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## North Coast Regional Water Quality Control Board

**TO:** California Department of Transportation  
North Region Environmental–District 3  
Attention: Steve Croteau, Branch Chief  
1656 Union Street  
Eureka, CA 95501  
[eurekasloughbridges@dot.ca.gov](mailto:eurekasloughbridges@dot.ca.gov)

**FROM:** North Coast Regional Water Quality Control Board  
[NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov)

**DATE:** August 7, 2025

**SUBJECT:** **Eureka Slough Bridges Replacement Project (EA 01-0M760,  
SCH# 2023090430)**

Dear Steve Croteau,

On June 4, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a draft Environmental Impact Report (EIR) from the California Department of Transportation (Caltrans) for the Eureka Slough Bridges Replacement Project (Project). The EIR reviews and evaluates the impacts of two alternatives to replace the existing bridge infrastructure at Eureka Slough. The draft EIR comment period requires submittal of comments no later than August 9, 2025. The Regional Water Board hereby submits the following comments.

### **Project Description**

Caltrans proposes the Project on U.S. Highway 101 in Humboldt County between Post Miles 79.5 and 80.2. The Project would replace both northbound and southbound bridges, address seismic deficiencies, inadequate sight distance, and provide safe access to pedestrians and bicyclists. Two ‘build alternatives’ are proposed: Alternative 2A would replace both bridges on the existing alignments utilizing a temporary bridge and trestles; Alternative 2B would replace the northbound bridge on the existing alignment and realign the southbound bridge immediately north of its existing location. Alternative 2B would require two temporary trestles during construction.

### **Regional Water Board Permitting**

The proposed Project will require a Water Quality Certification (Certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341; CWA) for activities related to the Project within or affecting waters of the U.S. and waters of the State. If the U.S. Army Corps of Engineers (Corps) does not take jurisdiction over the impacted aquatic

resources, the proposed Project would require a Waste Discharge Requirement under the Porter Cologne Water Quality Control Act (Water Code, § 13000 et seq.). There is also a potential need for a Construction General Permit.

## **Regional Water Board Comments:**

### ***Summary.***

S-4 Coordination with Public and Other Agencies, Table S-2. Permits and Approvals, pages xix and xx.

Comment 1): Table S-2 should include mention of the National Pollutant Discharge Elimination System Program and compliance with the Construction General Permit, as is shown in Table 1 (section 1.7).

### ***Chapter 1***

Section 1.6: Project Features, Standard Measures, and Best Management Practices (BMPs) Common to All Build Alternatives

Water Quality and Stormwater Runoff, WQ-1, pages 54 and 55.

Comment 2): Standard Measure/BMP WQ-1 includes text referring to a project with a disturbed soil area of less than one acre. However, both build alternatives are identified as greater than one acre of disturbed soil area (section 1.4.3, page 41). Therefore, the requirements of the Construction General Permit apply and references to projects less than one acre should be removed from BMP WQ-1.

Biological Resources, BR-4: Plant Species, Sensitive Natural Communities, and ESHA, page 10 – “B. A Revegetation Plan would be prepared which would include a plant palette, establishment period, watering regimen, monitoring requirements, and invasive plant species control measures. The Revegetation Plan would also address measures for wetland and riparian areas temporarily impacted by the project.”

Comment 3): BR-4B Revegetation Plan should also include (at minimum) performance standards used to evaluate attainment of objectives and the timeframe for determining attainment of those standards per the “*State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*” (2021, Procedures).

Biological Resources, BR-5A: Water Quality and Stormwater Runoff, WQ-2, second bullet, page 55 – “Where possible, stormwater would be directed in such a way as to sheet flow across vegetated slopes, thus providing filtration of any potential pollutants.”

Comment 4): The Project’s proposed increase in impervious surfaces from road widening may require stormwater treatments beyond the proposed strategy in WQ-2.

## **Chapter 2**

Water Quality and Stormwater Runoff, 2.3.2.2. Affected Environment, pages 160 and 161.

Comment 5): Section 2.3.2.2 cites information from the *Water Quality Control Plan for the North Coast Region* (2018; Basin Plan) but the document is not referenced in Chapter 7 accordingly.

Wetlands and Other Waters, Section 2.4.2.2 Affected Environment, pages 252 – 254.

