



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

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Arnold
Schwarzenegger
Governor

March 11, 2008

Mr. Larry Alexander
Mendocino County Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482

Dear Mr. Alexander:

Subject: Issuance of Section 401 Water Quality Certification for MCDOT North State Street, P.M. 4.44, Calpella Project, North State Street, M.P. 4.44, Calpella, Mendocino County.

File: MCDOT North State Street, P.M. 4.44, Calpella Project,
WDID No. 1B07168WNME

On November 14, 2007, Mr. Larry Alexander, on behalf of the Mendocino County Department of Transportation (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 MCDOT North State Street, P.M. 4.44, Calpella Project (Project).

Project Description: The Project is located approximately ½ mile south of Moore Street on North State Street in Calpella, Mendocino County, California. The latitude and longitude is 39.1337° N and - 123.1212° W. The purpose of the Project is the replacement of 70 feet of deteriorated culvert that was damaged in a heavy storm event. The Project is to restore and maintain the public safety of the road, and to prevent future catastrophic failure during a future high water event.

The Project will replace a broken 24" corrugated metal pipe (CMP) culvert with a 30" high-density polyethylene (HDPE) culvert sized as per current codes and standards. The Project will also install a new concrete headwall at the culvert inlet and place an 8' wide x 6' high x 3' thick (approximately 5 cubic yards) of ½ ton rock slope protection

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(rip-rap) at the culvert outfall to stop down cutting and erosion. The Project will remain within the footprint of the existing road and shoulder.

The applicant received authorization from the United States Army Corps of Engineers (file No. 400815N) to perform the Project under Nationwide Permit 3, pursuant to Clean Water Act, section 404, on October 29, 2007.

The applicant has received a California Department of Fish and Game (CDFG) Streambed Alteration Agreement, on March 26, 2007, file number R1-07-0187.

Receiving Water: Russian River Hydrologic Unit No.114.31.

Filled or Excavated Area: Permanent impact, 0.001 acre

Federal Permit: United States Army Corps of Engineers (file No. 400815N) Nationwide Permit 3.

Compensatory Mitigation: This project is designed to be self mitigating as it is a repair of an existing structure that will result in a net reduction of sedimentation due to elimination of down-cutting that now occurs at the site. It will also be a preventative measure to assure that a potential sediment torrent is avoided by replacing the existing structure before it collapses.

Latitude and Longitude: 39.1337° North and -123.1212° West

CEQA Compliance: The Mendocino County Department of Transportation determined that this Project is categorically exempt from California Environmental Quality Act (CEQA) review pursuant to the Provisions of Title 14 of the California Administrative Code, Section 15301(b) "Maintenance of existing facilities."

Standard Conditions: Project (Facility No. 1B07168WNME), 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 Applicant 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 chapter 28, title 23, California Code of Regulations, and owed by the applicant.

Additional Conditions

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) as per the Caltrans and Five-Counties protocols. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final Project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season (April 15th to October 15th); installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; and seeding and mulching. Additionally, all required BMPs shall be on-site and ready for timely deployment, before start of construction activities. Pruning of vegetation will be done by hand crews and kept to the minimum necessary to allow equipment and crews to operate and avoid breakage of trees.

Water Quality Certification:

I hereby issue an Order pursuant to 23 CCR 3859 and 33 USC 1341 certifying that any discharge from the MCDOT North State Street, P.M. 4.44, Calpella Project, will comply with the applicable provisions of California Code of Regulations Water Quality Certification and the Porter-Cologne Act.

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 Quality Control Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: This water quality certification expires upon completion of the Project or on December 31, 2009, whichever occurs first.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Sincerely,

Robert R. Klamt
Interim Executive Officer

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Original sent to: Mr. Larry Alexander, Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, CA 95482

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

Ms. Kimberly Niemeyer, 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. Dan Wilson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599