
North Coast Regional Water Quality Control Board

March 7, 2016

In the Matter of
Water Quality Certification
for

Humboldt County DPW – Mattole Road PM 5.25, 15.50, 17.83, & 26.96 Emergency Relief Permanent Roadway Project
WDID No. 1B15111WNHU

APPLICANT: Humboldt County Public Works Department
RECEIVING WATER: Wetlands and unnamed tributaries
HYDROLOGIC UNIT: Cape Mendocino Hydrologic Unit No. 112.30
COUNTY: Humboldt
FILE: Humboldt County DPW – Mattole Road PM 5.25, 15.50, 17.83, & 26.96 Emergency Relief Permanent Roadway Project, ECM PIN CW- 817473

FINDINGS BY THE EXECUTIVE OFFICER:

1. On August 19, 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 Mattole Road PM 5.25, 15.50, 17.83, & 26.96 Emergency Relief Permanent Roadway Project (Project). Information describing the Project was noticed for public comment on the Regional Water Board's website on November 23, 2015. We received no comments. The proposed Project will cause disturbances to jurisdictional waters associated with wetlands and an unnamed tributaries in the Cape Mendocino Hydrologic Unit No. 112.30. The Project is located at four locations along Mattole

Road, Southwestern Humboldt County. Project site locations include Post Mile (PM) 5.25 at latitude 40.254928°N and longitude 124.190317°W, PM 15.50 at latitude 40.333383°N and longitude 124.302342°W, PM 17.83 at latitude 40.344903°N and longitude 124.325025°W, and PM 26.96 at latitude 40.435817°N and longitude 124.392044°W. Permanent impacts to waters of the U.S. include approximately 64 linear feet of ephemeral stream bed and bank and temporary impacts include 85 linear feet of wetlands.

2. The primary purpose of the Project is to permanently repair roadway damage from severe storms during 2011. Project activities are designed to address safety hazards by returning the roadway to preexisting form and function. The proposed Project would include creating a stabilization trench, a vertical underdrain system, corrugated metal pipe risers, a geogrid-reinforced embankment, multiple rock buttresses, and a retaining wall system above the ordinary high water mark. The permanent impacts are associated with reinforcing existing failed rock stabilization measures and extensions for flow dissipation into the ephemeral creeks. No riparian plants are proposed to be removed at the project site.
3. The Project is planned to begin between 2016 and 2018 (between July 15 and October 31 each year) with construction work planned to last approximately 30 - 60 days. The Project start date is dependent on Federal Highway Administration funding.
4. The proposed Project includes a plan to plant disturbed areas for erosion control, restoration of temporary impacts to approximately 85 linear feet of wetlands at PM 5.25, installation of approximately 40 linear feet of native riparian plantings at PM 17.83 and approximately 40 linear feet of native riparian plantings at PM 26.96. 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, Nationwide Permit No. 3. The Applicant has 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 lead California Environmental Quality Act (CEQA) agency, has determined that the project qualifies for a Categorical Exemption, 15301 (c) Existing Facilities, 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 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 certification 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.

8. 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: Wetlands and unnamed tributaries,
Cape Mendocino Hydrologic Unit No. 112.30

Filled or Excavated Area: Permanent impact to waters of the US:
64 linear feet of stream bed and bank
Temporary impact to waters of the US:
85 linear feet of wetlands

Latitude/Longitude: 40.254928°N / 124.190317°W
40.333383°N / 124.302342°W
40.344903°N / 124.325025°W
40.435817°N / 124.392044°W

Expiration: March 7, 2021

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mattole Road PM 5.25, 15.50, 17.83, & 26.96 Emergency Relief Permanent Roadway Project (WDID No. 1B15111WNHU), 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 certification 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 certification.

TERMS AND CONDITIONS:

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 August 19, 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 Applicant shall implement the design plans to plant disturbed areas for erosion control, restoration of temporary impacts to approximately 85 linear feet of wetlands at PM 5.25, installation of approximately 40 linear feet of native riparian plantings at PM 17.83, and approximately 40 linear feet of native riparian plantings at PM 26.96. The Applicant shall submit a report the May 31st following the completion of construction, revegetation and planting to demonstrate that the project was implemented in accordance with the project description. The report should include photo points of the restored wetlands and riparian plantings. The applicant shall also submit a report two years after the report of completion to show that plant success criteria of 85% are met. The reports shall be submitted to the following email address: 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 certification, 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 be a material change as defined in California Water Code section 13260(c) as a proposed change in character, location, or volume of the discharge, the Applicant shall obtain prior written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of the material change to the discharge, it will be considered a violation of this certification, and the Applicant may be subject to Regional Water Board enforcement action(s).
13. All Project work shall be conducted as described in this certification 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 certification, and the Applicant may be subject to Regional Water Board enforcement actions.

14. The Applicant shall provide a copy of this certification 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 certification, 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 certification, 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 certification. 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 certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification 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 certification by letter and shall email a copy of the letter to the following email address: NorthCoast@waterboards.ca.gov.

The successor-in-interest must email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov to request authorization to discharge dredged or fill material under this certification. The request must contain the following:

- i) Effective date of ownership change;
 - ii) Requesting entity's full legal name;
 - iii) The state of incorporation, if a corporation;
 - iv) The address and phone number of contact person; and
 - v) A description of any changes to the Project or confirmation that the successor-in-interest intends to implement the project as described in this certification.
20. The authorization of this certification for any dredge and fill activities expires on March 7, 2021. Conditions and monitoring requirements outlined in this certification 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

Original to: Mr. Andrew Bundschuh, Humboldt County Department of Public Works,
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cc: Holly Costa, US Army Corps of Engineers holly.n.costa@usace.army.mil
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