



Alan C. Lloyd, Ph.D.  
Agency Secretary

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

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<http://www.waterboards.ca.gov/northcoast>

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**Arnold**  
**Schwarzenegger**  
*Governor*

August 1, 2005

Ms. Gail Popham  
CDOT - Eureka  
1656 Union Street  
Eureka, CA 95501

Dear Ms. Popham:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Highway 101 Culvert Rehabilitation Project in Humboldt and Del Norte Counties

**File:** CDOT – Hwy 101, Culvert Rehabilitation HUM 97.73/122.36, DN 2.0/37.46  
WDID No. 1B05043WNHU

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), in response to your request, on behalf of the California Department of Transportation (applicant), for Water Quality Certification to implement a culvert rehabilitation project along Highway 101 in Humboldt and Del Norte Counties. On April 13, 2005, the Regional Water Board received your application and \$2,271 processing fee. On June 29, 2005, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project.

**Project Description:** The purpose of this project is to replace and/or repair drop inlets, headwalls, culverts, downdrains, endwalls, and outlet structures at several culverted stream crossings along Highway 101 in Humboldt and Del Norte Counties. The proposed project involves excavation, concrete and grouting work, invert paving, trenching, installation of culvert liners, and installation of rock energy dissipating structures. Equipment used for this project will include concrete trucks, dump trucks, backhoes, excavators, sump pumps, trenchers, and bobcats. Equipment staging and storage areas will be on existing paved roadways, shoulders, and gravel pullouts.

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***California Environmental Protection Agency***

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Any excess material generated from the project will be hauled to an approved disposal site. Impacts to riparian vegetation will be limited to the stems and foliage of shrubs and other herbaceous vegetation (red elderberry, willows, ferns, coltsfoot, and ladyfern). Plant roots will remain intact and plants in this area are expected to grow back quickly.

- Receiving Waters: Savage Creek, an unnamed tributary to Little River, and an unnamed tributary to Stone Lagoon in the Trinidad Hydrologic Unit No. 108.00;  
An unnamed tributary to Prairie Creek in the Orick Hydrologic Area No. 107.10;  
An unnamed tributary to Waukell Creek in the Klamath Glen Hydrologic Subarea No. 105.11; and  
An unnamed tributary to Morrison Creek in the Smith River Plain Hydrologic Subarea No. 103.11.
- Filled or Excavated Area: Area Temporarily Impacted: 0.15 acre  
Area Permanently Impacted: 0.01 acre of new impact to existing culverted streambeds
- Total Linear Impacts: Length temporarily impacted: 100 feet of streambed  
Length permanently impacted: 50 feet of new impact to previously culverted streambeds
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permits 3, 14, and 33 (295530N)
- Compensatory Mitigation: None
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control.
- CEQA Compliance: The California Department of Transportation, as the lead California Environmental Quality Act agency (CEQA), determined that this project is categorically exempt from CEQA (Class 1 (c)).
- 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) The applicant shall notify the Regional Water Board at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present on-site 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 stream.
- 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) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to and during construction.
- 6) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 7) 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.
- 8) 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.
- 9) 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 – Hwy 101, Culvert Rehabilitation Project (Facility No. 1B05043WNHU) 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 August 1, 2010. 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 construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine 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. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,  
San Francisco, CA 94599  
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502