



**California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman**



Linda S. Adams
Agency Secretary

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Arnold
Schwarzenegger
Governor

June 6, 2006

Mr. Rod Parsons
CDOT - Eureka
Eureka, CA 95501

Dear Mr. Parsons:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Rock Lined Ditch Project on Highway 299

File: CDOT – Hwy 299, HUM PM 23.2 – Ditch Lining Project
WDID No. 1B06011WNHU

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 for activities related to the rock lined ditch project on Highway 299 at Post Mile 23.2 in Humboldt County. On February 2, 2006, the Regional Water Board received your application and a \$1370 processing fee. On May 9, 2006, 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 public comments on this project.

Project Description: High flows through an existing culvert located on Highway 299 at Post Mile 23.2 caused significant erosion along an approximately 200 foot long section of drainage channel immediately downstream from the culvert. Approximately 20-30 large alder trees have fallen over along the failing banks of the channel. Erosion along the channel and the associated sedimentation is adversely affecting downstream water quality, drainage, and private property.

Implementation of the project involves excavation and grading of approximately 175 feet of the drainage channel bottom in order to line the channel with approximately 600 cubic yards of quarter-ton rock. The applicant will access the project area via a private drive off Chezem Road near the downstream end of the project. The width of the rock lined channel will vary from 15 feet to 32 feet. Equipment access will temporarily impact approximately 500 square feet of herbaceous riparian vegetation. Approximately 20-30 alder trees will be removed to allow access to the channel. Most of the affected trees have completely fallen over, or are partially uprooted.

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- Receiving Waters: An unnamed tributary to Redwood Creek in the Beaver Hydrologic Area. No. 107.20
- Latitude/Longitude: 40.909N/123.809W
- Filled or Excavated Area: Area Temporarily Impacted: 0.003 acre of stream bank
Area Permanently Impacted: 0.016 acre of stream channel
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit Nos. 3 and 13 (File No. 30060N)
- Compensatory Mitigation: None
- Noncompensatory Mitigation: Noncompensatory mitigation measures for this project include the use of Best Management Practices for sediment and turbidity control. The project will be implemented between September 15 and October 15, 2006, when there is no flow in the channel. The applicant will plant twenty one-gallon alder trees on both sides of the channel to attempt to further stabilize the eroding slopes above the channel. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The California Department of Transportation, as the lead agency for CEQA, determined that the proposed project is categorically exempt from CEQA (Class 1, Section 15301).
- 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 Regional Water Board staff 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 onsite and to answer any public inquiries that may arise regarding the project.
- 2) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 3) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 4) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging 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.
- 5) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 6) No debris, 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.
- 7) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).

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- 8) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 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 Highway 299 - Rocked Lined Ditch Project, (Facility No. 1B06011WNHU) 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 June 6, 2011. 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