



California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman



Linda S. Adams
Secretary for
Environmental Protection

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

May 29, 2007

In the Matter of

Water Quality Certification

for the

SONOMA COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, OLD REDWOOD HIGHWAY BIKE LANE PROJECT, WDID NO. 1B07002WNSO

APPLICANT: Sonoma County Department of Transportation and Public Works
RECEIVING WATER: Wright Creek
HYDROLOGIC UNIT: Mark West Hydrologic Subarea 114.23
COUNTY: Sonoma
FILE NAME: Sonoma County DTPW, Old Redwood Highway Bicycle Lane

BY THE EXECUTIVE OFFICER:

1. On January 8, 2007 the Sonoma County Permit and Resource Management Department filed an application on behalf of the Sonoma County Department of Transportation and Public Works (Sonoma County DTPW) for water quality certification (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 widening of Old Redwood Highway so as to accommodate bicycle lanes. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 27, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The proposed project consists of work at two locations. The locations are alongside Old Redwood Highway approximately 0.9 and 1.0 miles north of Arata Lane in Windsor. The purpose of the project is to construct six-foot wide bicycle lanes on both sides of Old Redwood Highway. The project has a larger scope of completing a bicycle corridor that will extend from Santa Rosa north to Healdsburg. In the

California Environmental Protection Agency

Recycled Paper

project area there is a need for minor widening of the road to incorporate the bike lanes. Two culverts in this section will require modification, resulting in the placement of fill into waters of the United States.

3. Work at the first location will involve installing a new 48-inch plastic pipe culvert next to an existing 2x4 box culvert to increase conveyance capacity and prevent flooding. At the upstream inlet a portion of the existing concrete headwall will be removed and a new concrete headwall will be installed next to it. Approximately 14 linear feet of rock riprap will be placed on the channel bottom at the culvert inlet. Riprap will also be placed along the bed and bank of the culvert outlet, additionally an existing scour hole will be filled with riprap. Vegetation removal within the top of bank is limited to annual grasses for the placement of riprap. No equipment will operate within the channel.
4. At the second location work will consist of replacing the existing 15-inch corrugated metal pipe culvert with an 18-inch plastic pipe culvert. The existing concrete headwall at the inlet will be removed and replaced with a roadway inlet to accommodate roadway widening. The culvert inlet accepts sheet flow from the road slope and the shoulder through a small ditch. The headwall at the outlet will be removed and replaced with a flared end section that will extend four feet beyond the current culvert. Rock riprap will be placed on the channel bottom at the outlet to prevent scour. Vegetation removal will be minimal and limited to annual grasses. No equipment will operate within the channel.
5. The total area of fill associated with the culvert improvements is 0.006 acres, or 255 square feet. Construction is expected to begin in July 2007 and last until October 2007.
6. Non-compensatory mitigation measures include the use of standard erosion control Best Management Practices (BMPs) for construction of the Project. All exposed soils will be seeded and mulched as per County specifications. Several trees along the bike path are proposed to be removed, only one of which occurs within the area covered by the proposed project. The tree will be replaced at a 1:1 ratio. Impacts to waters of the state are minimal.
7. The United States Army Corps of Engineers has determined that the project qualifies for a non-reporting Nationwide Permit (NWP 3, Maintenance).
8. The California Department of Fish and Game has determined that the project does not require a Streambed Alteration Agreement.
9. The project meets the Categorical Exemption criteria under title 14, California Code of Regulations, section 15301(c), modification of existing highways and streets, and

section 15304(h), creation of bicycle lanes on existing rights-of-way. The Regional Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of an order for the project.

Receiving Water: Wright Creek in the Mark West Hydrologic Subarea No. 114.23.

Filled or Excavated Area: Area Permanently Impacted: 0.006 acre (255 square feet) of stream channel

Latitude/Longitude: 38.570556° N/-122.838056° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sonoma County DTWP Old Redwood Highway Bicycle Lane Project (WDID No. 1B07002WNSO), 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 Humboldt County DPW 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. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. 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.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
 7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
 8. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
 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. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
 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. All project work shall be conducted 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.
 13. The Russian River watershed is 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 not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. If a TMDL implementation plan is adopted 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.

14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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 Regional 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 Regional 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 Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
17. In the event of any change in control of ownership of land presently owned or controlled by Sonoma County DTWP, Sonoma County DTWP 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, and the 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.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
19. 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.

If you have any questions or comments please contact Stephen Bargsten at (707) 576-2653 or at sbargsten@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

052907_jos_SCDTPW_OldRedwoodHwyBikeLane_401Cert.doc

Original to: Mr. Rex Cummins, Sonoma County DTPW, 2300 County Center Drive,
Suite B100, Santa Rosa, CA 95403

Copies to: Ms. Laura Peltz, Sonoma County PRMD, 2550 Ventura Avenue,
Santa Rosa, CA 95403
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398