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**North Coast Regional Water Quality Control Board**

December 19, 2014

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In the Matter of

**Water Quality Certification**

for

**Big Rock Gulch Bridge Replacement Project**  
**WDID No. 1B14077WNHU, ECM PIN CW-808410**

APPLICANT: Humboldt County Public Works Department, Andrew Bundschuh

RECEIVING WATER: Big Rock Gulch, Klamath River

HYDROLOGIC UNIT: Klamath River Hydrologic Unit, No. 105.12

COUNTY: Humboldt

FILE: Big Rock Gulch Bridge Replacement Project, WDID 1B14077WNHU, ECM PIN CW-808410

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BY THE EXECUTIVE OFFICER:

1. On August 6, 2014, the Humboldt County Public Works Department, Andrew Bundschuh (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 Big Rock Gulch Bridge Replacement Project (Project). Information describing the Project was noticed for public comment on the Regional Water Board's website on November 19, 2014. We received no comments. The proposed Project will cause disturbances to waters of the United States (and or State) associated with Big Rock Gulch a tributary to the Klamath River, Klamath River Hydrologic Unit, No. 105.12. The Project is located at post mile 0.3 Red Cap Road, Orleans, Humboldt County, at latitude 41.3004°N, and longitude 123.537°W. No permanent impacts to waters of the U.S. and the State are proposed. Temporary

impacts to waters of the U.S. and the State include approximately 50 linear feet of stream bed and bank.

2. The primary purpose of the Project is to replace the Red Cap Road Bridge at Big Rock Gulch with a single span pre-cast bridge that will meet county and federal safety standards. The new bridge will be approximately 60 feet in length and 36 feet wide, while widening the stream channel and creating less impact to waters than the existing bridge.

The Project would include a staged removal of the existing bridge and construction of the new bridge to allow for traffic to pass at all times. Construction would not likely require stream diversion due to the proposed summer work schedule, however, a plan is in place for diversion should water flow be present. During construction no riparian vegetation is proposed to be permanently impacted. The existing abutments will be removed and the stream channel will be widened and redesigned to match conditions upstream and downstream. New abutments will be constructed upslope of the present location, widening the channel by approximately 20 feet. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction.

3. The Project is planned to begin in the summer of 2015 with construction work planned to last approximately two months.
4. The Project will have only temporary impacts to waters of the US and State. The Applicant proposes to restore the project site to pre-project conditions within one year of Project completion. The Applicant has submitted a plan for restoration of the temporarily disturbed stream bed and bank areas. The Project proposes to employ best management practices to prevent or reduce any sediment discharges during and after construction.
5. The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, Section 404 permit. The Applicant has also applied to the California Department of Fish and Wildlife to obtain a Streambed Alteration Agreement.
6. The North Coast Regional Water Quality Control Board, as a Responsible California Environmental Quality Act (CEQA) agency, has determined that the Project qualifies for a Categorical Exemption, 15302 (b) Replacement or Reconstruction of Existing Structures, and will file a Notice of Exemption with the State Clearinghouse concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.
7. The Klamath River watershed is listed on the Clean Water Act section 303(d) list as impaired for sediment/siltation, temperature, nutrients, cyanobacteria hepatotoxic microcystins, and organic enrichment/low dissolved oxygen. In September 7, 2010, the State Water Resources Control Board adopted a Resolution approving

amendments to the Water Quality Control Plan for the North Coast Region to establish: (1) site specific dissolved oxygen objectives for the Klamath River; (2) an Action Plan for the Klamath River Total Maximum Daily Loads (TMDLs) addressing temperature, dissolved oxygen, nutrient, and microcystin impairments in the Klamath River; and (3) an Implementation Plan for the Klamath and Lost River Basins. On December 28, 2010, the US Environmental Protection Agency approved the TMDLs for the Klamath River in California pursuant to CWA Section 303(d)(2). The TMDLs, Implementation Plan, and new dissolved oxygen objectives are in effect. Roads are a significant source of sediment in the watershed (directly from surface erosion and indirectly by triggering landslides). A focus on measures to reduce sediment discharges to surface waters from roads in the watershed, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures.

8. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to "rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste."
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.
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. (Weblink attached below).

Receiving Water: Big Rock Gulch, Klamath River  
Klamath River Hydrologic Unit, Orleans Hydrologic Sub-Area No. 105.12

Channel and Shoreline: Permanent impact to waters of the US and State:

None

Temporary impact to waters of the US and State:  
50 linear feet of channel bed and bank

Latitude/Longitude: 41.3004°N / 123.537°W

Expiration: December 19, 2019

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Big Rock Gulch Bridge Replacement Project (WDID No. 1B14077WNHU), 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 of 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 proposed Project will have only temporary impacts to waters of the US and State. The Applicant proposes to restore the project site to pre-project conditions within one year of project completion. The applicant shall implement the stream restoration plan in accordance with *Red Cap Road Bridge Replacement over Big Rock Gulch Construction Details No. 1* channel design plans submitted with the application on October 22, 2014.
5. Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products/BMPs whenever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products that contain synthetic (e.g.,

plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the Project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.

6. BMPs shall be implemented as proposed in the application materials. 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. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.
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. 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, and shall comply with all applicable water quality standards as detailed in the Basin Plan. 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. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
14. 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.
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. 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.
17. 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 email a copy of the letter to the following email address: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov).

To discharge dredged or fill material under this Order, the successor-in-interest must email the Regional Water Board Executive Officer at: [NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov) 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. 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).

18. The authorization of this certification for any dredge and fill activities expires on December 19, 2019. 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 Gil Falcone at (707) 576-2830 or Stephen Bargsten at (707) 576-2653.

Original Signed By

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Matthias St. John  
Executive Officer

141219\_HumCo\_BigRockGulchBridge\_401

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. Andrew Bundschuh, Humboldt County Department of Public Works,  
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Electronic

Copy to: Holly Costa, US Army Corps of Engineers [holly.n.costa@usace.army.mil](mailto:holly.n.costa@usace.army.mil)

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