



**California Regional Water Quality Control Board**  
**North Coast Region**  
**Beverly Wasson, Chairperson**



Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold  
Schwarzenegger  
Governor

March 21, 2005

Ms. Michele Lukkarila  
California Department of Transportation  
2389 Gateway Oaks Drive, Suite 100 MS 15  
Sacramento, CA 95833

Dear Ms. Lukkarila:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Highway 199 Curve Realignment Project (Post Mile 27 to 27.5)

**File:** CDOT - Hwy 199, Curve Realignment Project - WDID No. 1B05001WNDN

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). The Order is being issued in response to your request, on behalf of the California Department of Transportation (CDOT), for Water Quality Certification to modify the alignment of a roadside ditch as part of a curve realignment project on Highway 199. The Regional Water Board received a complete application and processing fee in the amount of \$500 on January 4, 2005. Information describing the proposed project was noticed for public comment for a 21-day period starting on February 16, 2005 on the Regional Water Board's web site. No comments were received.

**Project Description:** The purpose of the proposed project is to realign and improve a half-mile section of Highway 199 between Post Mile 27 and 27.5. This section of highway has been identified by CDOT as a candidate for improvements due to the sharpness of curves and the number of collisions that have occurred within the project limits. The portion of the proposed project subject to Water Quality Certification involves excavation to modify the alignment of the roadside drainage ditch where the ditch approaches a culvert inlet. The culvert carries an unnamed tributary to the Smith River under Highway 199. A retaining wall will be built at the culvert outlet and the culvert will pass through a hole in the new retaining wall. The culvert may be shortened at the outlet end. A rock energy dissipater may be added at the outlet end to protect the outlet area from erosion. The project also involves removal of three large trees. The trees will be removed with the root ball attached and

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they must be placed on the bank of the Smith River with the least amount of disruption to the riverbank and where they may be recruited into the river during high flows to provide habitat that would potentially be lost if the trees were removed from the area.

- Receiving Water: Unnamed Tributary to the Smith River, Middle Fork Smith River Hydrologic Area No. 103.30.
- Filled or Excavated Area: Area Temporarily Impacted: <0.01 acre  
Area Permanently Impacted: <0.01 acre
- Total Linear Impacts: Length Temporarily Impacted: 0 feet  
Length Permanently Impacted: 15 feet
- Latitude/Longitude: 123°47'8.29"W/41°53'45.65"N
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 18
- Compensatory Mitigation: None
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The CDOT, as the lead California Environmental Quality Act (CEQA) agency, adopted a Mitigated Negative Declaration (SCH#2004082042) for this project on September 27, 2004.
- Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:
- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 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 23 CCR 3855(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 any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

**Additional Conditions:**

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) Regional Water Board staff shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the project schedule, in order to allow staff to be present onsite during implementation, and to answer any public inquiries that may arise regarding the project.
- 2) 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 permit, 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. No rubbish shall be deposited within 150 feet of the high water mark of any surface water.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.
- 4) Best Management Practices for sediment and turbidity control shall be implemented and in place prior to and during construction.
- 5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.

- 6) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 7) This Order is not transferable. 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 forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer 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, 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.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the CDOT - Highway 199 Curve Realignment Project (Facility No. 1B05001WNDN) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. 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.

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water

Board's Water Quality Control Plan for the North Coast Region  
(Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2008 or upon completion of the project, whichever occurs first. 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.

Please notify Dean Prat of our staff at (707) 576-2801 prior to commencement of the portion of the project that is subject to this Water Quality Certification (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman  
Executive Officer

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Enclosure: 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"

cc: Ms. Sheryl Schaffner, Mr. Erik Spiess, SWRCB, Office of Chief Counsel  
Mr. Oscar Balaguer, 401 Program Manager, WQCU, SWRCB  
Mr. Tim Vendlinski, Supervisor of Wetlands Regulatory Office (WTR-8), U.S.EPA,  
Region 9, 75 Hawthorne Street, San Francisco, CA 94105  
Ms. Jane Vorpapel, California Department of Fish and Game, 601 Locust Street,  
Redding, CA 96002  
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,  
San Francisco, CA 94599  
Mr. Mike Long, U.S. Fish and Wildlife Service, Arcata Field Office, 1655 Heindon Road,  
Arcata, CA 95521