



California Regional Water Quality Control Board North Coast Region

Bob Anderson, Chairman

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**Arnold
Schwarzenegger**
Governor

Linda S. Adams
Secretary for
Environmental Protection

July 30, 2008

In the Matter of

Water Quality Certification

for the

CALIFORNIA DEPARTMENT OF TRANSPORTATION HIGHWAY 101 HIGH OCCUPANCY VEHICLE (HOV) LANE WIDENING AND IMPROVEMENTS PROJECT: WILFRED AVENUE INTERCHANGE

WDID NO. 1B08072WNSO

APPLICANT: California Department of Transportation – District 4
RECEIVING WATER: Wilfred Creek, Hinebaugh Creek, Wetlands and Drainage Swales
HYDROLOGIC AREA: Russian River Hydrologic Unit No. 114.00
Laguna Hydrologic Sub-Area No. 114.21
COUNTY: Sonoma
FILE NAME: Highway 101 High Occupancy Vehicle (HOV) Lane
Widening and Improvements: Wilfred Avenue Interchange

BY THE EXECUTIVE OFFICER:

1. On April 21, 2008, the California Department of Transportation (Caltrans and 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 Highway 101 HOV Lane Widening and Improvements: Wilfred Avenue Interchange project (project). A fee of \$1,721.20 was submitted for the project on April 21, 2008; and an additional fee of \$90.00 was submitted on 05/28/08. Additional information for the project was submitted on June 13, June 18 and July 2, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 3, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The project is located on Highway 101 in Sonoma County, from the Santa Rosa Avenue overcrossing to the Rohnert Park Expressway overcrossing, which extends from post mile (PM) 13.9 to PM 15.5. The purposes of the project are to complete

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one of the remaining portions of the planned continuous Highway 101 HOV system, to reduce traffic congestion, and to address existing roadway and operational deficiencies. The total project area is 26.43 acres, including all staging areas.

3. The project will consist of widening Highway 101 from four lanes to six lanes, constructing a two lane collector-distributor road between Wilfred Avenue and Santa Rosa Avenue, modifying and adding new drainage structures, modifying the Wilfred Avenue overhead bridge connecting Wilfred Avenue and Golf Course Drive, realigning and reconstructing ramps, installing ramp metering, and modifying the park and ride at Roberts Lake Road.
4. The project will result in permanent impacts to 0.373 acres of waters of the United States and 0.063 acres of waters of the State, for a total of 0.436 acres of permanent impacts. The project will also result in temporary impacts to 0.049 acres of waters of the U.S. and 0.058 acres of waters of the State, for a total of 0.107 acres of temporary impacts. All impacts included in this project affect wetlands or swales with wetland features. All disturbed areas within the project area will be appropriately stabilized to protect surface waters. In addition, construction and post-construction best management practices (BMPs) will be implemented to ensure erosion and sediment transport is minimized and controlled.
5. Compensatory mitigation requirements for lost waters of the State and waters of the U.S. associated with this project will be achieved through the purchase of off-site mitigation credits, and through on-site mitigation work. To mitigate for permanent impacts, a minimum of 0.436 acres of mitigation credits will be purchased from an approved mitigation bank. The United States Fish and Wildlife Service (USFWS) revised Biological Opinion dated April 15, 2008, required purchase of 5.27 acres of California Tiger Salamander (CTS) dispersal habitat; 0.7 acres of occupied or established special species plant habitat; and 0.35 acres of established special species plant habitat mitigation credits. Caltrans is pursuing the purchase of mitigation credits from a variety of agency approved mitigation banks within the region. All mitigation credits will be purchased and verification received by the Regional Water Board no later than seven days prior to construction. Mitigation for temporary impacts associated with the project will be performed on-site at a 1.5 to 1.0 ratio, and will include replanting and revegetation activities.
6. The USFWS issued a Biological Opinion dated October 18, 2006 (File Number 1-1-05-F-0300) that was subsequently revised by an Amendment to the Biological Opinion dated April 15, 2008. The Biological Opinion establishes the mitigation required for CTS and listed plant species habitat.
7. Storm water treatment features shall be installed to treat all additional impervious surfaces due to the project. Biostrips shall be installed adjacent to the widened roadway as described in the application. Biostrips that are installed in NRCS type C and/or D soils shall be enhanced by incorporating compost into the soil and by installing a compost filter sock at the toe of the biostrip treatment area.
8. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control 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).

