



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

August 19, 2005

Ms. Lilian A. Acorda
California Department of Transportation
111 Grand Avenue
Oakland, CA 94623

Dear Ms. Acorda:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Replacement of Maacama and Redwood Creek Bridges, Sonoma County.

File: CDOT-Maacama/ Redwood Creek Bridge, WDID No. 1B03136WNSO.

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued in response to Ms. Lilian Acorda's request on behalf of the California Department of Transportation (hereinafter applicant), for a Clean Water Act, Section 401, Water Quality Certification. The Regional Water Board received an application and associated fee of \$2,250 on July 21, 2003. The application was deemed incomplete at that time. On August 11, 2003, supplemental information was requested regarding the mitigation plans for the wetland and the streambed that were proposed to be filled. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's web site. No comments were received. Supplemental information was received on February 18, 2005, which included the *Riparian and Oak Woodland Habitat Mitigation and Monitoring Plan*.

Project Description: The applicant proposes to modify the bridges by widening the traffic lanes from 10 feet to 12 feet, enlarging the shoulders of the road to 8 feet in width, and widening bridge approaches. To allow access to the creeks, the applicant will construct a temporary roadway. Temporary fill pads, with a central channel for fish passage will be used as structural support for the roadway. In addition, to allow access to the bridge, temporary scaffolding will be constructed in the dry portions of the streambeds. All temporary structures within the stream channels will be removed prior to October 15th each year. The applicant is proposing to remove a total of 114 trees in both project sites. Bridge abutments at Redwood Creek will be constructed outside of the ordinary high water mark of the creeks. Two abutments will be placed in Maacama Creek.

Receiving Water: Maacama and Redwood Creeks

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- Hydrologic Unit: Geyserville Hydrologic Subarea No. 114.25.
- Filled or Excavated Area: The projects will permanently impact 0.0011 acres of wetlands and 0.036 acres of stream channel. In addition, 0.58 acres of stream channel will be temporarily impacted.
- Federal Permit: The applicant has applied for Nationwide Permits Nos. 14 and 33 from the United States Army Corps of Engineers, pursuant to the Clean Water Act, Section 404 (File Nos. 26565N and 26566N).
- State and Local Approvals: An application for a Lake or Streambed Alteration Agreement was submitted to the California Department of Fish and Game (File No. 1600-2003-0525-3).
- Compensatory Mitigation: Compensatory mitigation for the stream channel area to be impacted is outlined in *Riparian and Oak Woodland Habitat Mitigation and Monitoring Plan* (December 2003) and for the wetland area, *Mitigation and Monitoring Plan: Maacama Creek Bridge Wetland Drainage Ditch* prepared in May 2005, both prepared by California Department of Transportation. To compensate for the loss of 114 trees, 162 trees will be planted at the Redwood Creek site and 236 trees will be planted at the Maacama Creek site, totaling 398 for a ratio of 1:3.5. To compensate for the loss of 0.0011 acre of wetland impacts, the mitigation plan proposes to create 0.0023 acres of wetland for a ratio of 2:1. A conservation easement was also established in May 2005 for 2.95 acres on a property adjacent to Redwood Creek to be protected in perpetuity (Document No. 59175).
- Non-compensatory Mitigation: To minimize impacts to aquatic life, work within the creek banks will not begin until after June 15th. Trees that are to be saved will be marked off with fencing to prevent their inadvertent destruction. Standard Best Management Practices (BMPs) will be implemented during construction including the use of silt fences and fiber rolls to minimize detrimental environmental impacts caused by the project. Equipment will be operated outside the stream channels. To prevent debris falling into the creeks, the creeks will be temporarily covered prior to bridge demolition. All disturbed areas will be vegetated with native grasses between construction phases.
- Disturbed areas will be re-contoured and planted for erosion control. Removed vegetation will be replaced following completion of construction.

- CEQA Compliance: A Mitigated Negative Declaration has been adopted for this project (SCH #2003052113, June 2003).
- 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 Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, 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) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
- 5) Project activities shall comply with provisions in the North Coast Basin Water Quality Control Plan (Basin Plan).
- 6) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 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.

- 8) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed

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portions of any stream channel shall be restored to as near their original condition as possible.

- 9) 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.
- 10) If, at any time, a 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.
- 11) Monitoring Requirements – Construction and mitigation work will be implemented as proposed in the application and the following monitoring shall occur:

A. Wetland Mitigation: Yearly monitoring reports for the required compensatory mitigation shall be provided to the Regional Water Board by July 15 during each calendar year for a total of five years. Reports shall include photo documentation of the mitigation area. After five years have passed, the mitigation will be evaluated for successful attainment of the final wetland criteria as outlined in the U.S. Army Corps of Engineers 1987 Delineation Manual, and a decision will be made whether additional mitigation measures are necessary to insure that no net loss of wetland habitat occurs. Reports shall be prepared by a professional consultant with in-depth experience in wetland ecosystem creation and function, as well as wetland mitigation monitoring techniques. Reports shall be submitted to the attention of staff member Andrew Jensen.

B. The applicant will monitor the re-vegetation site on a semi-annual basis and prepare an annual report including photo documentation as to the success of the re-vegetation. It is expected that at the end of the monitoring period, in this case 3 years, there will be at least an 80 percent survival rate.

C. Turbidity monitoring shall be conducted 20 feet downstream and 50 feet upstream (background) of

the work site while work is being conducted within the active stream channel. Minimum four samples shall be collected during each working day collected at two-hour intervals.

- 12) The applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any discharge from Replacement of Maacama and Redwood Creek Bridges (Facility No. 1B03136WNSO) 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)].

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, 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 Mona Dougherty of our staff at (707) 570-3761 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

KAW:clh/081905_KAW_Maacama401cert

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street, San Francisco, CA 94599

Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, State Water Resources Control Board, 1001 I Street, 15th Floor, Sacramento, CA 94105