



California Regional Water Quality Control Board North Coast Region

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Arnold
Schwarzenegger
Governor

September 28, 2007

In the Matter of

Water Quality Certification

for the

CALIFORNIA DEPARTMENT OF TRANSPORTATION SLOPE STABILIZATION AND FISH PASSAGE FACILITATION PROJECT WDID NO. 1B06060WNME

APPLICANT: California Department of Transportation
RECEIVING WATER: Beebe Creek, John Hiatt Creek and the Navarro River
HYDROLOGIC AREA: Mendocino Coast Hydrologic Unit No. 113.50
COUNTY: Mendocino County
FILE NAME: CDOT, Slope Stabilization and Fish Passage

BY THE EXECUTIVE OFFICER:

1. On May 5, 2006, the California Department of Transportation (Caltrans and Applicant) filed an application 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 Slope Stabilization and Fish Passage Facilitation Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 9, 2007, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. Caltrans will conduct work at two locations along route 128 west of Yorkville and east of Boonville in Mendocino County. Location 1 is at post mile (PM) 39.88; location 2 is at PM 39.95. The purpose of the project is to install a series of fish passage weirs and to stabilize banks using rock riprap.
3. At location 1, work will include stabilizing the road base around the culvert that conveys Beebe Creek under route 128. This will be achieved by placing approximately 112 cubic yards of rock riprap at the outlet of the culvert. Three concrete fish weirs with stage lengths of 11.5 feet will be installed downstream of the culvert outlet. The weirs are designed to reduce the velocity of the water. The weirs

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will either be pre-cast or cast in place. If they are cast in place, all concrete washing will be completely contained and properly disposed of. Staging for work at location 1 will be from an existing gravel turnout. Beebe creek should be restricted to subsurface flows during the work period, however if water diversion becomes necessary, the surface water will be dammed approximately 10 feet above culvert inlet and the water will be diverted to the point immediately downstream of the construction area.

4. Work at location 2 will consist of hand placing approximately 12 cubic yards of rock at the ends of three existing weirs downstream of the culvert that conveys John Hiatt Creek under route 128. All access to the site will be on foot.
5. The project will result in permanent impacts to approximately 0.022 acres (992 ft²). Temporary impacts will result from parking and construction staging.
6. Compensatory mitigation will be provided on site. At location 1 it may be necessary to remove trees. Mitigation for these trees will be at a 10:1 ratio in the areas adjacent to the rock riprap. Trees suitable for planting are alders, Douglas firs, big leaf maple, and California bay. Caltrans will also mulch and seed areas temporarily disturbed by construction access as well as the bank at location 1. Additionally, some aspects of the project are self mitigating, as they will improve habitat by reducing erosion at the outlet of the culvert, and adding complexity to the channel by the establishment of pools downstream of the weirs.
7. 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.
8. Two CEQA document apply to this project. For work at location 1; on June 29, 2005, Caltrans adopted a negative declaration (SCH No. 2005042089) 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. For work at location 2; the project meets the exemption criteria under title 14, California Code of Regulations, 15301 Existing Facilities. 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 this order.
9. On August 21, 2007, the United States Army Corps of Engineers issued the Applicant coverage under Nationwide Permit Number No. 14: Linear Transportation Projects (File number 400389N), pursuant to the Clean Water Act, section 404.

Receiving Water: Beebe Creek, John Hiatt Creek and the Navarro River,
Mendocino Coast Hydrologic Unit No. 113.50.

Filled or Excavated Area: Permanent Impacts: 0.022 acres
Temporary Impacts: 0.027 acres

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS SLOPE STABILIZATION AND FISH PASSAGE FACILITATION PROJECT (FACILITY NO. 1B06060WNME), 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 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 Order shall 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 Order.

8. Caltrans shall provide a copy of this Order 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 prior 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 application. This includes the planting of willows at the outlet of location two, and the seeding and mulching of all disturbed areas.
18. Check dams shall be used to slow storm water velocity and trap sediments within the drainages as proposed in the application.
19. In the event of any violation or threatened violation of the conditions of this Order, 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 constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
20. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
21. 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.
22. The authorization of this Order for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
23. Please contact Mona Dougherty of our staff at (707) 570-3761 if you have any questions or need to report any violation of this Order.

Robert R. Klamt
Interim 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: Mr. Alan Radford, 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

Ms. Susan Leroy California Department of Transportation, 1656 Union Street, Eureka, CA 95501