
North Coast Regional Water Quality Control Board

May 8, 2012

In the Matter of

Water Quality Certification

for

**Humboldt County DPW – Chadd Creek Culvert, Sediment Removal for Flow
Capacity Maintenance
WDID No. 1B12007WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Chadd Creek
HYDROLOGIC UNIT: Scotia Hydrologic Subarea No. 111.12
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Chadd Creek Culvert, Flow Capacity
Maintenance

BY THE EXECUTIVE OFFICER:

1. On February 1, 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 Chadd Creek stream channel. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 30, 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 cast-concrete culvert where Holmes Flat Road crosses Chadd Creek near the intersection with Avenue of the Giants. Holmes Flat Road has been the only access route into the community of Holmes Flat since the early 1900s. Holmes Flat Road also serves the community of Larabee during the summer months when it is safe for the public to use the Holmes-Larabee Bridge, a permanent low-water bridge crossing over the Eel River.
3. Chadd Creek extends approximately 4.7 miles from the Eel River to its headwaters located along the eastern slope of Peavine Ridge at an elevation of approximately 2,000 feet. The

upper watershed is in steep terrain that is prone to landslides. Landslide material and debris washes downstream during winter high-flow events and significant amounts of sediment are deposited throughout the lower reach of the channel where the stream channel gradient and flow velocities diminish. The channel aggradation causes a significant reduction in flow capacity through the culvert which necessitates periodic sediment removal to maintain flow capacity during the winter to assure unrestricted access to the residents of Holmes Flat as well as access for emergency services.

4. The existing culvert structure is the most downstream potential barrier for anadromous fish migration on Chadd Creek. A culvert retrofit project was completed at the Chadd Creek crossing under Highway 101 several years ago and after a 50 year absence, Coho salmon have returned to spawning areas located approximately 4,750 feet upstream of the project area. The Applicant will be applying for fisheries restoration grant funding with the intent of replacing the existing culvert with road crossing structure designed for fish passage that will not require periodic channel excavation to maintain capacity for flows and fish migration.
5. Historically, sediment removal has been conducted at this culvert on Chadd Creek as an emergency action. Emergency sediment removal has typically been conducted during the largest of storm events when significant bed-load movement occurs. Mobilized sediment and debris has blocked the culvert inlet on numerous occasions causing the stream to overtop its banks, flood adjacent properties, and close Holmes Flat Road. Mechanical removal of sediment from the channel when the stream is at bank full flows and stockpiling the saturated sediment onsite during the winter creates storm water runoff management issues and increases risks to water quality.
6. Authorized sediment removal activities shall occur in the late summer or fall when the stream is at seasonal low flows. Sediment controls and fish barriers shall be installed across the wetted stream channel upstream and downstream of the sediment excavation area and any fish present will be relocated out of the isolated area. An excavator, backhoe, or Grade-All operating from the roadway and an existing turnout adjacent to the roadway and creek will be used to remove the accumulated sediment. Heavy equipment shall not be allowed to operate from within the stream channel at any time.
7. An area approximately 45-feet long by 16-feet wide will be excavated upstream of the culvert and an area approximately 30-feet long by 16-feet wide will be excavated downstream of the culvert. Sediment will be removed to a depth of approximately 2 feet from both areas resulting in the removal of approximately 90 cubic yards in a typical year. No mature riparian vegetation shall be removed during the project. A cluster of four alder located on the downstream side of the culvert overhang the bank and channel. The Applicant shall attempt to tie up these alders and pull them away from the channel to provide adequate clearance for excavation equipment. If necessary, the alder may be pruned the minimum amount necessary to allow excavation equipment to reach into the sediment removal area. Pruning the alder will typically result in regrowth and not mortality. The root systems of these alders shall not be removed.
8. Impacts to the stream channel are considered temporary as moderate to high flows during the following winter are expected to replenish the sediment and return the channel to preexisting form. Authorized activities will temporarily impact 1,200 square feet and 75 linear feet of stream channel. Approximately 90 cubic yards of sediment will be removed

during each maintenance event. Larger amounts may be removed following very large storm events. Compensatory mitigation is not required for the authorized activities. 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.

9. Sediment excavated from Chadd Creek may be loaded directly into dump trucks and hauled to a permanent stockpile site at Dyerville or the sediment may be temporarily stockpiled in the adjacent turnout area until it is dry enough to be hauled offsite.
10. 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 also applied for a Lake and/or Streambed Alteration Agreement from the California Department of Fish and Game.
11. Regional Water Board staff has determined that this project is categorically exempt from CEQA review (Section 15301 – Existing Facilities). The authorized activities are expected to begin during the 2012 low-flow season and may occur annually or as necessary to maintain flow capacity.
12. The Lower Eel River Total Maximum Daily Loads (TMDL) for temperature and sediment 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 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 Lower Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. The project involves removal of sediment from the stream channel with minimal impact to the riparian zone. In addition, authorized activities will require implementation of BMPs for sediment and turbidity control and authorized activities will reduce the potential for the culvert to impede fish migration. Accordingly, this Order is consistent with, and implements portions of the Lower Eel River TMDL.
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, and does not otherwise authorize degradation of the waters affected by this project.

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.

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

Receiving Water: Chadd Creek in the Scotia Hydrologic Subarea No. 111.12

Filled or Excavated Area: Area Temporarily Impacted: 1,200 square feet of stream channel
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 75 linear feet of stream channel
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 40.4154 N/123.9612 W

Expiration: October 15, 2021

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW - Chadd Creek Culvert, Sediment Removal for Flow Capacity Maintenance (WDID No. 1B12007WNHU), 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 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.

Matt St. John
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
Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
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Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398