
North Coast Regional Water Quality Control Board

February 28, 2013

In the Matter of
Water Quality Certification
for

**Humboldt Redwood Company – Van Duzen River Summer Crossings at Cummings
Creek, 10 Mile, Strongs Station, and Root Creek
WDID No. 1B12195WNHU**

APPLICANT: Humboldt Redwood Company
RECEIVING WATER: Van Duzen River
HYDROLOGIC UNIT: Bridgeville Hydrologic Subarea No. 111.22
COUNTY: Humboldt
FILE NAME: Humboldt Redwood Co. – Van Duzen River Summer Crossings
at Cummings Creek, 10 Mile, Strongs Station, and Root Creek

BY THE EXECUTIVE OFFICER:

1. On November 28, 2012, the Humboldt Redwood Company (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 the annual installation and removal of four summer bridge crossings over the Van Duzen River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 31, 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. Project activities involve annual bridge installation and removal at four temporary crossing sites that are referred to as Cummings Creek, 10 Mile, Strongs Station, and Root Creek. Bridge crossings are installed at these locations for use during the Applicant's timber harvest activities. The land where the bridges are placed and the bridge construction activities are covered under the terms of a Habitat Conservation Plan (HCP).
3. Bridge installation and removal activities are similar for each crossing location. The bridge decks consist of log stringers or flat-cars placed on temporary abutments that are installed near the edge of the low flow water line. Each bridge is approximately twelve feet wide and sixty feet long. Logs, pre-cast concrete blocks, large boulders, or a combination of these materials are used to build the temporary bridge abutments.

Native aggregate materials are excavated from the adjacent dry gravel bar and used to build the roadway approach ramps to the bridges. During some years the bridges may not fully span the water and the temporary abutments may be located in shallow flowing water. Following annual bridge removal, 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.

4. Bridge installation and removal activities will temporarily impact approximately 0.5 acre and 160 linear feet of the streambank annually. The project is not anticipated to result in any permanent impacts to the stream channel. All of these bridge crossings are installed on established access roads in the same general location each year and removal of riparian vegetation is not required. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment near a stream.
5. The regulation of timber harvesting operations by the California Department of Forestry and the State Board of Forestry is a certified state regulatory program that is exempt from the requirements for preparing environmental impact reports, negative declarations, and initial studies. Timber Harvest Plans, including the plans for installing these bridges over the Van Duzen River, are prepared pursuant to the California Environmental Quality Act (CEQA) through the CEQA equivalent process. Regional Water Board staff have determined that the seasonal bridge activities are exempt from further CEQA review because they are part of the Applicant's timber harvesting operations which are regulated under a state regulatory program that has been certified by the Secretary for Resources.
6. The Applicant has received authorization from the United States Army Corps of Engineers to perform the project under an individual permit (Permit No. 2003-275650N), pursuant to Clean Water Act, section 404. The Applicant has previously obtained Lake or Streambed Alteration Agreements for each crossing from the California Department of Fish and Game (CDF&G). The HCP confines bridge use to the period of May 1 through November 15. CDF&G typically confines bridge use to the period of June 1 through October 15; however, the use period may be expanded by CDF&G depending on weather conditions and flows in the Van Duzen River.
7. The Van Duzen River Total Maximum Daily Load (TMDL) for sediment was established in 1999 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 Van Duzen River are exceeded due to excessive sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment in the Van Duzen River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. The project does not include any impacts to riparian vegetation and includes implementation of BMPs for sediment and turbidity control, and other impact avoidance measures as described above. Accordingly, this Order is consistent with, and implements portions of the Van Duzen River TMDL.
8. The Van Duzen River from the powerline crossing above Little Larabee Creek to the confluence with the Eel River 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 condition and outstanding values. Implementation of the project would not affect the free-flowing condition of the Van Duzen River and would not affect the extraordinary values for which the segment was listed.

9. 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.
10. 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: Bridgeville Hydrologic Subarea No. 111.22

Filled or Excavated Area: Area Temporarily Impacted: 0.5 acre of streambank annually
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 160 linear feet of streambank annually
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: Cummings Creek: 40.50942 N/124.01741 W
10 Mile: 40.50954 N/124.00325 W
Strongs Station: 40.49898 N/123.97477 W
Root Creek: 40.47763 N/123.94143 W

Expiration: November 15, 2017

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Humboldt Redwood Company – Van Duzen River Summer Crossings at Cummings Creek, 10 Mile, Strongs Station, and Root Creek (WDID No. 1B12195WNHU), 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 annually, in writing, at least five working days (working days are Monday – Friday) prior to the commencement of summer crossing installation and removal 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 November 15, 2017. 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

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. Benjamin Hawk, Humboldt Redwood Company, P.O. Box 37, Scotia, CA 95565

Electronic

Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,
Box 14, Eureka, CA 95501
U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398