



**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

November 05, 2008

In the Matter of
Water Quality Certification

for the

**California Department of Transportation – District 1
Highway 101 & 271 – Mendocino County, Culvert Rehabilitation Project:
WDID No. 1B08025WNME**

APPLICANT:	California Department of Transportation – District 1
RECEIVING WATER:	Multiple tributaries to the Eel River
HYDROLOGIC AREA:	Eel River Hydrologic Unit No.111.00, Outlet Creek Hydrologic Sub-Area No. 111.61, and Benbow Hydrologic Sub-Area No. 111.32.
COUNTY:	Mendocino
FILE NAME:	CDOT – District 1- Highway 101 & 271 – Mendocino County, Culvert Rehabilitation

BY THE EXECUTIVE OFFICER:

1. On February 20, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application and \$500.00 fee from the California Department of Transportation (Caltrans) District 1, requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Highway 101 & 271 – Mendocino County, Culvert Rehabilitation project (project). Additional information as well as an additional \$75.00 fee was received by the Regional Water Board on August 26, 2008 and October 31, 2008. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on September 29, 2008, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The project consists of seven culverts located within Mendocino County. Three culverts are located along Highways 101 at post mile (PM) markers 54.53, 59.30 and 95.88. In addition, four culverts are located along Highway 271 at PM markers 0.11,

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0.78, 18.32 and 20.64. The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State. The purposes and objectives of the project are to repair and upgrade the culverts and down drains to protect the roadway from erosion related structural failures. The proposed construction activities will consist of: installing new corrugated metal or steel pipes; replacing headwalls; installing culvert flumes, aprons, end sections and downdrains; installing rock slope protection; revegetation; and erosion control.

3. The project will result in both temporary and permanent impacts to the seven drainages within the Eel River watershed. Cumulatively the project will result in 219 feet² (27 linear feet) of permanent impacts and approximately 2,600 feet² of temporary impacts to drainages considered waters of the U.S. and waters of the State. The temporary impacts are primarily related to the existing culvert footprints, while the permanent impacts are the result of minor facility upgrades. The total area of disturbed soil associated with project construction will be approximately 7,600 feet². Water diversions may be required for work associated within the drainages; however, in an attempt to reduce impacts to jurisdictional waters, work will only be conducted during the dry season. All graded areas within the project affected by the construction activities will be appropriately stabilized with native vegetation. In addition, construction and post construction Best Management Practices (BMPs) will be implemented to ensure erosion is minimized and controlled. To compensate for the loss of waters of the U.S. and waters of the State associated with project, Caltrans proposes to plant approximately 562 feet² of riparian vegetation on-site at locations PM 54.63 and PM 59.30.
4. Caltrans has applied for authorization from the U.S. Army Corps of Engineers (USACE) to perform the project under their Nationwide Permit No. 14 (linear transportation projects) pursuant to Clean Water Act, section 404. Caltrans has determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review (General Rule Categorical Exemption). In addition, Regional Water Board staff also determined that this project is categorically exempt from CEQA review (Class 1 Categorical Exemption) and anticipate filing a Notice of Exemption. Construction work in all drainages will only be conducted during the dry season from the period of May 15th to October 15th. The entire project is expected to take 50 working days and is anticipated to be completed by October 1, 2009.

Receiving Water: Tributaries to the Eel River
 Eel River Hydrologic Unit No.111.00,
 Outlet Creek Hydrologic Sub-Area No. 111.61, and
 Benbow Hydrologic Sub-Area No. 111.32

Filled or Excavated Area: Permanent impacts: 219 feet² (27 linear feet)
Temporary impacts: 2,600 feet²

Latitude/Longitude: 39.5059 N / 123.3978 W to 39.9668 N / 123.7999 W

Expiration: October 15th, 2013

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS – HIGHWAY 101 & 271 – CULVERT REHABILITATION PROJECT, MENDOCINO COUNTY, W DID NO. 1B08025WNME, 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 revegetation 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 project 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 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 project description and approved by the Regional Water Board, 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 Caltrans Construction Site Best Management Practices Manual (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. To compensate for the loss of waters of the State and waters of the U.S. associated with project, Caltrans will enter proposes to plant approximately 562 feet² of riparian vegetation on-site at locations PM 54.63 and PM 59.30. These activities shall be conducted in accordance with the Caltrans prepared Revegetation Plan, received by the Regional Water Board on August 26, 2008. 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.
18. 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 certification, 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.
19. 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.

20. 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 Officer 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.

21. The authorization of this certification for any dredge and fill activities expires on October 15th, 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.

22. Please contact Jeremiah Puget of our staff at (707) 576-2835 or jpuget@waterboards.ca.gov if you have any questions.

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

Original sent to: Mr. Dana York, California Department of Transportation,
1656 Union Street, Eureka, CA 95501

Copies sent to: Mr. Bill Orme, SWRCB, Acting 401 Program Manager,
Section 401 Certification and Wetlands Unit Program
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
Mr. Alex Arevalo, California Department of Transportation,
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