



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



**Arnold
Schwarzenegger**
Governor

Alan C. Lloyd, Ph.D.
Agency Secretary

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

September 8, 2005

Mr. Rod Parsons
California Department of Transportation
P.O. Box 3700
Eureka, CA 95501

Dear Mr. Parsons:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Route 1 Realignment Project From PM 10.7-11.3, Mendocino County, California

File: CDOT, Route 1 Realignment Project From PM 10.7-11.3
Mendocino County, WDID No. 1B05027WNME

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). On March 10, 2005, the Regional Water Board received an application from Mr. Steve Hansen, on behalf of the California Department of Transportation (Caltrans), requesting a Clean Water Act, Section 401, Water Quality Certification and Waste Discharge Requirements (Dredge/Fill Projects) for the Route 1 Realignment Project from PM 10.7-11.3, Mendocino County. The proposed project causes disturbances to waters of the state associated with Mendocino Coast Hydrologic Unit No. 113.00, Garcia River Subunit No. 113.70. The Regional Water Board received an application and processing fee in the amount of \$2,784 on March 10, 2005. Additional information was received on June 20 and August 17, 2005. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received.

Project Description: The project is located approximately four miles south of Point Arena from PM 10.7-11.3 in Mendocino County. The purpose of the project is to reduce the threat to Highway 1 from coastal erosion and to reduce annual maintenance costs.

The project involves the excavation and placement of soil, gravel, and pavement within 0.52 acres of jurisdictional wetlands in order to realign a portion of Route 1 that is currently threatened by coastal erosion. Beginning at PM 10.7, the centerline of the road will be realigned toward the east by approximately 45 yards. The project will end at PM 11.3 where the segment will recombine with the existing road. The proposed roadway segment will

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consist of two 12-foot traffic lanes and two 4-foot paved shoulders, for a total width of 32 feet. The project will also include the removal of the temporary bridge and the obliteration of the existing pavement that will be bypassed by the new segment. Other project features consist of vista turnouts, culvert installation, and improved driveway access. The project will require the use of heavy equipment including graders, excavators, dump trucks, paving machines, rollers, and cement trucks. When complete, topsoil from the new alignment will be spread over the old alignment and contoured to match the natural topography.

Construction is expected to take one year to complete beginning the summer of 2006. Any construction involving jurisdictional waters will be done between June 15th and October 15th. In the event that it becomes necessary for construction to occur during this rainy season, the project will be subject to additional conditions to ensure winterization techniques are implemented, and to safeguard water quality. In the event that surface water flow is present at the time of the project commencing the work area will be dewatered by passively diverting surface water flows around the construction area; turbidity and silt BMPs will be used. In the event that groundwater is contacted during construction, Caltrans will apply for coverage under the General Construction Dewatering Permit or use a method of disposal other than disposal to surface water. Temporary silt controls will be in place during dewatering events.

Receiving Water:	Pacific Ocean, Mendocino Coast Hydrologic Unit No. 113.00, Garcia River Subunit No. 113.70.
Federal Permit:	U.S. Army Corps of Engineers 404 Individual Permit (File Number 26544N).
State and Local Approvals:	California Department of Fish and Game Lake or Streambed Alteration Agreement (CDFG 1602, Reference Number 005-0181-3).
Filled or Excavated Area:	<u>Total Area Impacted: 0.52 acres of Waters of the U.S (wetlands)</u> Area Temporarily Impacted: 0.00 acres Area Permanently Impacted: 0.52 acres

Total Area Impacted: 0.02 acres (229 linear feet) of Waters of the State (non-jurisdictional stream impacts)

Area Temporarily Impacted: 0.00 acres

Area Permanently Impacted: 0.02 acres

Compensatory

Mitigation Overview:

Required Total Mitigation Area for Waters of the U.S.: 1.05 acres

Wetland Created/Restored (Off-site): 0.39 acres

Wetland Created/Restored (On-site): 0.66 acres

Wetland Enhanced: 0.00 acre

Required Total Mitigation Area for Waters of the State (out of kind): 0.02 acres (229 linear feet)

Wetland Created/Restored (Off-site): 0.02 acres

Wetland Enhanced: 0.00 acre

Compensatory

Mitigation:

