

July 29, 2009

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Humboldt County Department of Public Works – Upper Bear River Road Post Mile 5.05,
Culvert Replacement
WDID No. 1B07079WNHU

Humboldt County

On May 25, 2007, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Humboldt County Department of Public Works (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification for culvert repair activities on Upper Bear River Road at Post Mile 5.05. The Applicant subsequently requested that the Regional Water Board put the application on hold while they evaluated alternative culvert repair designs including potential replacement of the existing deteriorated culverts with a bridge. On May 28, 2009, the Applicant submitted a revised project description for culvert replacement and a request to reactivate the application for Water Quality Certification. The proposed project will cause disturbances to waters of the United States associated with an unnamed tributary to Bear River in the Capetown Hydrologic Area No. 112.20.

Bear River is approximately 27 miles long and flows directly into the Pacific Ocean near Capetown. Upper Bear River Road is a rural road that runs along Bear River through private property consisting mostly of farmland and ranchland. The proposed project is located on an unnamed stream that flows north off Southmayd Ridge and into Bear River approximately one-half mile upstream of the confluence of Bear River and South Fork Bear River. The unnamed tributary is approximately 1.2-miles long with approximately 0.35 miles of the stream located below the Upper Bear River Road culvert crossing. The unnamed tributary is usually dry during the late summer and, due to the steepness of the upper watershed, it is assumed that fish habitat is not present above Upper Bear River Road. It is not known whether fish utilize the lower section below the road. It is possible that fish, such as winter steelhead, use the lower section of the stream during periods of adequate flow.

The existing crossing of Upper Bear River Road over the unnamed stream consists of two 30-foot long culverts that are severely deteriorated, including one 48-inch diameter culvert to pass the majority of flows and an offset 36-inch diameter culvert designed to pass high flows. A recent inspection by the Applicant indicated that these culverts showed signs of significant deterioration. It was also observed that stream flows had undermined the inlet to the 48-inch diameter culvert and channeled a hole through the underlying sediment and road prism. When the stream is flowing, a fair amount of water is flowing through the fill prism and exiting the fill below the culvert outlets. The outlets of the existing culverts also extend horizontally from the road prism and are elevated approximately four feet above the streambed. If these culverts are not replaced soon, winter storms could cause a complete failure of the stream crossing.

The proposed project involves replacing the two existing culverts with one 60-inch diameter and 40-foot long culvert. An excavator will be used to remove fill from around the old culverts. The old culverts will be removed and the new culvert will be installed over a one-foot thick layer of crushed rock. The culvert will be backfilled with the excavated fill material and any remaining fill material will be trucked to an appropriate upland disposal site. Rock riprap will be placed around the inlet and outlet for erosion protection. The new culvert will be slightly longer than the existing culverts to allow for the new culvert to be installed such that the outlet will be located at the streambed elevation.

The unnamed tributary is expected to be dry during the project. If surface water is present during construction, flows will be diverted around the project. If surface water diversion is necessary, the diversion will consist of a sandbag dam placed upstream of the project area and an 18-inch gravity pipe will be used to convey the water around the work area and back to the stream below the project area.

Due to the project location, road type, and infrequent traffic use by mainly local property owners, a temporary detour around the project area will not be provided. The proposed project is expected to take up to three days to complete and the road is expected to be closed to through traffic for one full work day. The Applicant will post notices to inform local residents of the upcoming short-term road closure.

Proposed culvert replacement activities will permanently impact an additional 200 square feet and 25 linear feet of stream channel. Additional permanent impacts to the stream channel are due to the need for a longer culvert and the addition of rock riprap erosion protection around the inlet and outlet areas. Proposed culvert excavation and replacement activities will also temporarily impact 600 square feet and 60 linear feet of the stream channel. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in a stream channel. The proposed project is scheduled for construction during the summer of 2009.

The applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 3, pursuant to Clean Water Act Section 404. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement. The County of Humboldt determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to section 15302, class 2 – replacement or reconstruction. Regional Water Board staff have determined that this project is categorically exempt from CEQA review (class 2, section 15302 – replacement or reconstruction) and anticipate filing a Notice of Exemption for this project.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and

received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.

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