



**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

October 8, 2008

In the Matter of

**Water Quality Certification**

for the

**USDOT – FHA, SOUTH FORK ROAD IMPROVEMENT PROJECT, SMITH RIVER  
WDID NO. 1A08118WNDN**

APPLICANT: Federal Highway Administration, Central Federal Lands,  
Highway Division  
RECEIVING WATER: wetlands, Rock Creek, Boulder Creek, and unnamed  
tributaries to the South Fork Smith River  
HYDROLOGIC UNIT: South Fork Smith River Hydrologic Area No. 103.20  
COUNTY: Del Norte  
FILE NAME: USDOT - FHA, South Fork Road Improvement Project,  
Smith River

BY THE EXECUTIVE OFFICER:

1. On July 18, 2008, the Federal Highway Administration, Central Federal Lands Highway Division (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 the South Fork Road Improvement Project along the South Fork Smith River in Del Norte County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 15, 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 South Fork Road (California Forest Highway 112) between post miles 3.5 and 13.6. The purpose of the project is to improve safety along the roadway by widening two single-lane bridges and four single-lane sections of the road. The existing bridges over Rock Creek and Boulder Creek will be removed and

replaced with wider bridges. The project also includes replacement of six existing culverts, removal of two existing culverts, and installation of three new culverts.

3. The existing single-lane bridge over Rock Creek will be replaced with a two-lane bridge. The existing bridge structure will be removed and the abutment and wingwalls will be removed to one foot below the girder seat elevation. The remaining portions of the abutments will be left in place for permanent erosion protection. The new two-lane bridge will span the creek channel using pre-stressed concrete girders and drilled shaft foundations at both abutments. The bridge will be widened toward the upstream side of the existing structure. Bridge replacement activities at Rock Creek are not expected to result in any new permanent impacts to waters of the United States.
4. The Boulder Creek bridge site is the only project area that involves placement of fill materials below the ordinary high water mark of a perennial stream. The fill materials will consist of rock slope protection (RSP) placed along the left bank of Boulder Creek near the bridge abutment. The RSP will not be placed below the ordinary high water mark on the downstream side of the bridge abutment but the toe of the RSP slope will extend below the plane of ordinary high water near the upstream side of the new bridge and will continue in the upstream direction for approximately 100 linear feet. The RSP will permanently impact 100 linear feet and 340 square feet of streambank. This work will take place during the dry season when flows in Boulder Creek are low.
5. Road widening will be accomplished by extending the existing fill slopes and cut slopes. In the four slide areas where the roadway is being widened from one lane to two lanes, construction activities will mainly occur on the cut slope side of the roadway. Mechanically stabilized earth walls will be used to stabilize fill slopes and the cut slopes will be stabilized by soil nail walls. Road widening and associated drainage channel realignment activities will result in permanent impacts to 306 square feet of ephemeral drainage channel and 1,051 square feet of wetlands in roadside drainage channels. Roadside drainage channels will be restored and reconstructed adjacent to the new wider road sections.
6. Two of the six culverts that will be replaced are located on jurisdictional ephemeral streams. These culverts will be excavated, removed, and replaced following removal of the overlying asphalt pavement. The existing 50-foot long and 18-inch diameter culvert at station 517+63.95 will be removed and replaced with a 43-foot long and 24-inch diameter culvert. Rock riprap will be added to the area of channel that was previously filled by the longer culvert to provide erosion protection below the new culvert outlet. The existing 38-foot long and 24-inch diameter culvert at station 405+95.01 will be removed and replaced with a 41-foot long and 24-inch diameter culvert. The culvert replacement activities will result in new permanent impacts to approximately 6 square feet and 3 linear feet of ephemeral stream

channel. Culvert replacement activities at both locations will also result in temporary impacts to approximately 176 square feet and 88 linear feet of ephemeral stream channel that is currently filled by existing culverts. The remainder of the culvert removal, replacement, and installation activities do not involve any impacts to waters of the state. Culvert removal and replacement activities will be conducted during the dry season.

