



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

June 24, 2008

In the Matter of
Water Quality Certification

For

**Mr. Larry Alexander
Mendocino County Department of Transportation
Little Lakes Sidewalks Project
WDID No. 1B07167WNME**

APPLICANT: Mendocino County Department of Transportation
RECEIVING WATER: Unnamed seasonal wetland
HYDROLOGIC AREA: Big River Hydrologic Sub Unit No. 113.30
COUNTY: Mendocino County
FILE NAME: Little Lakes Sidewalks

BY THE EXECUTIVE OFFICER:

1. On November 9, 2007, Mr. Park Steiner of the County of Mendocino 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 Little Lakes Sidewalks, Safe Roads to Schools project (Project). A fee in the amount of \$500.00 was received on November 7, 2007. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 14, 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 town of Mendocino, Mendocino County, California, (APN No. 119-140-23). The latitude and longitude is 39.31108°N and - 123.7945°W. The purpose of the Project is to provide greater safety to pedestrians by widening the pedestrian/cyclist sidewalk. The current pedestrian route from the Town of Mendocino to the middle school is a 4 foot wide bike lane. The road experiences heavy vehicular traffic use at certain times and cars travel at relatively

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high velocities. The fact that the current bike lane is part of the existing road results in a potentially unsafe condition for students and others walking or biking along this route.

3. At the northwest corner of the middle school property there is a wetland area that will be permanently impacted by the widening of the existing bike lane. Modifications to an existing culvert and the addition of a multiple inlet at the top of the culvert are needed to support the widened edge of the proposed new 6 to 8 foot walkway. At present, a small perennial surface flow emanating from the school property terminates in an 18" culvert, eventually leading under the road and discharging in a northerly direction on the other side. The proposed widening activity will impact the wetland for a distance of 20-30 linear feet along the road, and as much as 8 feet to the south of current pavement edge. Any discharge would be a result of the placement and bedding of new culvert sections and a multiple inlet. A second wetland area is located near an existing road culvert at the southeastern corner of the intersection of Little Lake Road with Clark Street. That culvert currently drains runoff from the road and bike lane (and possibly a small seep area) and would likewise draw water off the proposed enhanced walkway. The replacement construction activity would entail a slight realignment of the existing culvert to accommodate the new walkway. Any discharge would be associated with digging up of the old culvert and placement of the new one, but the replacement would essentially be in a very similar location and serve the same function.
4. Compensatory mitigation will be the creation of an on-site wetland mitigation area at a 2:1 ratio of creation, to fill of existing wetland. Native hydrophytic wetland vegetation in the existing wetlands will be carefully excavated and nurtured until the created mitigation wetlands are ready to be replanted. The native vegetation then will be replanted in the created mitigation wetlands, as well as the addition of several other types of native wetland plants. Monitoring and reporting will be done annually for five years to assure function of the mitigation wetlands.
5. 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; 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.
6. The County of Mendocino Department of Transportation, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, 15301 – Existing Facilities, July, 1, 2005, pursuant to CEQA. Based on a review of the project information submitted to date, Regional Water Board staff determined that this project is categorically exempt from CEQA

review (Class 1, Section 15301 – Existing Facilities) and anticipate filing a Notice of Exemption for this project.

7. A California Department of Fish and Game (DFG) Lake and Streambed Alteration Agreement was applied for on November 12, 2007. Notification No. R1-07-0647.
8. A federal Clean Water Act Section 404 Nationwide Permit No(s). 3 (maintenance) and 13 (bank stabilization), from the Army Corps of Engineers was applied for on November 12, 2007 (File No. 2008-00023).
9. A Coastal Development Standard Permit is effective March 28, 2008

Receiving Water: Seasonal wetland,
Big River Hydrologic Sub Unit No. 113.30.

Filled or Excavated Area: 0.01 acres of permanent impacts.

Latitude/Longitude: 39.31108° north, -123.7945° west

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE Mendocino County Department of Transportation LITTLE LAKES SIDEWALKS PROJECT (FACILITY NO. 1B07167WNME), 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 the Applicant complies with the following terms and conditions:

1. This Order 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 Order 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 Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. This discharge is also regulated under 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", which requires compliance with all conditions of this certification (Enclosed).

5. Applicant 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. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
7. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
8. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
9. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
10. All mitigation activities shall be completed as proposed in the application.
11. 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 Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal or state 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.
12. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

13. 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 certification 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.
14. Except as may be modified by any preceding conditions, all Orders 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 Water Quality Control Plan for the North Coast Basin (Basin Plan).
15. The authorization of this Order for any dredge and fill activities expire on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.
16. 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 prior to discharge to surface waters.
17. 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.
18. When operations are complete, any excess material or debris shall be removed from the work area and disposed of properly.
19. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the State and United States. 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.

20. 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.
21. 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.

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.

Catherine Kuhlman
Executive Officer

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Original sent to: Mr. Larry Alexander, MCDOT, 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. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Mr. Pete Straub, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Ms. Tracie Nelson, California Department of Fish and Game, P.O. Box 47, Yountville, CA 94599

Mr. Park Steiner, MCDOT, 340 Lake Mendocino Drive, Ukiah, CA, 95482