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

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Arnold
Schwarzenegger
Governor

April 3, 2008

In the Matter of

Water Quality Certification

for the

**CDOT – HIGHWAY 36, SALT CREEK CULVERT REPLACEMENT
WDID NO. 1A07160WNTR**

APPLICANT: California Department of Transportation
RECEIVING WATER: Salt Creek
HYDROLOGIC UNIT: Hayfork Valley Hydrologic Subarea No. 106.25
COUNTY: Trinity
FILE NAME: CDOT – Hwy 36, Salt Creek Culvert Replacement

BY THE EXECUTIVE OFFICER:

1. On October 12, 2007, the California Department of Transportation (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 to repair two existing culverts on Highway 36 near Wildwood. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 11, 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. The purpose of the project is to repair two existing culverts that cause flooding of Highway 36 during large storm events. The existing 18-inch diameter corrugated metal pipe at post mile 33.67 is undersized. This culvert is located on an unnamed ephemeral stream that is tributary to Salt Creek. During large storm events, the highway floods near the inlet and excess water is diverted along the edge of the highway and into the adjacent culvert at post mile 33.76. The invert of the existing 48-inch diameter culvert at post mile 33.76 is deteriorated and that culvert will also be repaired. The 48-inch diameter culvert is on Salt Creek, a perennial stream.
3. The project involves filling the 18-inch culvert and abandoning the culvert in-place. Approximately 10 feet of the inlet end of the existing culvert will be removed to allow

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for placement of a new 24-inch diameter culvert directly over the abandoned culvert. The new culvert will extend approximately six feet upstream of the existing culvert inlet. Approximately three cubic yards of fill material will be placed over the extended inlet section and a flared end section will be attached to the inlet. A 24-foot long down drain will be installed at the outlet end of the new culvert so that flows from the down drain will be discharged at the same rocky area in the stream channel that the existing culvert discharges.

4. The existing 48-inch diameter culvert will be repaired by inserting a 42-inch diameter plastic liner inside the existing culvert and pumping grout into the space between the culvert and liner. Temporary bulkheads will be placed at the inlet and outlet ends to contain the grout. The culvert will be extended by 4.5 feet at the inlet end and a concrete headwall will be installed. The extended portion of the culvert will be covered with approximately five cubic yards of backfill and one cubic yard of light (approximately 16-inch diameter) rock slope protection (RSP). Approximately one cubic yard of light RSP will also be added to the existing rock at the culvert outlet.
5. A clear water diversion will be installed to divert flows in Salt Creek around the work area. A temporary check dam will be constructed using gravel filled bags and plastic sheeting to block flows approximately 15 feet upstream of the culvert inlet. Flows from the check dam will be piped approximately 180-linear feet along the roadside drainage ditch and into an existing 48-inch diameter culvert on an adjacent tributary that flows into Salt Creek within approximately 75 feet of the culvert outlet on Salt Creek that will be lined while the diversion is in place. The applicant anticipates that the Salt Creek diversion will be needed for two days.
6. Compensatory mitigation is not required for the project. Noncompensatory mitigation for this project includes the use of Best Management Practices (BMPs) for sediment and turbidity control and the operation of heavy equipment near a waterway. The project will be conducted during the low flow period between May 15 and October 15. Construction activities are expected to take 21 days to complete. Temporary staging of materials and equipment will occur on the small roadside pullouts near the culverts.
7. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
8. The applicant plans to perform the project under the non-reporting provision of Nationwide Permit Number 3, pursuant to Clean Water Act, section 404.
9. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15301 – existing facilities, pursuant to CEQA.

Receiving Water: Salt Creek in the Hayfork Valley Hydrologic Subarea No. 106.25

Filled or Excavated Area: Area Temporarily Impacted: 10 square feet of stream channel
Area Permanently Impacted: 34 square feet of stream channel

Total Linear Impacts: Length Temporarily Impacted: 4 linear feet of stream channel
Length Permanently Impacted: 12.5 linear feet of stream channel

Dredge Volume: None

Latitude/Longitude: 40.39133 N/123.12018 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Highway 36 - Salt Creek Culvert Replacement Project (WDID No.1A07160WNTR), 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. Adequate 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 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.

16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on April 3, 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.

Robert R. Klamt
Interim Executive Officer

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Original to: Mr. Rob MacRae, CDOT – Redding, 1657 Riverside Drive/MS 17,
Redding, CA 96001

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

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