
North Coast Regional Water Quality Control Board

October 30, 2015

In the Matter of

Water Quality Certification

for

Humboldt County DPW – Grizzly Bluff Road Bridge Replacement Project
WDID No. 1B15078WNHU

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Williams Creek
HYDROLOGIC UNIT: Eel River Hydrologic Unit No. 111.11
COUNTY: Humboldt
FILE: Humboldt County DPW – Grizzly Bluff Road Bridge
Replacement Project, ECM PIN CW- 816227

BY THE EXECUTIVE OFFICER:

1. On May 26, 2015, 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 the Grizzly Bluff Road Bridge Replacement Project (Project). Information describing the Project was noticed for public comment on the Regional Water Board's website on September 25, 2015. We received no comments. The proposed Project will cause disturbances to jurisdictional waters associated with Williams Creek in the Eel River Hydrologic Unit No. 111.11. The Project is located on Grizzly Bluff Road at Post Mile 10.21 where it crosses Williams Creek, Ferndale, Humboldt County, at approximate latitude 40.5713886°N, and longitude 124.2478127°W. Permanent impacts to waters

of the U.S. include approximately 180 linear feet of creek bed and bank. Temporary impacts to waters of the State include approximately 0.05 acres of riparian.

2. The primary purpose of the Project is to replace an obsolete bridge that spans Williams Creek on Grizzly Bluff Road with a new bridge that meets current design standards. The current bridge will be replaced with a 60 foot long single span cast-in-place pre-stressed concrete voided slab. The proposed Project would include construction of a temporary detour bridge (flatcar) on the south side of the existing bridge, temporary diversion of Williams Creek, vegetation clearing for detour and construction, demolition of the existing structure, creek bank excavation, construction of the new bridge including pile driven abutments and decommissioning of temporary detour.
3. The Project is planned to begin in the summer of 2016 through fall of 2016 with construction work planned to last approximately five months, and to occur between June 15 and October 15.
4. The proposed Project includes a design to revegetate temporarily disturbed areas, including replanting the 0.05 acres of riparian area with native species including an estimated 100 Red Alders and 10 Cottonwood trees. The Project also includes designs for installation of bioengineered channel banks where Rock Slope Protection (RSP) is used. This installation will include use of native willow poles inter-planted on approximately 180 linear feet of channel within the RSP. Project design plans identify planting approximately 32 willow poles. The new bridge design will increase creek channel width and capacity, decreasing bank slope and enhancing functions. The Project proposes to employ best management practices to prevent or reduce any 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. The Applicant has applied to the California Department of Fish and Wildlife to obtain a Streambed Alteration Agreement and the California Coastal Commission for a Coastal Development Permit.
6. The North Coast Regional Water Quality Control Board, as lead California Environmental Quality Act (CEQA) agency, has determined that the project qualifies for a Categorical Exemption, 15302 (c) Replacement or Reconstruction, 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 Eel River is identified as impaired for sediment and temperature under Clean Water Act Section 303(d). Bank erosion is identified as a source contributing to the sediment impairment. Removal of riparian vegetation is identified as a source contributing to temperature impairment. Activities that will be authorized by this Order are designed to reduce removal of riparian vegetation and reduce sediment

discharges from bank erosion. Accordingly, this Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.

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 included below).

Receiving Water: Williams Creek,
Eel River Hydrologic Unit No. 111.11

Filled or Excavated Area: Permanent impact to waters of the US:
180 linear feet of creek bed and bank
Temporary impact to waters of the US:
0.05 acres of riparian

Latitude/Longitude: 40.5713886°N / 124.2478127°W

Expiration: October 30, 2020

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Grizzly Bluff Road Bridge Replacement Project (WDID No. 1B15078WNHU), 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. A Low Impact Discharge fee of \$200 was received for this project on July 2, 2015. This certification will *NOT* be subject to annual billing during the construction phase ("Annual Active Discharge Fee") or during any monitoring phase of the project ("Annual Post Discharge Monitoring Fee"), per the current fee schedule, which can be found on our website:
http://www.swrcb.ca.gov/northcoast/water_issues/programs/water_quality_certification.shtml.
5. The Project shall revegetate temporarily disturbed areas, including replanting the 0.05 acres of riparian area with native species, approximately 100 Red Alders and 10 Cottonwood trees. The Project shall implement design plans for revegetation and installation of bioengineered channel banks where Rock Slope Protection (RSP) submitted on September 2, 2015, and any subsequent designs reviewed and approved by Regional Water Board staff. This installation will include use of native willow poles inter-planted on approximately 180 linear feet of channel within the RSP. Project design plans identify planting approximately 32 willow poles. The Project shall implement the *Revegetation, Monitoring and Maintenance Plan* submitted on October 15, 2015, and any supplemental plan reviewed and approved by Regional Water Board staff. The new bridge design will increase creek channel width and capacity, decreasing bank slope and enhancing functions. The Project proposes to employ best

management practices to prevent or reduce any discharges during and after construction.

Results of annual monitoring of the mitigation plantings will be reported to the Regional Water Board annually for at least 5 years or until success criteria are met, beginning December 31, 2016. The Applicant shall report on completion of construction, bioengineering installation and top of bank plantings as the first report due by the end of the calendar year following construction. Reports shall summarize data collected, annual performance, any remedial action necessary such as replanting and whether success criteria of 80% survival after 5 years are met. If irrigation is necessary to establish native plantings, irrigation must cease and plantings shall be self-sustaining for at least two years prior to success criteria being met.

Reports shall be submitted electronically to the Regional Water Board at northcoast@waterboards.ca.gov

6. The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of activities covered under this water quality certification.
7. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
8. 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.
9. 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.
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. 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).
13. 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.
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. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
16. 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.
17. 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.
18. 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.

19. 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

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 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).

20. The authorization of this certification for any dredge and fill activities expires on October 30, 2020. 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.

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

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