7. The project will result in a five-percent increase in the amount of impervious surface area within the project vicinity by increasing the existing 3.40 acres of impervious surface by approximately 0.17 acre. The change in impervious surface area occurs at the two bridge replacement sites and the four areas where the road will be widened to two lanes. At Boulder Creek there will be a net decrease in impervious surface area resulting in a reduction in runoff at this location. At Rock Creek there will be a 2,396 square foot increase in impervious area and in the four slide locations there will be a net increase of 5,816 square feet. The Applicant evaluated the potential impacts associated with increasing the amount of impervious surface area and determined that the change in runoff was very small and not measurable. Installation of treatment measures was determined to be infeasible because treatment measures located at any particular site would only treat a small fraction of the project. Numerous treatment areas would be necessary which would require significantly more grading impacts. This would be especially problematic at the four road widening areas where slides have historically been an issue.
8. Compensatory mitigation is required for the permanent impacts to 1,051 square feet of existing wetlands in roadside drainage channels. Compensatory mitigation involves establishing wetlands in the new roadside drainage channels. The project is not expected to significantly affect the hydrology along the roadway so new wetlands are expected to develop within the realigned roadside drainage channels. The Applicant will conduct a field survey of the reconstructed channels one year after project completion. If a sufficient amount of new emergent wetlands is observed during the field survey, a wetland delineation will be conducted to quantify the area of total wetlands on the project site to confirm that the 1,051 square feet of wetland area that was lost due to construction has been replaced by new emergent wetlands. If the first survey indicates that new wetlands are emerging but are not yet extensive enough to fully replace the lost wetlands, the process will be repeated a second year. If the second survey indicates an insufficient amount of wetlands, the process will be repeated a third year. If after three years, sufficient wetlands have emerged in the reconstructed ditches to replace the lost wetlands, the Applicant will conduct a wetland delineation to quantify this replacement and confirm no net loss of wetlands. If sufficient wetlands have not emerged after three years, the Applicant will submit an alternative compensatory mitigation plan to replace the remaining area of wetlands to ensure there will be no net loss of wetlands as a result of this project.

9. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment near stream channels. Temporary erosion and sediment control BMPs will be implemented during construction to prevent offsite sedimentation to streams and wetlands. The Applicant will require the bridge contractor to submit an acceptable bridge removal plan and construct structurally adequate debris shields to prevent debris from entering waterways, open travel lanes, and any other areas that are not to be disturbed. Construction is scheduled to begin in January 2009 and finish in October 2010.
10. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 14 (File No. 200700699), pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
11. On July 3, 2008, Del Norte County approved a mitigated negative declaration (SCH No. 2008052126) 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.
12. 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 water quality certification.

Receiving Water: wetlands, Rock Creek, Boulder Creek, and unnamed tributaries to the South Fork Smith River in the South Fork Smith River Hydrologic Area No. 103.20

Filled or Excavated Area: Area Temporarily Impacted: 176 square feet of ephemeral stream channel  
Area Permanently Impacted: 340 square feet of streambank, 306 square feet of ephemeral drainage channel, and 1,051 square feet of wetlands in roadside drainage channels

Total Linear Impacts: Length Temporarily Impacted: 88 linear feet of ephemeral drainage channel  
Length Permanently Impacted: 100 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: North End: 41.77776 N/124.01314 W  
South End: 41.68847 N/123.92042 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the South Fork Road Improvement Project (WDID No.1A08118WNDN), 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. 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. The Applicant shall implement the mitigation measures for water quality, floodplains, wild and scenic rivers, and threatened and endangered species as described in the mitigated negative declaration.
9. The Applicant shall conduct a field survey of the reconstructed roadside drainage channels within one year of project completion. If a sufficient amount of new emergent wetlands is observed during the field survey, a wetland delineation shall be conducted to quantify the area of total wetlands on the project site to confirm that the 1,051 square feet of wetland area that was lost due to project construction has been replaced by new emergent wetlands. If the first field survey indicates that new wetlands are not yet extensive enough to fully replace the lost wetlands, the field survey process shall be repeated a second year. If the second survey indicates an insufficient amount of wetlands, the survey process shall be repeated a third year. If after three years, sufficient wetlands have emerged to replace the lost wetlands, the Applicant shall conduct a wetland delineation to quantify this replacement and confirm no net loss of wetlands. If sufficient wetlands have not emerged after three years, the Applicant shall submit an alternative compensatory mitigation plan to replace the remaining area of wetlands to ensure there will be no net loss of wetlands as a result of this project. The Applicant shall submit annual reports containing the results of the annual wetland survey until a minimum of 1,051 square feet of new emergent wetlands have established in the new roadside drainage channels. The first annual report is due within one year of project completion and no later than December 1, 2011.
10. 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.
11. 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.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. 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.

14. 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.
15. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. 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.
18. 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.

19. 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).
20. The authorization of this certification for any dredge and fill activities expires on October 8, 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.

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Catherine E. Kuhlman  
Executive Officer

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Original to: Mr. Gary Strike, Federal Highway Admin, Central Federal Lands Highway Division, 12300 West Dakota Avenue, Lakewood, CO 80228-2583

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box 14, Eureka, CA 95501  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398