Due to limited available acreage within the construction zone, compensatory mitigation will take place at both on and off-site locations. On-site mitigation will include the creation of 0.66 acres of coastal prairie seasonal wetlands beneath the existing road prism. Off-site mitigation will include the creation of approximately 3.2 acres of coastal prairie seasonal wetlands adjacent to an existing scenic overlook site located at PM 10.2/10.4, Route 1. Mitigation for 0.02 acres of non-jurisdictional stream impacts will take place off-site, not-in-kind. Excess established three-parameter off-site wetland acreage will be available to use as compensation for impacts to Waters of the U.S. from additional Caltrans projects within the local vicinity.

Required compensatory wetland mitigation ratios are as follows:

- Waters of the U.S. (wetlands) – 2:1 ratio
- Waters of the State (non-jurisdictional stream impacts) – 1:1 ratio

Off-site Mitigation:

In order to compensate for the permanent loss of 0.02 acres (229 linear feet) of stream area associated with drainage features and temporal impacts to 0.52 acre of jurisdictional wetlands, at least 0.41 acres of three-parameter seasonal wetland are required to be created at the off-site location. With other planned wetland

creation at this location, the total area of wetlands upon completion of mitigation will be at least 3.2 acres in which approximately 3.0 acres will have two or more of the three wetland parameters: hydric soils, hydrology, and hydrophytic vegetation. Off-site mitigation includes the construction of shallow distribution ditches along the contour from the highway culvert outlets within the upper slope of the area and redirection of the two culverts that bypass the area into the distribution ditches. As the distribution ditches overtop, the water will sheet-flow through the mitigation area providing sufficient seasonal wetland hydrology, establishing hydric soils, and maintaining hydrophytic vegetation.

The off-site mitigation area will be planted with coastal prairie wetland plant species and the distribution ditch will be planted with a combination of native shrub species. Construction is scheduled to begin prior to the initial wetland filling.

On-site Mitigation:

In order to compensate for the loss of 0.52 acres of jurisdictional wetlands, Caltrans will create 0.66 acres of on-site, in-kind, coastal prairie seasonal wetland. On-site wetlands will be constructed within the old highway alignment after the pavement has been obliterated and removed for off-site disposal. The highway sub-base material will be ripped with topsoil previously removed from the new highway alignment placed on the ripped alignment. The topsoil will be compacted and graded to conform to natural topographical contours, which will sufficiently allow the proper hydrologic inundation to establish seasonal wetland parameters. A small berm will be placed along the west side of the wetland to contain surface drainage, allowing hydrologic sheet flow across the mitigation area. Existing culverts will be removed, replaced with rock-lined ditches, and planted with native willow trees. In order to protect on-site wetland mitigation areas from grazing by cattle, an exclusion fence will be installed upslope and east of the proposed highway alignment. A cattle guard will be installed on the residence access road near the northern project limit.

The proposed on-site mitigation area will be planted with native coastal prairie wetland plant species. On-site wetland mitigation construction is scheduled to begin within one year following initial wetland filling. All of the on-site wetland mitigation will be three parameter wetlands.

Noncompensatory

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Recycled Paper

Mitigation:

Non-compensatory mitigation measures have been incorporated into the project to reduce the potential impacts to water quality within the wetland features on the site. Highway 1 construction work will be completed during the dry season to avoid sediment discharges to surface waters. Erosion control best management practices (BMPs) will be incorporated into the project to reduce the potential for sediment and turbid discharges to surface waters as well as the following special provisions:

- Stockpile storage and disposal sites for excavated soil will be graded to conform to the natural topography and treated with permanent erosion control, which will be maintained until vegetative cover is established.
- California native grasses will be applied via hydroseeding at all locations with exposed soil, sloped to prevent soil erosion, and will be maintained until vegetative cover is established.
- Wetland areas along rock-lined ditches on-site will be planted with native species as outlined in the Wetland Mitigation Plan.
- The design of the project will include gradual grade transitions (slope rounding) at hinge and catch point of earthwork slopes, as well as flatter slopes, 1:1.5 or flatter with 10 foot maximum, to reduce potential slides and soil erosion.
- The project will follow existing topography to minimize excavation/embankment requirements that could increase the potential for unstable soils.
- Disturbances near unstable coastal bluffs will be avoided to prevent any material from falling over the bluffs to the beach or ocean below.

