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

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Arnold  
Schwarzenegger  
Governor

June 20, 2007

In the Matter of

**Water Quality Certification Amendment**

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
HARDSCRABBLE CREEK BRIDGE REPLACEMENT PROJECT  
WDID NO. 1A06056WNDN**

RECEIVING WATER: Hardscrabble Creek  
HYDROLOGIC AREA: Middle Fork Smith River Hydrologic Area 103.30  
COUNTY: Mendocino County  
APPLICANT CONTACT: Ms. Gail Popham  
FILE NAME: CDOT, Hardscrabble Creek Bridge Replacement Project

BY THE EXECUTIVE OFFICER:

1. On April 28, 2006, the California Department of Transportation (Caltrans and Applicant) filed an application and fee of \$1250.00 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 Hardscrabble Creek Bridge Replacement Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 and posted information describing the project on the Regional Water Board's website on July 28, 2006. No comments were received and a water quality certification was issued on August 28, 2006. On May 8, 2007 Caltrans staff notified the Regional Water Board that Caltrans staff had removed 27 trees, rather than the approximately 6 trees specified in the August 2006 water quality certification; further, Caltrans staff indicated that they would need to remove an additional 8 trees and an unspecified number of shrubs in order to accommodate the temporary bridge associated with this project. Upon inspecting the site, Regional Water Board staff determined that the method and location of tree and shrub removal do not appear to pose a significant threat to water quality, and that the proposed change to the project description comprises a minor amendment. In addition, in requesting this amendment, Caltrans indicated that it may be necessary to use up to 300 cubic yards (cy) of clean native gravel for temporary water diversion, rather than the approximately 200 cubic yards specified in the

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August 28, 2006 certification; therefore, this amended certification also reflects that proposed increase. With the exception of these changes, the project description remains the same. This amended Certification follows current Regional Water Board Certification format, and contains additional conditions included in all new Certifications for Caltrans projects.

2. The existing Hardscrabble Creek Bridge (DN-199-11.0) built in 1929 has pier deterioration. Hardscrabble Creek, a steep perennial channel, has approximately 6 miles of sparsely vegetated rocky terrain with an elevation ranging from 390 to 1400 feet. The steepness of the channel moves the fines and gravels readily downstream in the winter months to the Smith River. The steepness and the lack of suitable spawning substrate decrease the value of the habitat for Coho salmon. The existing six-pier bridge will be replaced with a single span, concrete box girder bridge, consisting of a steel beam built up to form a hollow cross-section that will be 15 feet wider than the existing structure; each lane will be 12 feet with 8 feet of shoulder. The project will eliminate the in-stream piers of the existing bridge, creating a more natural unobstructed channel configuration. The replacement of the existing bridge involves 1) installing a temporary detour bridge upstream of the existing bridge; 2) demolition of the existing bridge including the 6 piers and footings within the stream channel; 3) falsework construction; and 4) construction of the new, single-span bridge. Hardscrabble Creek will be diverted by placing approximately 200 feet of 36-48 inch diameter steel pipe in the channel below the bridge and slowly introducing up to 300 cubic yards of washed, native gravel into the Creek to displace the water. The gravel will be removed at the completion of the project phase requiring dewatering. A new bridge deck will be installed to the north of the existing bridge using temporary abutments on spread footings which will serve as a temporary bridge. Traffic will be diverted to the temporary detour bridge during the removal of the existing bridge.
3. The existing bridge has 6 piers with spread footings; each footing is 3.3 X 3.3 feet. Removal of the existing bridge involves removal of the deck, piers, and footings; rebar from the existing bridge will be cut off level with the stream bed to prevent injury to wildlife and recreational users of Hardscrabble Creek. Piers will either be cut off level with the streambed or removed in their entirety, depending on whether the footings are keyed into the bedrock. Waste materials from the demolition of the existing bridge will be disposed of at an approved site outside of the Six Rivers National Forest.
4. The roadway will be widened 15 feet to the south; this will involve the removal of approximately 330 yards of soil and rock. The project will also involve the removal of shrubs, herbaceous vegetation, and approximately 35 trees. All felled trees will be left onsite as large woody debris for fish and wildlife habitat. Branches and shrubs will be chipped, and the spoils used for erosion control on site. All soil and rock spoils will be transported to an approved disposal site.
5. The project is planned to occur between April and November of a single year, but the project may require another year depending on unforeseen delays and weather conditions. Construction within the creek will occur during the dry season, between June 15 and October 15. Equipment that may be used during construction and demolition includes pile-drivers, jackhammers, hoe-rams, drill rig with core barrel/rock auger, chainsaws, chippers, excavators, backhoes, loaders, cranes,

dump trucks, pavers, rollers, graders, and pumps. Equipment staging will occur on existing paved or gravel pullouts along Route 199 east and west of the project area. In addition, a staging area off of Route 199 to the northwest of the existing bridge will require grading and the removal of some shrubs to allow access and placement of gravel. The staging areas will not be enlarged.

6. The project will result in 0.06 acre of temporary perennial stream impact, or 150 feet of linear impact. There are no permanent impacts.
7. Compensatory mitigation for this project includes the replanting of native trees and shrubs at a 5:1 ratio in the area of the vegetation removal. The plantings will be monitored for a period of 5 years and failed plantings will be replaced until an 80% survival rate is achieved.
8. 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 (BMP Manual). This includes but is not limited to the use of silt fences, straw bales, fiber plants and/or fiber-rolls to control sediment, as well as reseeding and mulching of bare soil for erosion prevention.
9. The project is not expected to result in any cumulative adverse impacts to the stream or available spawning or rearing habitat, nor is it expected to result in adverse modification of designated critical habitat for salmonids. The project will not result in adverse modification to Coho critical habitat, Essential Fish Habitat (EFH) for Southern Oregon Northern California Coast (SONCC) Coho or the California Coastal Chinook salmon. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
10. On October 14, 2005, Caltrans, as lead agency, determined that the project is categorically exempt, in accordance with Article 19, section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The United States Army Corps of Engineers has permitted this project under Nationwide Permits Number 3 for Maintenance and 33 for Temporary Construction, Access and Dewatering pursuant to Section 404 of the Clean Water Act (33 U.S.C. section 1344).

Receiving Water: Hardscrabble Creek, Middle Fork Smith River Hydrologic Area No. 103.30

Filled or Excavated Area: Permanent Impacts: None  
Temporary impacts: 0.06 acres

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HARDSCRABBLE CREEK BRIDGE REPLACEMENT PROJECT (FACILITY NO. 1A06056WNDN), 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 BMP 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 the beginning of the project and at least biweekly thereafter. Meetings shall also hold water quality permit compliance meetings 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 Amended Order Request, for Minor Project Change submitted by Caltrans on May 29, 2007.
18. 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.
19. 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.
20. 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.

21. 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.

22. Please contact Diana Henriouille of our staff at (707) 576-2350 if you have any questions.

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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

Original sent to: Ms. Gail Popham, 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. Alex Arevalo, California Department of Transportation, 1656 Union Street, Eureka, CA 95501