



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman**

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



Arnold
Schwarzenegger
Governor

March 27, 2007

In the Matter of

Water Quality Certification

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
HIGHWAY 20 POST MILE 0.3 - 2.4 LEFT TURN LANE AND SHOULDER WIDENING
PROJECT: WDID NO. 1B05159WNME**

RECEIVING WATER: Seasonal Wetlands
HYDROLOGIC AREA: Noyo Hydrologic Area No. 113.20
COUNTY: Mendocino County

BY THE EXECUTIVE OFFICER:

1. On December 8, 2005, the California Department of Transportation (Caltrans and Applicant) filed an application and fee of \$564.00 for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Highway 20 Post Mile 0.3 - 2.4 Left Turn Lane and Shoulder Widening Project. Additional information was received on October 23, 2006, November 6, 2006, November 21, 2006, November 27, 2006, November 28, 2006, December 1, 2006, December 8, 2006, December 12, 2006, December 13, 2006, December 18, 2006, December 26, 2006 and January 2, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 3, 2007, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. Caltrans will begin construction activities at South Harbor Lane, on Highway 20 post mile 0.3 and end east of Gravel Pit Road, Highway 20 post mile 2.4. Left-turn lanes will be added at major intersections within the project limits. Intersections will be reconstructed and brought up to current standards. The existing roadway will be widened to accommodate road shoulders and pedestrian access. Existing drainages and culverts will be relocated and upgraded.
3. Existing culverts under the driveways will be replaced with larger 24-inch diameter culverts. Some utility poles will be relocated to the top of bank, above the five year

California Environmental Protection Agency

Recycled Paper

storm flood plain. In addition, check dams will be added to the roadside drainages to reduce erosion and provide storm water treatment.

4. The project will result in permanent impacts to 0.17 acres and temporary impacts to 0.016 acres of seasonal wetlands and wetland drainages. Additionally, 4,562 yd³ of permanent fill will be added to Waters of the United States.
5. Compensatory mitigation will be provided on site and at the Cleone Mitigation Area owned by Caltrans. The Cleone Mitigation Area is located on State Route 1, at post mile 64.8 in the town of Cleone. Cleone is approximately five miles north of the town of Fort Bragg, and is located directly across from the entrance to MacKerricher State Park. At the Cleone site, wetlands were created adjacent to a large wetland/riparian complex (Mill Creek riparian corridor).
6. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control Best Management Practices (BMPs) to reduce the potential for turbid discharges to surface waters. All BMPs and control measures shall be implemented as described in the project description and in compliance with the Caltrans Construction Site Best Management Practices Manual.
7. On June 2, 2004, Caltrans adopted a negative declaration (State Clearinghouse number 2003122059) 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. The United States Army Corps of Engineers has permitted this project under Nationwide Permit Number 14: Linear Transportation Projects (File Number 28429N), pursuant to Clean Water Act, section 404.

Receiving Water: Seasonal wetlands and drainages, Noyo Hydrologic Area No. 113.20, Mendocino Coast Hydrologic Unit No. 113.00

Filled or Excavated Area: Permanent Impacts: 0.17 acres
Temporary impacts: 0.016 acres

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 20 POST MILE 0.3 - 2.4 LEFT TURN LANE AND SHOULDER WIDENING PROJECT (FACILITY NO. 1B05159WNME), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Caltrans complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 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 title 23, California Code of Regulations, section 3855, subdivision (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 title 23, California Code of Regulations, section 3833, unless otherwise stated in writing by the certifying agency.
4. 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 Basin Plan.
5. Caltrans shall construct the project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
6. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this certification must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
7. Caltrans shall provide Regional Water Board staff access to the project site to document compliance with this certification.
8. Caltrans shall provide a copy of this certification and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor or subcontractors.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.

11. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly and in accordance with the Special Provisions for the project and/or Standard Specification 7-1.13, Disposal of Material Outside the Highway Right of Way. Caltrans shall submit to the Regional Water Board the satisfactory evidence provided to the Caltrans engineer by the Contractor referenced in Standard Specification 7-1.13.
12. If construction dewatering is found to be necessary, the Applicant shall 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.
13. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.
14. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other project activities that could result in erosion or sediment discharges to surface water. The BMPs shall be implemented in accordance with the Caltrans Construction Site Best Management Practices Manual (Manual) and all contractors and subcontractors shall comply with the Manual.
15. All conditions required by this Order shall be included in the Plans and Specifications prepared by Caltrans for the Contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this project.
16. The Resident Engineer shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least weekly, and particularly before forecasted storm events and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or biological monitors assigned to the project, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.
17. All mitigation activities shall be completed as proposed in the MEN 20 Left-Hand Turn and Shoulder Widening Habitat Mitigation and Monitoring Proposal, revised December 2006. This includes a 1.33:1 (0.12 acres:0.09 acres) mitigation ratio for permanent impacts to seasonal wetlands at the Cleone Mitigation Parcel as

described above, a 2:1 (0.164:0.082) mitigation ratio for permanent impacts to wetland ditches, and a 1:1 (0.016:0.016) mitigation ratio for temporary impacts to wetland ditches. Impacts to wetland ditches shall be mitigated on-site.

18. On-site mitigation shall include the creation of 0.18 acres of wetland ditches. Mitigation at the Cleone Mitigation Parcel shall include the use of 0.12 acres credits that may not be used for mitigation for any other project.
19. Check dams shall be used to slow storm water velocity and trap sediments within the drainages. Over 29 check dams are to be placed in the new drainage systems along the length of the project.
20. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
21. The Regional Water Board may add to or modify the conditions of this certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
22. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person
 - d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

23. 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.
24. Please contact Mona Dougherty of our staff at (707) 570-3761 if you have any questions.

Catherine E. Kuhlman
Executive Officer

032707_MSD_CT Hwy 20 Left Turn Lane_401

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

Original sent to: Mr. Charlie Fielder, California Department of Transportation, 1656 Union Street, Eureka, CA 95501

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Mr. Craig Martz, Department of Fish and Game, 601 Locust Street, Redding, CA 96001

Mr. Alex Arevalo, California Department of Transportation, 1656 Union Street, Eureka, CA 95501