9. On June 18, 2004, Caltrans certified a Negative Declaration (State Clearing House No.2004072103) for the project in order to comply with the California Environmental Quality Act (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.
10. Caltrans has applied for Nationwide Permit Numbers 14, 33 and 38 (Linear Transportation, Temporary Construction, Access and Dewatering, and Cleanups of Hazardous and Toxic Waste) from the United States Army Corps of Engineers (pending), pursuant to Clean Water Act section 404.

Receiving Water: Wilfred Creek, Hinebaugh Creek, Wetlands and Drainage Swales

Latitude/Longitude: 38.3632° N
122.7128° W

Filled or Excavated Area: Permanent Impacts: 0.436 acres
Temporary Impacts: 0.107 acres

Expiration: July 30, 2013

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 101 HIGH OCCUPANCY VEHICLE LANE WIDENING AND IMPROVEMENTS PROJECT: WILFRED AVENUE INTERCHANGE (FACILITY NO. 1B08072WNSO), 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 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 the Applicant's project description, and b) compliance with 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 shall 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 Order.
8. Caltrans 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. 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, welding slag, 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 surface waters, unless otherwise proposed in the application and approved by the Regional Water Board, is prohibited. If construction dewatering is found to be necessary, the Applicant shall use a disposal method 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. 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. Caltrans shall submit proof of purchase for all off-site mitigation within a week of the purchase, and the proof of purchase shall be received in the Regional Water Board office no later than seven days prior to construction. Caltrans shall purchase a minimum 0.436 acres of wetlands creation and preservation credit, 5.27 acres of CTS dispersal habitat; 0.7 acres of occupied or established special species plant habitat; and 0.35 acres of established special species plant habitat.
18. On-site mitigation shall include the replanting and revegetation of 0.049 acres of temporally impacted wetlands and the vegetation of approximately 360 linear feet of drainage swales. Caltrans shall submit a final on-site mitigation plan for this restoration 60 days prior to construction, for Executive Officer approval.
19. The project will result in 10.13 acres of new impervious area. Caltrans will treat the increases in storm water runoff and potential hydromodification impacts of the project area through various means, primarily through the use of bio-strips that rely on retention and dispersion. For soils that are not ideal for these treatment controls, Caltrans will amend the soil so that it is more suitable. The biostrips will be installed in multiple soil types. Soils classified by the Natural Resources Conservation Service (NRCS) as types C and D will be amended to create "enhanced" biostrips. Enhancements will consist of amending the soils with compost to increase infiltration and detention of runoff, incorporating the compost to a depth of eight inches.

Additionally, Caltrans will place a 12-inch diameter compost filter sock at the end of the biostrip furthest from the roadway, which will enhance infiltration and pollutant removal. Soils classified by NRCS as type A or B soil will not be amended.

20. Caltrans assessment of potential hydromodification impacts indicated that the on-site biostrips may only provide seven acres of treatment. Therefore, Caltrans will be required to submit additional information, either verification that post-project flows will equal pre-project flows or provide approximately three acres of hydromodification mitigation off-site at a location within the Middle Russian River Hydrologic Area 114.20. Hydromodification mitigation requirements will be met by implementing or funding a Regional Water Board approved project at least seven days prior to construction. In addition, all mitigation projects shall be constructed and fully functional prior to the completion of the Wilfred Avenue Interchange project.
21. In the event of any violation or threatened violation of the conditions of this Order, 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 Order. In response to a suspected violation of any condition of this Order, the State Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
22. 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.
23. 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.

24. The authorization of this Order for any dredge and fill activity expires on July 30, 2013. 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.
25. Please contact Jeremiah Puget of our staff at (707) 576-2835 or at JPuget@waterboards.ca.gov if you have any questions and/or comments.

Catherine Kuhlman
Executive Officer

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Weblink: 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

Original sent to: Mr. Ray Centeno, Caltrans District 4, 111 Grand Avenue, Oakland, CA 94612

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit

Ms. Samantha Olson and Ms. Kim Niemeyer, SWRCB, OCC

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

Ms. Melissa Scianni – WTR-8, USEPA, 75 Hawthorne Street, San Francisco, CA 94105

Ms. Melissa Escaron, Department of Fish and Game, P.O. Box 47, Yountville, CA 94599

Ms. Amy Fesnock, Sacramento Field Office, U.S. FWS, 2800 Cottage Way, Room 2605, Sacramento, CA 95815