
North Coast Regional Water Quality Control Board

February 21, 2013

In the Matter of
Water Quality Certification
for

**Humboldt County DPW – Holmes-Larabee Road, Eel River Low-Water Crossing
WDID No. 1B01145WNHU**

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Eel River
HYDROLOGIC UNIT: Scotia Hydrologic Subarea No. 111.12
COUNTY: Humboldt
FILE NAME: Humboldt Co. DPW – Holmes-Larabee Summer Crossing

BY THE EXECUTIVE OFFICER:

1. On December 10, 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 annual maintenance and restoration of the Holmes-Larabee Low-Water Crossing, a low-flow bridge crossing the Eel River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 18, 2013, 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 Holmes-Larabee Low-Water Crossing is located at the crossing of Holmes Flat Road over the Eel River and immediately downstream of the confluence of Larabee Creek. The permanent portions of the existing bridge structure were originally constructed by the Pacific Lumber Company in 1937 to provide access to farms, ranches, residences, and timberland on the east side of the Eel River. Humboldt County acquired the bridge and associated right-of-way in 1959.
3. The Eel River channel at the low-water crossing location is approximately 800-feet wide with an approximately 300-foot wide gravel bar located approximately mid-channel. During the winter, high flows average 8,000 to 20,000 cubic feet per second

(cfs) and submerge the gravel bars and permanent sections of the existing bridge. During the summer months the average flows are reduced to approximately 60 cfs and the permanent bridge structures and gravel bars are exposed.

4. The Applicant's records indicate there was approximately 20 vertical feet of clearance between the bridge deck and riverbed at the time the bridge was constructed. After the 1955 and 1964 floods, severe aggradation of the streambed reduced the clearance to only a few feet and during some years the aggraded streambed was higher than the bridge deck. Around 1974, an approximately 35-foot long section of the bridge structure was removed from approximately mid-span to create a gap to allow rock, sediment, and debris to pass by the structure as it moves downstream during high flows. Removal of the bridge section has not significantly improved sediment transport past the bridge structure and the elevation of the gravel bar at the gap has remained fairly constant since the bridge section was removed. At the suggestion of the National Marine Fisheries Service and under authorization from the Army Corps of Engineers, in 2006 the Applicant filled the roadway alignment through the gap area with large boulders up to an elevation that is slightly lower than the bridge deck.
5. Project activities include annual cleanup of the driving surface on the bridge decks, restoration of the driving surface through the boulder-filled gap between the permanent portions of the structure, and annual installation and removal of a 90-foot long by 12-foot wide temporary flatcar bridge crossing over a secondary flow channel feature located along the right (east) bank. The east end of the temporary flatcar bridge will be set on existing rock slope protection along the right bank. The west end of the flatcar will be placed on a temporary abutment that is installed and removed annually. Up to 150 cubic yards of rock riprap is placed in a "U" shape formation on the dry gravel bar to contain native river-run aggregate that is scraped from an approximately 2,025 square foot area of the adjacent dry gravel bar. The native aggregate material is pushed into the rock riprap formation to create a 15-foot wide approach ramp and temporary bridge abutment. After the temporary abutment is completed, the flatcar is pushed out from the right-bank until it extends over the channel to near its balance/tipping point. A bulldozer staged on the temporary abutment is used to winch the bridge across the secondary flow channel and into position.
6. Project activities also include restoring the driving surface over the bridge and boulder filled gap between the two permanent sections of the bridge structure. The gap area is typically refilled annually using native river-run aggregate, and graded to fill any voids and create a smooth driving surface. The aggregate material used to restore the driving surface through the gap area is derived from residual sediment that remains on the permanent bridge decks following recession of high flows and removal from the bridge deck is required to allow for safe passage. In the event that additional material is needed to fill voids in the gap, it will be derived from the same location as the material removed for construction of the west abutment of the flatcar bridge.
7. The primary low-flow channel under the western span of the bridge has been incising in recent years and currently there is approximately 5 vertical feet of clearance between the streambed and underside of the bridge structure. In the past there have been instances when the gap was filled with material excavated from under and alongside the permanent bridge structures. Removal of aggregate was conducted in this manner to improve hydraulic capacity under the bridge. If incision of the channel

bed elevations continues to occur or remain near current levels, there is no foreseeable reason for the Applicant to reinitiate the excavation of sediment from under or alongside either of the permanent bridge structures.

8. Clearance under the bridge structure limits the size of large woody debris (LWD) that is able to pass under the structure. Large root wads and trees that become lodged against the upstream side of the structure have the potential to damage or destroy the bridge, and impede flows and sediment migration past the structure. Project activities may include relocation of any LWD that is not able to pass under the bridge. LWD that has the potential to damage the bridge, or impede flows or sediment, will be removed from the channel by staging a bulldozer on the dry streambed and winching the LWD from its location. All LWD that is removed for this purpose will be relocated to the dry channel bank on the downstream side of the structure so it can return to the active channel during high flows.
9. Implementation of the project begins annually on or after June 1st. Removal of the temporary flatcar crossing will occur before flows reach 1,800 cfs at the Scotia gauge or by November 15th. Following annual removal of the flatcar, the rock riprap will be removed from the channel and the native aggregate material that was used to build the approach ramps will be returned to the borrow areas and graded to ensure that runoff will drain toward the river channel. Removal of the temporary crossing, mechanical reclamation of the gravel bar area, and winterization activities are typically completed in one day or less.
10. The Applicant has received authorization from the United States Army Corps of Engineers to perform the project under an individual permit (Permit No. 268971N), pursuant to Clean Water Act, section 404. The Applicant has previously obtained a Lake or Streambed Alteration Agreement for the project from the California Department of Fish and Game.
11. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (Section 15301 – existing facilities).
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 does not include any impacts riparian vegetation and includes implementation of BMPs for sediment control and other impact avoidance measures as described above. Accordingly, this Order is consistent with and implements portions of the Lower Eel River TMDL.
13. 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. Bridge maintenance, installation, and removal activities would not affect the free-flowing condition of the Eel River and would not affect the extraordinary values for which the segment was listed.

14. 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.
15. 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: Eel River in the Scotia Hydrologic Subarea No. 111.12

Filled or Excavated Area: Area Temporarily Impacted: 2,550 square feet of streambed annually
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 30 linear feet of streambank annually
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 40.41680 N/123.93286 W

Expiration: February 21, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt County DPW – Holmes-Larabee Road, Eel River Low-Water Crossing (WDID No. 1B01145WNHU), 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. 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. 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.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification. 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 water.
7. 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.
8. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
9. 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.

10. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
11. 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.
12. 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.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. 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).
14. 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.
15. The Applicant shall comply with all applicable water quality standards as detailed in the Basin Plan.
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 February 21, 2018. 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.

Original Signed By David Leland For

Matthias 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