



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



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

March 19, 2008

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In the Matter of  
**Water Quality Certification**

for the

**USDOT – FHA, HYAMPOM ROAD IMPROVEMENT PROJECT, SEGMENT 5  
WDID NO. 1A07175WNTR**

APPLICANT:	Federal Highway Administration
RECEIVING WATER:	Dinner Gulch and unnamed tributaries to Hayfork Creek
HYDROLOGIC UNIT:	Corral Creek Hydrologic Subarea No. 106.24
COUNTY:	Trinity
FILE NAME:	USDOT – FHA, Hyampom Road (CFH 114) Improvement Project, Segment 5

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BY THE EXECUTIVE OFFICER:

1. On November 30, 2007, the U.S. Department of Transportation, Federal Highway Administration (Applicant) filed an application 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 the Hyampom Road Improvement Project, Segment 5, between the communities of Hyampom and Hayfork, Trinity County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 15, 2008, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. Hyampom Road is a Federal Forest Highway that is administered and maintained by Trinity County on a Federal Department of Transportation easement within the Hayfork Ranger District of the Shasta-Trinity National Forest. The Federal Highway Administration – Central Federal Lands Highway Division, in cooperation with Trinity County and the United States Forest Service – Shasta-Trinity National Forest, is reconstructing approximately 9.8 miles of Hyampom Road. The primary purpose of the project is to provide a safe road between Hyampom and Hayfork by widening the road to two lanes and improving the drainage system. The project involves reconstruction of the roadway to a consistent width. The project has been divided into six contiguous segments that will be constructed separately over the next few years depending on project funding. This Water Quality Certification only covers project activities for the reconstruction of segment 5, a 3.82 mile long segment located between post miles 10 and 14.

**California Environmental Protection Agency**

*Recycled Paper*

3. Segment 5 is a narrow, single-lane roadway that begins just east of Dinner Gulch and extends westerly to where the road widens to two lanes. The narrow roadway requires vehicles to pull partially off the roadway and/or stop for vehicles traveling in the opposite direction. The pavement is only 10 feet wide at the narrowest location. Segment 5 is situated along a steep cliff and has many sharp horizontal curves, areas with limited sight distance, and no guardrails. Due to the steep slopes, the outside edge of the roadway is eroding and the roadway continues to narrow. The project will modify the horizontal and vertical roadway alignment within the existing roadway corridor to obtain a consistent width. The project will address safety and roadway deficiencies by providing gentler curves and a lane in each direction with adequate shoulders, correcting the steep drop-off along the edge of pavement and associated narrowing of the roadway, and improving the drainage system to reduce erosion. Drainage improvements include installation of new culverts or culvert extensions at 35 locations, removal and replacement of 18 existing culverts, and paving the inboard ditch to prevent additional erosion of the ditch and the adjacent embankment.
4. The project will result in an 8.6 percent increase in the amount of impervious surface area within the 3.8 mile long project area by increasing the existing 10.1 acres of impervious surface by approximately 0.87 acres. Projects that increase the amount of impervious surface area will increase the volume of storm water runoff from the area, the duration of elevated storm water flows, and the runoff flow rate. The applicant evaluated potential impacts to water quality associated with increasing the amount of impervious surface and conducted an assessment to determine the increase in flow for the 85<sup>th</sup> percentile 24-hour storm in those areas where the impacts are potentially more significant, namely those drainages with a contributing area of less than 200 acres. For perennial and intermittent streams with drainage areas greater than 200 acres, the increase in impervious area and the resulting increase in runoff peak, volume, and duration will be negligible. However, for drainages and ditch relief culvert locations with a contributing drainage area of less than 200 acres, the increase in impervious area is potentially more significant.
5. The project and drainage design includes a total of 38 culverts in drainage areas less than 200 acres. The applicant determined the increase in runoff from the 85<sup>th</sup> percentile 24-hour storm event will be 1.1 percent. Although a 1.1 percent increase is relatively small, the applicant evaluated the feasibility to mitigate for this increase. Part of the drainage design philosophy for this project is to increase the number of ditch relief culverts crossing under the road to reduce impacts to existing drainage ways and to reduce the potential for culvert plugging. The 38 culverts described above will serve the same function as 12 existing culverts. The increase in the frequency of culverts will disperse storm water flows compared to the existing situation and will provide a mitigating influence for potential impacts associated with the net increase in the area of impervious surface.
6. The applicant also evaluated using treatment structures to provide additional mitigation for the increase in runoff. Installation of treatment structures would require creation of open space and relatively flat ground that is not available in the project area. The embankment side slopes in the project area typically range from 30 to 70 percent so installation of detention/retention facilities would require significant grading to create suitable sites for installation of storm water detention/retention structures. Expanded grading activities would create additional adverse impacts to the landscape and potentially require further mitigation. Since

