



**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 29, 2008

In the Matter of
Water Quality Certification

for the

**MENDOCINO COUNTY DEPARTMENT OF TRANSPORTATION – TOMKI ROAD
LOW WATER CROSSING AT CAVE CREEK
WDID NO. 1B08013WNME**

APPLICANT:	Mendocino County Department of Transportation
RECEIVING WATER:	Cave Creek
HYDROLOGIC UNIT:	Tomki Creek Hydrologic Subarea No. 111.62
COUNTY:	Mendocino
FILE NAME:	Mendocino Co. DOT – Tomki Road at Cave Creek Low Water Crossing

BY THE EXECUTIVE OFFICER:

1. On January 23, 2008, the Mendocino County 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 associated with a Prototype Vented Low Water Crossing/Sediment Reduction and Habitat Improvement Project on Tomki Road at Cave Creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 27, 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 project is located on Tomki Road at Post Mile 6.17, approximately 10 road miles north of the West Road Redwood Valley exit on Highway 101. Tomki Road is a gravel county road between Redwood Valley and Little Lake Valley. The roadway is adjacent to Cave Creek and has nine stream crossing fords through the creek that are impassable during parts of some winters. The crossings generate significant turbidity in the creek; lead to the introduction of oils, grease, and other vehicle fluids into the water; and may result in direct fish mortality due to crushing by cars crossing the creek. According to nearby landowners, vehicles are stranded in the creek nearly every year when drivers attempt to cross the creek and become stuck mid-stream. Staff from the National Marine Fisheries Service, California Department of Fish and Game, and Regional Water Board have expressed concerns about impacts to fish, turbidity, and sedimentation caused by use of the existing crossing.

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3. Mendocino County Department of Transportation prepared a feasibility study to evaluate options for disconnecting Tomki Road from Cave Creek and proposed installation of a prototype vented low water crossing at the most southerly ford crossing. The most southerly crossing was chosen for the prototype crossing structure because the potential road realignment options are on the east side of Cave Creek, and this crossing location would still be needed if the road was realigned in the future. If the prototype crossing is successful, the prototype design could be used as a long-term solution to improve water quality at the other crossing locations while maintaining the existing road alignment.
4. The project includes construction of a 20 foot wide, 4 foot high, and 60 foot long pre-manufactured bottomless concrete arch structure designed to allow fish passage at all life stages and reduce impacts on salmonid populations in Cave Creek. This project is expected to improve fisheries habitat within the affected portions of Cave Creek and improve water quality by reducing turbidity and vehicle fluid discharges caused by vehicle traffic driving through the existing ford crossing. The structure is designed to pass the 10-year storm event without overtopping while meeting fish passage criteria. The structure is also designed to safely pass the 100-year storm event.
5. Construction activities include two parallel footing excavations at the approximate limits of the bank full channel and below the anticipated scour depth. Depth to bedrock is anticipated at 2 to 3 feet below the stream bottom. Once the concrete footings have cured, the arch culvert structure will be lowered with a crane onto the footings. The sides of the culvert will be backfilled and a concrete roadway surface will be placed over the culvert to prevent erosion during high flow events. The embankments adjacent to the culvert will be protected from erosion by wingwalls and grouted rock slope protection (RSP).
6. Accumulated sediment downstream of the existing crossing will be removed and the channel will be reconfigured to conform to the anticipated stable channel grade, active channel width, and bank full dimensions for approximately 90 feet. Upstream and downstream segments will further be protected against erosion through the use of vegetative bioengineering treatments in conjunction with RSP. RSP wingwalls will be set at a slope of 1:3 for an approximate length of 16 feet. RSP will be used to help stabilize the reconfigured channel below the crossing.
7. The existing road above the crossing will be realigned for approximately 200 feet to reduce skew, allow for an elevated road elevation for structural and hydraulic considerations, and to meet minimum road width and turning requirements. The project will require a road closure and detour during the 30-day construction period. A temporary stream crossing will be constructed to allow for construction access to both sides of the project and to divert traffic through the site. The location of the temporary crossing is approximately 115 feet upstream from the existing ford crossing at a point that motorists use to by pass the lower ford crossing when flooded. This upstream location has been identified as an area for bioengineering bank stabilization. The temporary ford crossing will be constructed with gravel fill and a temporary culvert that will be placed over fabric. The temporary crossing will be removed upon completion of the new crossing.
8. The project is scheduled for construction between July 15 and October 15 of 2008. The creek is expected to be dry with a few standing pools of water during the construction window. Upstream and downstream cofferdams, fish exclusion

screening, and a clean water bypass will be installed and maintained during the construction period as a precautionary measure in the event of unanticipated higher flows. A qualified biologist will relocate sensitive species from the project area prior to construction.

9. The Applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14, pursuant to Clean Water Act, section 404. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.
10. On March 11, 2008, Mendocino County Department of Transportation adopted a mitigated negative declaration (SCH No. 2003112058) 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.

Receiving Water: Cave Creek in the Tomki Creek Hydrologic Subarea No. 111.62

Filled or Excavated Area: Area Temporarily Impacted: 726 square feet of streambed and banks
Area Permanently Impacted: 3142 square feet of streambed and banks

Total Linear Impacts: Length Temporarily Impacted: 68 linear feet of streambed and banks
Length Permanently Impacted: 374 linear feet of streambed and banks

Dredge Volume: None

Latitude/Longitude: 39.39286 N/123.22993 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mendocino County Department of Transportation Prototype Vented Low Water Crossing/Sediment Reduction and Habitat Improvement Project (WDID No. 1B0813WNME), 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
13. 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.

14. 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.

15. 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).
16. The authorization of this certification for any dredge and fill activities expires on April 29, 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.

Catherine Kuhlman
Executive Officer

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Original to: Mr. Alex Straessle, Mendocino County DOT, Ukiah, CA 95482

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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