Post Construction
Storm Water Pollution
Prevention:

According to the Applicant, discharges from the highway pavement will be collected by dikes, dispersed and discharged through vegetation providing some treatment from overland flow and vegetative filtering. In the feasibility analysis, other Post-Construction BMPs were found infeasible due to concerns about bluff erosion..

The Applicant will implement the Storm Water Pollution Prevention Plan (SWPPP) submitted to Caltrans by the Contractor.

A copy of the SWPPP shall be submitted to the attention of staff member Andrew Jensen. Failure to implement the treatment plan will be considered a violation of this Water Quality Certification, and is subject to Regional Water Board enforcement actions.

CEQA Compliance:

Caltrans, as the lead California Environmental Quality Act (CEQA) agency for this project, has determined that this project qualifies for Mitigated Negative Declaration (SCH No. 2003072128), pursuant to CEQA.

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) 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. A copy of the Storm Water Pollution Prevention Plan (SWPPP) submitted to Caltrans by the Contractor shall be submitted to the attention of staff member Andrew Jensen.
- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
- 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) All project work and mitigation will be conducted as described in this Permit and in the application submitted by Caltrans.
- 7) All special conditions outlined in this Water Quality Certification must be included in the Plans and Specifications prepared by Caltrans for the Contractor. All special conditions shall be implemented according to the submitted application and Water Quality Certification.
- 8) 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.
- 9) Monitoring Requirements – Construction and mitigation work will be implemented as proposed in the application and the following monitoring shall occur:

- A. 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 for all proposed mitigation areas along Route 1 between PM 10.2 and 11.3. Reports shall include photo documentation of all mitigation areas. 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.
- B. The final success criteria includes off-site establishment of 0.41 acres and on-site establishment of 0.66 acres of three-parameter federally jurisdictional wetland habitat with adequate hydrology, hydric soils, and hydrophytic vegetation.

Performance Criteria

Year 1

- The majority of each wetland mitigation site will be inundated or saturated to the surface for at least 5 percent of the growing season.
- Survival of planted native wetland vegetation (including shrubs and trees) will exceed 90 percent.
- Invasive plants on the California Exotic Pest Plant Council (CalEPPC) List A or Red Alert List will not exceed five percent cover within each wetland mitigation area.

Year 3

- The majority of each wetland mitigation site will be inundated or saturated to the surface for at least 5 percent of the growing season.
- Establishment of at least 50 percent relative vegetative cover consisting of facultative, facultative-wetland, or obligate-wetland species.
- Invasive plants on the California Exotic Pest Plant Council (CalEPPC) List A or Red Alert List will not exceed five percent cover within each wetland mitigation area.

Year 5

- The majority of each wetland mitigation site will be inundated or saturated to the surface for at least 5 percent of the growing season. If hydrophytic vegetation and hydric soils are not present, the majority of each wetland mitigation site will be inundated or saturated to the surface for at least 12.5-25 percent of the growing season.
 - Establishment of at least 50 percent relative vegetative cover consisting of facultative, facultative-wetland, or obligate-wetland species.
 - Survival of planted native wetland vegetation (including shrubs and trees) will exceed 80 percent.
 - Invasive plants on the California Exotic Pest Plant Council (CalEPPC) List A or Red Alert List will not exceed five percent cover within each wetland mitigation area.
- C. Reports shall be prepared by a professional biologist 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.

- 10) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.
- 11) 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.

- 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.
- 13) If surface water or groundwater is contacted during construction and dewatering is found to be necessary, Caltrans will use a method of disposal other than disposal to surface waters (such as land disposal or disposal to a sanitary sewer) or apply for coverage under the General Construction Dewatering Permit and receive notification of coverage for discharge to surface waters.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Route 1 Realignment Project from PM 10.7-11.3 (WDID No. 1B05027WNME) 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 (enclosed).

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, 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 Andrew Jensen of our staff at (707) 576-2683 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

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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: Mr. John Yeakel, U.S. Army Corps of Engineers, 333 Market Street, Eighth Floor, San Francisco, CA 94105-2197