



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



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

August 31, 2006

Ms. Gail Popham
CDOT Eureka
P.O. Box 3700
Eureka, CA 95502-3700

Dear Ms. Popham:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the CDOT, DN 199 Pm 23.6 and 24.00 Culvert Replacement Project

File: CDOT – DN 199 PM 23.6 and 24.00 Culvert Replacement Project
WDID No. 1A06097WNDN

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 Del Norte (DN) 199 Post Mile (PM) 23.6 and 24.00 Culvert Replacement project located in the Six Rivers National Forest (T17N, R3E, S9 and 10), Del Norte County. On June 29, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On August 2, 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. During the comment period, the applicant advised us that the public notice included information regarding the installation of sand traps that the applicant has determined will not be required. On August 4, 2006, we posted a revised public notice to reflect this change. We did not receive any comments on this project.

Project Description: The project is located along the Smith River Scenic Byway within the Six Rivers National Forest, which is managed by the United States Forest Service. The Smith River and its tributaries are designated Wild and Scenic, and subject to the Wild and Scenic River Act. A one quarter mile corridor on each side of the river is included in the Wild and Scenic River status. The proposed project is within this designated corridor.

The primary purpose of the project is to replace undersized and damaged culverts to improve drainage and to protect the

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waterways. The proposed project involves: 1) removing and repaving an approximately 4-foot wide existing shoulder to road thickness; 2) paving a 4 foot wide shoulder adjacent to the turn-out lane; 3) regrading a berm from a 5-foot width to a 2-foot width to accommodate the proposed shoulder construction; 4) replacing 18-inch diameter culverts with 30-inch diameter culverts at PMs 23.74 and 23.8, on Highway 199, east of Crescent City; and 6) paving an approximately 7,266 square foot area adjacent to the southbound lane, between the hillside and a K-rail, which functions as a catch basin for rock and vegetation that falls from the hillside. New culverts will be installed on the same alignment as the existing culverts. In addition, the applicant proposes to install a 3-foot by 8-foot concrete grated drop inlet at each of the new culverts. Runoff from the project site will be collected within the proposed paved southeast shoulder and asphalt concrete dike, where it will discharge onto the existing rock-covered slope before flowing into the Middle Fork of the Smith River. The two replaced culverts will also discharge onto the existing rock covered slope. The rock slope protection at the culvert outlets will be reconstructed as needed.

Staging areas will be located at the end of PM 23.74 and further southwest at PMs 23.58 and 23.63. The area at PM 23.74 is an existing gravel pullout with an unimproved pathway leading to the Smith River. The staging areas are located approximately 60 feet from the Smith River. A smaller pullout, located north of the project site, at PM 24.0, will accommodate up to two vehicles. Public access to the Smith River will not be affected by the project. Waste materials will be transported to an approved disposal site.

The applicant estimates that the project will be conducted between July and November of a single year. The duration of the project activities is estimated to be no more than 30 days. The U. S. Fish and Wildlife Service (USFWS) and the National Oceanic Atmospheric Administration (NOAA) have determined that the proposed project will not affect any federally listed species. No known sensitive biological resources will be impacted by the proposed project. The Smith River is known to have Coho salmon, but the proposed project activities will not impact the Smith River.

Receiving Waters: Middle Fork Smith River Hydrologic Area No. 103.30

Latitude/Longitude: 41.878N/123.830W

Filled or Excavated Area: Area Temporarily Impacted: 0.001 Acre
Area Permanently Impacted: 0.009 Acre Seasonal channel

- Federal Permit: United States Army Corps of Engineers Nationwide Permits 3 for *Maintenance* and 33 for *Temporary Construction, Access, and Dewatering*
- Compensatory Mitigation: None
- Non-compensatory Mitigation: Non-compensatory mitigation will include the use of Best Management Practices (BMPs) for heavy equipment operation near waterways and for sediment and turbidity control. No vegetation, with the exception of low growing plants that colonize disturbed areas (ruderal vegetation) will be removed during the construction, staging, and or storage activities. Silt fences will be used to control sediment and to prevent erosion. The applicant will ensure development and implementation of site-specific BMPs, a Water Pollution Control Plan, and an emergency spill plan. No known archaeological or cultural resources are located within the proposed project area.
- CEQA Compliance: The California Department of Transportation, as the lead agency for CEQA, determined that this project will have no significant effect on the environment, and is categorically exempt from CEQA (Article 19, 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 the Regional Water Board in writing 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) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, 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.
- 4) Adequate BMPs 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) 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, 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.
- 7) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

- 8) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
- 9) 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.
- 10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 13) 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 DN 199 PM 23.6 and 24.00 Culvert Replacement Project, (Facility No. 1A06097WNDN) 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 30, 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 Diana Henriouille of our staff at (707) 576-2350 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"

California Environmental Protection Agency

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
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB,
1001 I Street, 15th Floor, Sacramento, CA 95814