanent portion of the bridge structure; 3) stockpiling excavated sediment in upland storage areas adjacent to the project area for future use as gravel approach ramp material during the winter; and, 4) removal of all the existing large rock riprap located on the upstream side of the gravel approach ramp and relocation of the rock riprap to the downstream side of the gravel approach ramp where it will be placed on top of existing riprap.
5. The left bridge abutment is part of the permanent bridge structure and requires little maintenance. The right abutment and roadway approach ramp are constructed with river-run aggregate. The right abutment and roadway approach are reconstructed during the winter whenever long-term weather forecasts indicate that river flows will be below 8,000 CFS for extended periods of time. The reconstruction process is typically repeated several times during the winter. Ramp reconstruction involves dump trucks transporting gravel from upland stockpile locations across the bridge deck and dumping it over the end to create the ramp. Approximately 50 to 150 cubic yards are typically needed to reconstruct the ramp. After the gravel is added, the ramp is graded to include berms along both shoulders and the new travel surface is graded smooth. Activities associated with reconstruction of the right abutment and roadway approach ramp will result in temporary impacts up to 4,200 square feet of the streambed and 14 linear feet of streambank.
6. Periodic removal of accumulated sediment along dry portions of the gravel bar located under and adjacent to the permanent bridge structure is necessary to maintain adequate flow capacity under the permanent structure. Working within pre-set cut stakes, a dozer or front-end loader will remove the accumulated sediment from the extraction area and deposit the material in temporary piles on

the gravel bar. A front-end loader will load the material into dump trucks for transport to designated stockpile areas located along Dyerville Loop Road that are located away from the wetted channel and above the 100-year flood plane elevation. Sediment removed from the channel to increase flow capacity will eventually be used for reconstruction of the roadway approach ramp. Temporarily stockpiles on the gravel bar will be removed daily after October 1.

7. Activities associated with removal of sediment to maintain adequate flow capacity under the permanent bridge structure will result in temporary impacts to an approximately 26,000 square foot area of the streambed and 350 linear feet of stream channel. The Applicant estimates that 3,850 cubic yards of sediment will be removed during the next sediment removal operation. Removal of sediment is restricted to the lower two-thirds of the gravel bar to provide protection of the natural stream flow steering effect provided by an undisturbed gravel bar as well as to maintain the stability of the existing low flow channel feature. A 12-inch vertical offset from the low flow water surface elevation is maintained through the entire extraction area. Following completion of sediment removal activities, all disturbed areas within the bank-fill channel will be graded to facilitate free drainage and to prevent fish stranding.
8. Large rock riprap (3 to 5 ton) was previously placed along both shoulders of the roadway approach ramp in an effort to reduce scour and erosion of the gravel fill material during moderate flow events. However, once the river elevation reaches approximately two feet above the approach elevation, water flowing over the existing riprap shoulder becomes turbulent which accelerates erosion of the gravel approach materials. The project includes removal of the existing large riprap located on the upstream shoulder of the roadway approach and placement of the riprap on the downstream shoulder of the roadway approach. By removing the rough upstream shoulder, it is anticipated that water flowing over the roadway approach will be less turbulent and erosive, and less likely to scour and erode the gravel approach materials. Erosion of the approach is inevitable when flows reach approximately 9,500 CFS.
9. The project does not require removal of any mature riparian vegetation and will not result in any loss of wetlands. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for heavy equipment use in a stream channel and for sediment and turbidity control.
10. The Applicant has applied for authorization from the U.S. Army Corps of Engineers to perform the project under Individual Permit (File No. 25186N) pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement (File No. R1-00-0028) from the California Department of Fish and Game. Regional Water Board staff have determined that this project is

categorically exempt from CEQA review (Class 1, section 15301 – existing facilities).

11. The Middle Main 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 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 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 BMPs 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 TMDLs.
12. 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.
13. 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.
14. 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. Order No. 2003-0017-DWQ can be found at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf.

Receiving Waters:	Middle Main Eel River in the Sequoia Hydrologic Subarea No. 111.41
Filled or Excavated Area:	Area Temporarily Impacted: 30,200 square feet of streambed
Area Permanently Impacted:	None
Total Linear Impacts:	Length Temporarily Impacted: 364 linear feet of stream channel
Length Permanently Impacted:	None
Dredge Volume:	None
Latitude/Longitude:	40.32634 N/123.83886 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – McCann Low Level Bridge Crossing (WDID No. 1B01013WNHU), 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 at least five working days (working days are Monday – Friday) prior to the commencement of any ground disturbing activities associated with the removal of accumulated sediment under

and adjacent to the permanent bridge structure, with details regarding the schedule, in order to allow staff to be present onsite during sediment removal activities, and to answer any public inquiries that may arise regarding the project. The Regional Water Board shall also be notified prior to the commencement of all ground disturbing activities associated with the installation and/or reconstruction of the gravel approach ramp.

5. Discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.
6. BMPs for sediment and turbidity control shall be implemented and in place prior to and during project activities, and as necessary after project activities are completed each season in order to ensure that no silt or sediment enters surface waters.
7. Activities shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.
8. The activities shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
9. Fueling, lubrication, maintenance, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to surface waters or ground water. At no time shall the discharger use vehicles or equipment that leaks any substance that might impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of the bed, channel, and bank of any waters of the State.
10. 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.
11. 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.
12. All activities and BMPs 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. 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.
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. 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. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. 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.
18. 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.

19. 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).
20. The authorization of this certification for any dredge and fill activities expires on September 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.

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 to: Mr. Doug Dinsmore, Humboldt County Public Works Department,
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Electronic

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San Francisco, CA 94103-1398