this is a linear project that crosses many small drainage basins, a detention/retention facility located at any particular site would only treat a small fraction of the 3.8 mile long project. This condition would necessitate installation of numerous detention/retention facilities resulting in more grading impacts. The applicant determined that installation of detention/retention facilities was infeasible due to the steep slopes and lack of space within the project area. Based on the applicant's evaluation, the effects of the increase in imperviousness are small and are mitigated to the extent feasible by the drainage design approach of increasing ditch relief culvert frequency to disperse flow over a broader area.

7. Culvert replacement activities and the installation of new culverts, culvert extensions, headwalls, and rock energy dissipaters will result in permanent impacts to 0.018 acre and 598 linear feet of waters of the United States in intermittent stream channels and 0.155 acre and 338 linear feet of waters of the United States in perennial stream channels. The project will also result in 0.01 acre and 700 linear feet of temporary impacts to waters of the United States in stream channels. The project will not result in any impacts to wetlands. Compensatory mitigation is not required for the permanent impacts to stream channels since the permanent impacts are intended to reduce channel erosion and are not expected to adversely impact the functions and values of the existing habitat and beneficial uses. Noncompensatory mitigation measures for the project will include the use of Best Management Practices (BMPs) for sediment and erosion control. The project activities are scheduled to begin in March 2008, and the project is expected to take three years to complete.
8. A Lake or Streambed Alteration Agreement from the California Department of Fish & Game is not required for this project.
9. The Applicant has received authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14 (File No. 26733N), pursuant to Clean Water Act, section 404.
10. On October 3, 2007, Trinity County approved a Final Environmental Impact Report (SCH No. 2004052123) 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 project has the potential to degrade water quality from construction activities associated with excavating trenches for new culverts, replacing and extending culverts, and preparing the bedding for culverts, riprap aprons, and rundowns. The project will also create new cuts and fill areas that will expose and disturb soil. The environmental document identifies potential adverse impacts associated with soil erosion, vegetation removal, concrete usage, potential spills of petroleum and other construction related hazardous materials, and disturbance of jurisdictional waters. Permanent structures to control erosion will also be installed during construction. Trinity County will be responsible for maintaining the permanent structures and any temporary BMPs that are left in place after construction to facilitate revegetation. Implementation of a Storm Water Pollution Prevention Plan and various BMPs are expected to reduce potential impacts from storm water runoff, sedimentation, vegetation removal, petroleum spills, and concrete waste discharges to less-than-significant levels.

Receiving Water: Dinner Gulch and unnamed tributaries to Hayfork Creek in the Corral Creek Hydrologic Subarea No. 106.24

Filled or Excavated Area: Area Temporarily Impacted: 0.01 acre of stream channel  
Area Permanently Impacted: 0.173 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: 700 linear feet of stream channel  
Length Permanently Impacted: 936 linear feet of stream channel

Dredge Volume: None

Latitude/Longitude: 40.62518 N/123.31923 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the USDOT – FHA, Hyampom Road (CFH 114) Improvement Project, Segment 5, (WDID No. 1A07175WNTR), 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 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 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 and the application documents submitted by the Applicant for this certification 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 mitigation measures that are detailed in the Final EIR are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program that are within the Regional Water Board's jurisdiction.
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 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 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 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 March 19, 2013. 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 call Dean Prat at (707) 576-2801.

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Robert R. Klamt  
Interim Executive Officer

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Original to: Mr. Christopher Longley, Federal Highway Administration, Central Federal Lands Highway Division, 12300 West Dakota Avenue, Lakewood, CO 80228

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398