



**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

April 15, 2008

In the Matter of  
**Water Quality Certification**

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Highway 101 – Redcrest Roadway Restoration  
WDID NO. 1B07028WNHU**

RECEIVING WATER: Waters of the United States & Seasonal Wetlands  
HYDROLOGIC AREA: Lower Eel River Hydrologic Area No.111.10  
COUNTY: Humboldt County  
APPLICANT CONTACT: California Department of Transportation  
FILE NAME: Redcrest Roadway Restoration

BY THE EXECUTIVE OFFICER:

1. On January 30, 2008, the California Department of Transportation (Caltrans) 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 Redcrest Roadway Restoration Project. The Water Quality Certification fee was received on February 11, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 20, 2008, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The proposed project is located in the vicinity of post mile (PM) 41.50 on Highway 101, approximately 1.6 miles northwest of the town of Redcrest in Humboldt County. The proposed project will cause disturbances to waters of the United States associated with unnamed tributaries to Chadd Creek in the Eel River Hydrologic Unit No.111.00, Lower Eel River Hydrologic Area No.111.10, Scotia Hydrologic Subarea No. 111.12. The purpose of the project is to restore the four-lane highway and drainage system which was severely damaged during the winter of 2005/2006. The proposed project involves the restoration of Highway 101 from two lanes to four lanes, culvert replacement (PM 41.52), enhancement and restoration of the surface water drainages downstream of the culvert outfalls at PM 41.50 and 41.52, construction of a tieback retaining wall, and realignment and resurfacing of the highway.
3. The drainage design involves returning surface water flow through the culvert located at PM 41.52 and to the channel used in the past, prior to storm damage

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emergency repairs. For the purpose of erosion control and roadway stabilization, the applicant proposes rock lining the channels upstream of the inlets at culverts PM 41.50 and PM 41.52.

4. The proposed scope of work will result in 391 square feet (66 linear feet) of impacts to the unnamed ephemeral streams in the area of the culvert inlets located at PM 41.50 and PM 41.52. In addition, 3,450 square feet of seasonal wetlands will be temporarily impacted for the purpose of accessing the inlets of the culverts.
5. As a compensatory mitigation measure and improvement to beneficial uses, approximately 166 feet of drainage culvert (PM 41.52) will be replaced with a rock lined channel supplemented with natural vegetation. Mitigation to offset the temporary impacts to wetlands will include temporary reseeding, monitoring and maintenance to ensure the establishment of native plant species. Additional mitigation will include stream bank stabilization and restoration to address an increase in scouring downstream of the culvert outfall at PM 41.50.
6. 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 (CCSBMPM).
7. On January 25, 2008, the California Department of Transportation adopted a mitigated negative declaration (SCH No. 2007092063) for the project in order to comply with the California Environmental Quality Act. 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 United States Army Corps of Engineers has permitted this project under Nationwide Permit Numbers 3 and 33: Maintenance and Temporary Construction, Access and Dewatering Projects (File Number 400368N), pursuant to Clean Water Act, section 404. In addition, Caltrans has applied for a California Department of Fish and Game (CDFG) 1602 Streambed Alteration Agreement.

Receiving Water: Seasonal wetlands and drainages, Eel River Hydrologic Unit No.111.00, Lower Eel River Hydrologic Area No.111.10, Scotia Hydrologic Subarea No. 111.12.

Filled or Excavated Area: Permanent Impacts: 391 square feet / 0.009 acres  
Temporary impacts: 3,450 square feet / 0.08 acres

Expiration: October 15, 2012

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 101 – REDCREST ROADWAY RESTORATION WDID No. 1B07028WNHU, 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 a) the Applicant's project description, and b) 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 in the implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order 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. Work in flowing or standing waters is prohibited. 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, prior to the discharge.
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 CCSBMPM and all contractors and subcontractors shall comply with the CCSBMPM.
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 every other week, 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 construction activities shall be conducted in accordance with the Alternative 3 as listed in the Focused Initial Study with a Mitigated Negative Declaration, dated January 25, 2008. Alternative 3 includes returning surface water flow through the culvert located at PM 41.52 and to the channel utilized in the past, prior to the alteration associated with storm damage emergency repairs. Any proposed changes to the scope of work within the project shall be approved by the Regional Water Board and amended to this certification prior to initiation.
18. All mitigation activities shall be completed as proposed in the Focused Initial Study with a Mitigated Negative Declaration, dated January 25, 2008. This includes a 1:1

(0.08 acres: 0.08 acres) mitigation ratio for temporary impacts to seasonal wetlands for the purpose of accessing the inlets of the culverts; day-lighting 166 feet of drainage culvert (PM 41.52) with a rock lined channel supplemented with natural vegetation; and stream bank stabilization and restoration to address an increase in scouring at four locations downstream of the culvert outfall at PM 41.50. Additional mitigation shall include the implementation of the Redcrest Roadway Rehabilitation Revegetation Plan.

19. All mitigation and maintenance efforts shall be monitored, at least semi-annually (wet and dry seasons), to ensure the establishment of native tree and plant species and stabilization of the stream banks. Mitigation monitoring reports shall be submitted annually and include, at a minimum, the following information: name and title of personnel conducting monitoring and/or maintenance; observation dates; vegetation summaries; site photographs; and success evaluation. Subsequent to the completion of the project, monitoring reports shall be submitted for the following five years (pending approval of successful restoration), and are due to the Regional Water Board on July 15<sup>th</sup> annually.
20. 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.
21. 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.
22. 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.

23. The authorization of this certification for any dredge and fill activities expires on October 15, 2012. 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.
24. Please contact Jeremiah Puget of our staff at (707) 576-2835 if you have any questions.

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Catherine Kuhlman  
Executive Officer

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Web link: 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 can be found at:  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original sent to: Ms. Melinda Molnar, 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

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