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**North Coast Regional Water Quality Control Board**

March 20, 2012

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In the Matter of  
**Water Quality Certification**  
for

**Humboldt County DPW – Dry Creek Bridge, Sediment Removal for Flow Capacity  
WDID No. 1B12003WNHU**

APPLICANT: Humboldt County Public Works Department  
RECEIVING WATER: Dry Creek  
HYDROLOGIC UNIT: Capetown Hydrologic Area No. 112.2  
COUNTY: Humboldt  
FILE NAME: Humboldt Co. DPW – Dry Creek Bridge, Flow Capacity  
Maintenance

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BY THE EXECUTIVE OFFICER:

1. On January 11, 2012, 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 the Dry Creek stream channel to maintain flow capacity under an existing bridge crossing. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 22, 2012, 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 crossing over Dry Creek on Mattole Road at Post Mile 25.03. County records indicate the original crossing consisted of two large culverts. The culverts were both blocked with sediment during winter storm events of 1981-82 and 1982-83 and resulted in the stream changing course with

considerable damage to the roadway just north of the crossing. A single-lane railroad flatcar structure was installed to replace the culverts in 1984 as a means for allowing sediment to pass unrestricted beneath the roadway and into the nearby surf line of the Pacific Ocean. The single-lane bridge was later determined to be a public safety hazard and another flatcar was added to widen the bridge crossing. The existing crossing consists of a double-wide railroad flatcar structure approximately 18-feet wide and 60-feet long.

3. Dry Creek is a first order ephemeral stream that flows directly into the Pacific Ocean approximately 150-200 linear feet downstream of bridge crossing and Mattole Road. Dry Creek drains approximately 48.5 acres. The road and bridge are located on a narrow shelf of relatively flat land located between the shoreline to the west and the steep slopes to the east. The headwaters of the stream channel are located within a landslide area. All land within this small watershed is privately owned.
4. The project involves periodic removal of accumulated sediment from the stream channel for the purpose of maintaining flow capacity under the bridge structure. Moderate to large storm events continue to transport large volumes of sediment and debris downstream, which results in a significant amount of deposition upstream, under, and downstream of the bridge. Periodic removal of sediment is necessary to protect Mattole Road and the bridge structure, and to assure roadway continuity for the local populace, emergency personnel, and general travel to the southwest portion of Humboldt County. Project activities would occur as often as annually and as necessary during emergency situations. The timeframe for completing annual project activities is typically 3-5 days. In the years following major storm and/or landslide events the project may require more time to complete.
5. Removal of excess sediment from this channel has been conducted in the past to protect the bridge structure and provide a safe travel route. Past activities have been conducted under a Lake and/or Streambed Alteration Agreement issued by the California Department of Fish and Game (DFG). The project will continue sediment removal activities consistent with the terms and conditions of a Lake and/or Streambed Alteration Agreement.
6. Sediment removal from the stream channel will only occur in late summer or fall when the channel is dry and the capillary fringe is at or below the finished elevation of the streambed within the excavated portion of the channel. Sediment removal will typically involve a bulldozer to push sediment and debris to central locations adjacent to the bridge where it can be removed with an excavator or front-end loader and placed in dump trucks. Sediment removed from the downstream portion of channel will be pushed in the upstream direction and will begin away from the surf line to avoid potential impacts to the local marine environment. The area of potential excavation extends 650 linear feet upstream of the bridge and 150 linear feet downstream from the bridge. The average width of the final extraction area is approximately 12 feet. Streambed elevations under the bridge

area are typically lowered by 2 to 8 vertical feet to provide 6 to 10 feet of vertical clearance between the finished streambed and the underside of the bridge deck. Heavy equipment will access and exit the stream channel from existing designated locations adjacent to the road and bridge.

7. Project activities will temporarily impact 0.22 acre and 800 linear feet of stream channel. Approximately 1,000 to 3,000 cubic yards of sediment will be removed during each maintenance event. Larger amounts may be removed following very large storm events. No riparian vegetation will be disturbed or removed during the project. Project activities are expected to begin in 2012 and may occur as necessary to maintain flow capacity under the bridge. Project activities may occur as often as annually.
8. Excavated sediment is typically hauled offsite to a temporary storage near the extremely mobile slide area known as Coyote Gulch. All suitable material will be used for roadway fill in the Coyote Gulch slide area. Excess material may also be transported to a SMARA permitted Bear River processing and stockpiling area located on Prescott Drive near Capetown.
9. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under a 10-year Individual Permit, pursuant to Clean Water Act, section 404. The Applicant has obtained a Lake and/or Streambed Alteration Agreement (R1-04-0436) from DFG. Humboldt County determined that this project is categorically exempt from CEQA review (Section 15301 – Existing Facilities). Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Section 15301 – Existing Facilities).
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.  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Receiving Water: Capetown Hydrologic Area No. 112.2

Filled or Excavated Area: Area Temporarily Impacted: 0.22 acre of stream channel  
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 800 linear feet of stream  
channel  
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 40.4175 N/124.3982 W

Expiration: October 15, 2021

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW - Dry Creek Bridge, Sediment Removal for Flow Capacity (WDID No. 1B12003WNHU), 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 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. 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.
8. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, 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.
10. 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).
11. 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.
12. 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.

13. The Applicant shall implement 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.
14. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
15. 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 shoreline. 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.
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. 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.
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 October 15, 2021. 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.

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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](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,  
1106 Second Street, Eureka, CA 95501-0579

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 of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398