Comment 6): Regional Water Board and the Porter-Cologne Water Quality Control Act are identified in the bullet list at the beginning of the Section 2.4.2.2., but subsequent discussions in this section do not refer to or differentiate waters of the state. Recommend a statement referring to waters of the state, even if all waters within the BSA are considered or proposed as waters of the U.S.

Wetlands and Other Waters, Section 2.4.2.2 Affected Environment, p. 254 – “The ordinary high-water mark (OHWM) defines the lateral limits of non-tidal waters for federal, state, and local regulatory purposes and is identified by physical characteristics such as a clear, natural line on the bank, presence of litter and debris, or vegetation patterns.”

Comment 7): Note the Porter-Cologne Water Quality Control Act defines waters of the state as, “...any surface water or groundwater, including saline waters, within the boundaries of the state.” Regional Water Board jurisdiction may extend above the OHWM depending on potential impacts to beneficial uses of waters of the state at the Project site.

Wetlands and Other Waters, Section 2.4.2.2 Affected Environment, p. 254 – “There is 0.86 acre of Riparian wetlands (PSS1) that occurs along the estuarine inlet in the Coastal BSA (Table 43). Vegetation consisted of Arroyo willow (*Salix lasiolepis*) and other willow species and patchy red alders (*Alnus rubra*). This riparian area meets two of the three wetland parameters and is therefore classified as a wetland under CCC jurisdiction. The area is not classified as a wetland by USACE or NCRWQCB.”

Comment 8): The area may be classified as a non-wetland water of the state under the jurisdiction of the Regional Water Board. Riparian habitat is commonly considered a water of the state and regulated accordingly by the Regional Water Board.

Wetlands and Other Waters, Section 2.4.2.3. Environmental Consequences, Table 43. Potential Impacts to Jurisdictional Wetlands and Waters of the U.S. and State within the Coastal BSA, p. 258.

Comment 9): As stated in Comment 8, riparian habitat may also be regulated under the Porter-Cologne Water Quality Control Act. Regional Water Board recommends adding this reference to the Coastal Wetlands row with the currently listed, “CCA.”

Wetlands and Other Waters, Section 2.4.2.3. Environmental Consequences, Other Waters of the U.S. and State, p. 259 – “In total, approximately 0.03 acre of waters would be permanently impacted by Alternative 2A. These permanent impacts would be largely offset by approximately 0.07 acre of fill that would be removed when the existing bridge piers and wooden timber bumper are removed from the channel.”

Comment 10): Both Project alternatives propose new permanent impacts, which will require compensatory mitigation. Removal of the existing bridge structures, which would then be replaced, should not be assumed to offset any new permanent impacts. Include a discussion of proposed compensatory mitigation, if known, such as whether mitigation is proposed to be accomplished completely onsite.

### **Chapter 3**

Biological Resources, Section 3.2, CEQA Environmental Checklist, Biological Resources, c) “Alternative 2A Less than Significant Impact....Other Wetlands and Waters: Less Than Significant Impact”, p. 344.

Comment 11): The Regional Water Board disagrees with the statement, “Given the small size of the impacts relative to the abundance of these communities around Humboldt Bay, with Standard Measures incorporated, both Alternatives would have a “Less Than Significant Impact” to Other Wetlands and Waters.” The Eureka Slough is a sensitive aquatic and biological resource, so impact regardless of size may be significant. The section continues to state, “Although the Project does not require mitigation under the California Environmental Quality Act (CEQA), Bio-4 (detailed in Section 2.4.2.4) would likely be implemented during permitting. Under this measure, in line with agency policies, permit-driven compensation would offset impacts to other wetlands and waters.” This statement acknowledges that measures to reduce impact to aquatic resources and waters of the state are anticipated for the Project. Therefore, a more appropriate determination would be ‘Less than Significant with Mitigation Incorporated.’

Furthermore, this section states, “While both alternatives would impact around 1 acre of roadside ditch wetland, these wetlands are of lower quality and common; therefore, the impact would be minor.” Many of the roadside ditch areas have connectivity to the greater bay and include dense willow (*Salix* sp.) thickets visible on aerial photos that can provide habitat and other ecological functions (i.e., shading and cooling of waters, stabilization of banks preventing erosion, etc.). An assessment of quality needs to consider the ecological function with condition and local abundance.

