



**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 26, 2008

In the Matter of

**Revised - Water Quality Certification**

for the

**California Department of Transportation  
Highways 253 & 162 – Anderson Creek Bridge, Soda Creek Bridge,  
and Outlet Creek Bridge Project, Mendocino County:  
WDID No. 1B06010WNME**

APPLICANT: California Department of Transportation – District 1  
RECEIVING WATER: Outlet Creek, Soda Creek and Anderson Creek  
HYDROLOGIC AREA: Eel River Hydrologic Unit No.111.00, and  
Mendocino Coast Hydrologic Unit No. 113.00  
COUNTY: Mendocino  
FILE NAME: California Department of Transportation – Highways 253 &  
162 - Anderson, Soda, and Outlet Creek Bridges

**BY THE EXECUTIVE OFFICER:**

1. On March 20, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application and \$1,492.20 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 253 & 162, Anderson Creek Bridge, Soda Creek Bridge, and Outlet Creek Bridge project (project). Additional information was received by the Regional Water Board on May 04, 2006, September 14, 2006 and October 10, 2006. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 25, 2006, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. On December 11, 2006, the Regional Water Board issued a CWA Section 401 Water Quality Certification and Associated Waste Discharge Requirements for the project. On November 6, 2008, Caltrans requested an amendment to the certification to incorporate the replacement of a single corrugated metal pipe culvert

**California Environmental Protection Agency**

located at post mile (PM) 3.56 on Highway 253. The culvert replacement will be in-kind and will not result in any additional permanent impacts. The culvert replacement will result in approximately 805 feet<sup>2</sup> (161 linear feet) of temporary impacts to waters of the United States (U.S.) and waters of the State during construction. Per the amended project description environmental sensitive area (ESA) fencing will be utilized to help prevent any additional impacts.

3. The entire project includes three sites: Outlet Creek Bridge located on Route 162 at PM 0.2, Anderson Creek Bridge located on Route 253 at PM 0.54, and Soda Creek Bridge located on Route 253 at PM 3.47, all in Mendocino County. The project consists of bridge retrofitting at three sites to bring the existing bridges up to current bridge design standards. At each location bridge widening and rail replacement work will be conducted. For the Outlet Creek Bridge site, work will not occur within the jurisdictional Waters of the United States. There will be minimal grading and widening of the existing access road to provide a staging and storage area. Access for the underside of the bridge can be achieved from the creek banks and from a temporary platform. The platform will be assembled and raised for use above the waterway. Work to be completed includes widening the bridge by 3.5 feet on each side and upgrading the rail to meet current standards. A containment structure will be used to prevent debris from entering the stream.
4. Construction work at the Anderson Creek Bridge site will consist of widening the bridge deck by three feet on both sides and replacing the guard rail with one that will meet current standards. The pier cap and pier columns will be strengthened. The existing footings and abutments will be enlarged and the wingwalls will be replaced. Rock riprap will be placed on the abutments under the bridge. To accommodate the associated enlarged road on either end of the bridge, retaining walls will be constructed on the south-east and north-west quadrants. A temporary access road will be formed in the north-east area of the construction zone to provide access to the underside of the bridge. The lower portion of this road will be returned to pre-construction conditions upon completion of the project. An existing 18-inch culvert will be extended due to the construction of the access road, and three utility poles will be relocated.
5. Construction work to be completed at the Soda Creek Bridge consists of widening the deck 3.75 feet on the south side, removing the existing wingwall, upgrading the rails, installing rock riprap on the banks, widening the bridge abutments, replacing the damaged culvert at PM 3.56 and adjusting the alignment of the road at each end to correspond with the widening. No access road is required for the work on this bridge. All work will be conducted from the highway or from the bank of Soda Creek. A platform will be used to contain debris.
6. Compensatory mitigation shall be achieved at the Anderson Creek and Soda Creek sites by the planting of native vegetation including canyon live oak, toyon and white alder at a 3:1 stem ratio with a minimum of 80% survival after one year. In addition

to the replacement plantings there will be willow pole plantings within the rock riprap where it extends beyond the dripline of the bridge. Compensatory mitigation is not required for the Outlet Creek site because there will be no temporary or permanent impacts.

7. Caltrans will address the increases in storm water runoff primarily through the use of vegetation and revegetated areas which provide storm water treatment via biofiltration for approximately 18 percent of the total project area. Non-compensatory mitigation measures have been incorporated into the project to reduce potential impacts to water quality, including erosion and sediment control Best Management Practices (BMPs) to reduce the potential for turbid discharges to surface waters including revegetation of exposed soils, straw bale barriers, fiber rolls, temporary mulch, clear water diversion, Baker Tank or equivalent for excavation pumping, and concrete washout basins. Full debris containment is required. 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).
8. 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. On April 5, 2006, the Applicant adopted a negative declaration (State Clearinghouse number 2005072158) for the project in order to comply with CEQA.

Receiving Water: Outlet Creek - Eel River Hydrologic Unit No.111.00, Outlet Creek Hydrologic Sub-Area; Anderson and Soda Creeks - Mendocino Coast Hydrologic Unit No. 113.00, Navarro River Hydrologic Area No. 113.50.

Filled or Excavated Area: Permanent impacts: 71 yards<sup>3</sup> (Rock Slope Protection for Bank Stabilization)

Temporary impacts: 0.09 acres (4,036 feet<sup>2</sup>)

Latitude/Longitude: Anderson Creek Bridge : 39.0001 N / 123.3491 W  
Soda Creek Bridge : 39.0172 N / 123.3207 W  
Outlet Creek Bridge : 39.5555 N / 123.4195 W

Expiration: October 15, 2013

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS – HIGHWAY 253 & 162 – OUTLET CREEK, SODA CREEK AND ANDERSON CREEK, MENDOCINO COUNTY, WDID NO. 1B06010WNME, 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 original application; the findings above; the amended project description dated November 06, 2008 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. 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.
  11. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.
  12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement 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. 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, Waters of the State or Waters of the United States.
  13. Caltrans shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after rainfall events that generate visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A brief report containing these photos shall be submitted within 60 days of the rainfall event that generated runoff from the disturbed areas. In addition, Caltrans shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance.
  14. All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
  15. 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.

16. Ground disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
17. The Eel River and Navarro River watersheds are identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Eel River and Navarro River watershed sediment and temperature listings. Roads are identified as significant sources of sediment discharges in both watersheds. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in both watersheds. At present, there are no watershed-specific implementation plans for these TMDLs. If TMDL implementation plans are adopted for these watersheds prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
18. 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 CCSBMPM and all contractors and subcontractors shall comply with the CCSBMPM.
19. 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.
20. 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.

21. Construction and mitigation work shall be implemented as proposed in the application and the following monitoring shall occur: Caltrans shall monitor revegetation areas on a semi-annual basis and prepare an annual report including photo documentation as to the success of the revegetation. The annual report shall be submitted to the Regional Water Board within 30 days of the one year anniversary of project completion. At the end of the monitoring period, in this case one year, there shall be at least an 80 percent survival rate of all vegetation, or the Caltrans shall submit a supplemental revegetation plan to the Regional Water Board and implement the plan.
22. 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.
23. 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.
24. 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.

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

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

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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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

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