



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

December 11, 2006

Mr. Steve Hansen
California Department of Transportation
1656 Union Street
Eureka, California 95501

Dear Mr. Hansen:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Anderson Creek Bridge, Soda Creek Bridge, and Outlet Creek Bridge Project, Mendocino County

File: California Department of Transportation, Anderson, Soda, and Outlet Creek Bridges, WDID No. 1B06001WNME

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 20, 2006, the Regional Water Board received an application from Mr. Steve Hansen, on behalf of the California Department of Transportation (Caltrans) (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Anderson Creek Bridge, Soda Creek Bridge, and Outlet Creek Bridge Project. 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. The project will impact Waters of the United States associated with Outlet Creek and the Eel River Hydrologic Unit No.111.61 as well as Soda and Anderson Creeks and the Navarro River Hydrologic Unit No. 113.50.

Project Description: The project includes three sites: Outlet Creek Bridge located on Route 162 at post mile (PM) 0.2, Anderson Creek Bridge located on Route 253 at PM 0.54, and Soda Creek Bridge located on Route 253 at PM 3.47, all in Mendocino County. The project consists of bridge retrofitting at three sites to bring the existing bridges up to current bridge design standards. At each location bridge widening and rail replacement work will be conducted.

For the Outlet Creek Bridge site, work will not occur within the jurisdictional Waters of the United States. There will be minimal grading and widening of the existing access road to provide a

California Environmental Protection Agency

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staging and storage area. Access for the underside of the bridge can be achieved from the creek banks and from a temporary platform. The platform will be assembled and raised for use above the waterway. Work to be completed includes widening the bridge by 3.5 feet on each side and upgrading the rail to meet current standards. A containment structure will be used to prevent debris from entering the stream.

Construction work at the Anderson Creek Bridge site will consist of widening the bridge deck by three feet on both sides and replacing the guard rail with one that will meet current standards. The pier cap and pier columns will be strengthened. The existing footings and abutments will be enlarged and the wingwalls will be replaced. Rock riprap will be placed on the abutments under the bridge. To accommodate the associated enlarged road on either end of the bridge, retaining walls will be constructed on the south-east and north-west quadrants. A temporary access road will be formed in the north-east area of the construction zone to provide access to the underside of the bridge. The lower portion of this road will be returned to pre-construction conditions upon completion of the project. An existing 18-inch culvert will be extended due to the construction of the access road, and three utility poles will be relocated.

Construction work to be completed at the Soda Creek Bridge consists of widening the deck 3.75 feet on the south side, removing the existing wingwall, upgrading the rails, installing rock riprap on the banks, widening the bridge abutments, and adjusting the alignment of the road at each end to correspond with the widening. No access road is required for the work on this bridge. All work will be conducted from the highway or from the bank of Soda Creek. A platform will be used to contain debris.

Receiving Water:	Outlet Creek and the Eel River Hydrologic Unit No.111.61 as well as Soda and Anderson Creeks and the Navarro River Hydrologic Unit No. 113.50.
Federal Permit:	An application for a United States Army Corps of Engineers Nationwide Permit was submitted on May 1, 2006. (Pending)
State and Local Approvals:	An application for a Lake and Streambed Alteration Agreement was submitted to California Department of Fish and Game on January 26, 2006. (Pending)

Filled or

Excavated Area:

Total Area Impacted: 0.06 acres of riparian habitat

Area Temporarily Impacted: 0.06 acres

Area Permanently Impacted: 0.00 acres

Total Linear Impacts: 60.0 linear feet impacted

Length Temporarily Impacted (Restored): 0.000 linear feet

Length Permanently Impacted (Not Restored): 60.0 linear feet

Compensatory

Mitigation:

Compensatory mitigation shall be achieved at the Anderson Creek and Soda Creek sites by the planting of native vegetation including canyon live oak, toyon and white alder at a 3:1 stem ratio with a minimum of 80% survival after one year. In addition to the replacement plantings there will be willow pole plantings within the rock riprap where it extends beyond the dripline of the bridge. Compensatory mitigation is not required for the Outlet Creek site because there will be no temporary or permanent impacts.

Non-compensatory

Mitigation:

Non-compensatory mitigation measures include the use of standard erosion control Best Management Practices (BMPs) including revegetation of exposed soils, straw bale barriers, fiber rolls, temporary mulch, clear water diversion, Baker Tank or equivalent for excavation pumping, and concrete washout basins. Full debris containment is required.

Post-construction

Storm Water

Pollution Prevention:

Storm water will be treated through biofiltration. Existing vegetation and revegetated areas will provide biofiltration.

CEQA Compliance:

On April 5, 2006, the Applicant adopted a negative declaration (State Clearinghouse number 2005072158) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.

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

California Environmental Protection Agency

review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.

- 2) This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the Applicant.

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 Order, 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, Waters of the State or Waters of the United States.
- 3) BMPs for erosion, 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.

- 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 Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
- 6) 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.
- 7) Ground disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
- 8) All project work, including post-construction storm water BMPs and construction BMPs such as concrete washout basins, shall be conducted and constructed as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
- 9) All requirements of this Order shall be included in the plans and specifications for the project and provided to contractors and subcontractors prior to accepting any construction bids.
- 10) All requirements of this Order shall be adhered to by Caltrans staff and all contractors and subcontractors or it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
- 11) Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.

- 12) The Eel River and Navarro River watersheds are identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Eel River and Navarro River watershed sediment and temperature listings. Roads are identified as significant sources of sediment discharges in both watersheds. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in both watersheds. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
- 13) The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
- 14) Construction and mitigation work shall be implemented as proposed in the application and the following monitoring shall occur:

The Applicant shall monitor revegetation areas on a semi-annual basis and prepare an annual report including photo documentation as to the success of the revegetation. The annual report shall be submitted to the Regional Water Board within 30 days of the one year anniversary of project completion. At the end of the monitoring period, in this case one year, there shall be at least an 80 percent survival rate of all vegetation, or the Applicant shall submit a supplemental revegetation plan to the Regional Water Board and implement the plan.
- 15) 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 shall send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request shall 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 shall 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.

- 16) 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 the authorized discharge from Anderson Creek Bridge, Soda Creek Bridge, and Outlet Creek Bridge Project (WDID No. 1B06010WNME) 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 insofar 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).

This Order may be terminated or modified for cause, including, but not limited to: (a) violation of any condition contained herein; (b) misrepresentation or failure to disclose fully all relevant facts; and (c) change in any condition that requires either a temporary or permanent reduction or elimination of the certified discharge.

Any violation or threatened violation of the conditions in this Order shall be subject to any remedies, penalties, process or sanctions under state law, including civil liability under Water Code section 13385.

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 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 Mona Dougherty 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

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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: Samantha Olson, SWRCB, Office of Chief Counsel
Jenny Chen, SWRCB, Acting Certification and Wetlands Program
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