Wetlands and Other Waters, Section 2.4.2.4. Avoidance, Minimization, and/or Mitigation Measures, Bio-3 and Bio-4, p. 267 – “Compensation may include a combination of on- and off-site restoration efforts, and/or preservation of existing habitat through purchase.”

Comment 12): Preservation as the sole compensatory mitigation strategy is typically not appropriate to satisfy the State’s no net loss policy for wetlands. If preservation is the sole mitigation proposal, then it must comply with the Procedures criteria (Appendix A, Subpart J, section 230.93 (h), starting at line 1269), which states:

1. The resources to be preserved provide important physical, chemical, or biological functions for the watershed;
2. The resources to be reserved contribute significantly to the ecological sustainability of the watershed. In determining the contribution of those resources to the ecological sustainability of the watershed, the permitting authority must use appropriate quantitative assessment tools where available;
3. Preservation is determined by the permitting authority to be appropriate and practicable;
4. The resources are under threat of destruction or adverse modifications; and
5. The preserved site will be permanently protected through an appropriate real estate or other legal instrument (e.g., easement, title transfer to state resources agency, or land trust).

### ***Appendix C***

Project Impacts and Proposed Mitigation – “Caltrans is currently developing multiple off-site permittee mitigation strategies that are expected to overlap and utilized in a combination yet to be determined. The strategies currently consist of the following: a request for proposal (RFP) to contract a third-party to establish mitigation credits, two cooperative mitigation projects with the Humboldt Bay Harbor District, and one project with CalTrout. These options are beneficial as they do not require Caltrans to purchase property and develop the mitigation, however, they do involve permitting agency approval.”

Comment 13): Engaging the Regional Water Board as early as possible when developing mitigation strategies for this Project is strongly advised. The Regional Water Board welcomes engagement prior to submittal of an application for Certification and/or Waste Discharge Requirement.

Thank you for providing the opportunity for the Regional Water Board to comment on this draft EIR. If you have any questions or comments or would like to discuss these recommendations, please contact Environmental Scientist, Susan Stewart at (707) 576-2657 or by email at [Susan.Stewart@waterboards.ca.gov](mailto:Susan.Stewart@waterboards.ca.gov).

Best regards,

Steve Croteau  
[eurekasloughbridges@dot.ca.gov](mailto:eurekasloughbridges@dot.ca.gov)  
(EA 01-0M760, SCH# 2023090430)

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August 7, 2025

Susan Stewart  
Environmental Scientist/Caltrans Liaison  
North Coast Regional Water Quality Control Board

cc: State Clearinghouse, Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Gregory Schmidt  
U.S. Fish and Wildlife Service  
[Gregory\\_Schmidt@fws.gov](mailto:Gregory_Schmidt@fws.gov)

Jeffrey Jahn  
NOAA Fisheries  
[Jeffrey.Jahn@noaa.gov](mailto:Jeffrey.Jahn@noaa.gov)

Michael Orellana  
U.S. Army Corps of Engineers  
[Michael.S.Orellana@usace.army.mil](mailto:Michael.S.Orellana@usace.army.mil)

SF U.S. Army Corps of Engineers  
[CESPN-Regulatory-Info@usace.army.mil](mailto:CESPN-Regulatory-Info@usace.army.mil)

Greg O'Connell  
California Department of Fish and Wildlife  
[Gregory.OConnell@Wildlife.ca.gov](mailto:Gregory.OConnell@Wildlife.ca.gov)

Rebecca Garwood, Michael van Hattem  
California Department of Fish and Wildlife  
[CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

Abbie Strickland  
California Coastal Commission  
[Abigail.Strickland@coastal.ca.gov](mailto:Abigail.Strickland@coastal.ca.gov)

Amanda Haas  
Caltrans  
[Amanda.Haas@dot.ca.gov](mailto:Amanda.Haas@dot.ca.gov)

Jessica Nadolski  
[Jessica.Nadolski@waterboards.ca.gov](mailto:Jessica.Nadolski@waterboards.ca.gov)

North Coast Regional Water Quality Control Board  
[Northcoast@waterboards.ca.gov](mailto:Northcoast@waterboards.ca.gov)