



Linda S. Adams
Secretary for
Environmental Protection

**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

December 02, 2008

In the Matter of

Water Quality Certification

for the

**CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT 4
Highway 128 - Maacama and Redwood Creek Bridges Project
WDID No. 1B03136WNSO**

APPLICANT CONTACT: California Department of Transportation – District 4
RECEIVING WATER: Maacama Creek and Redwood Creek
HYDROLOGIC AREA: Russian River Hydrologic Unit No. 114.00
Geyserville Hydrologic Subarea No. 114.25.
COUNTY: Sonoma
FILE NAME: CDOT - Highway 128 – Maacama & Redwood Creek
Bridges Project

BY THE EXECUTIVE OFFICER:

1. On July 21, 2003, the California Department of Transportation – District 4 (Caltrans) filed an application and associated fee of \$2,250 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 Maacama Creek and Redwood Creek Bridge project (project). The application was deemed incomplete at that time. On August 11, 2003, supplemental information was requested regarding the mitigation plans for the wetland and the streambed that were proposed to be filled. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's web site. No comments were received. Supplemental information was received on February 18, 2005, which included the *Riparian and Oak Woodland Habitat Mitigation and Monitoring Plan*.

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2. On August 19, 2005 the Regional Water Board issued a section 401 Water Quality Certification for the project. During the summer of 2005, Caltrans proceeded with vegetation clearing in preparation for the project; however, due to funding issues the project was put on hold. In 2008, additional funds were programmed for the project and Caltrans is now prepared to proceed with construction although the current section 401 Water Quality Certification is set to expire (October 15, 2010) before the estimated completion date for the bridges. Therefore, Caltrans has requested an extension to the 401 Water Quality Certification.
3. There are no proposed changes to the project scope of work and no additional project impacts. However, this revised 401 Water Quality Certification requires an increase in riparian restoration as compared to the certification issued on August 19, 2005, to mitigate for the project delay which extended the temporal loss of riparian habitat that was cleared in 2005. In addition, Caltrans was required to evaluate the feasibility of post construction storm water treatment for the 1.06-acre increase in impervious surface related to the new bridges. Based on the results of their analysis, Caltrans will create and maintain six bioswales sized to treat 1.46-acres of storm water runoff in the vicinity of the Redwood Creek Bridge. Additional information regarding mitigation and storm water treatment was received on October 21, 2008.
4. Caltrans proposes to modify the bridges by widening the traffic lanes from 10 feet to 12 feet, enlarging the shoulders of the road to 8 feet in width, and widening bridge approaches. To allow access to the creeks, the applicant will construct a temporary roadway. Temporary fill pads with a central channel for fish passage will be used as structural support for the roadway. In addition, to allow access to the bridge, temporary scaffolding will be constructed in the dry portions of the streambeds. All temporary structures within the stream channels will be removed prior to October 15th each year. Caltrans has removed a total of 114 trees from the two project sites. Bridge abutments at Redwood Creek will be constructed outside of the ordinary high water mark of the creeks. Two abutments will be placed in Maacama Creek.
5. The projects will permanently impact 0.0011 acres of wetlands and 0.036 acres of stream channel. In addition, 0.58 acres of stream channel will be temporarily impacted.
6. Compensatory mitigation for the stream channel area to be impacted is outlined in *Riparian and Oak Woodland Habitat Mitigation and Monitoring Plan* (December 2003) and for the wetland area, *Mitigation and Monitoring Plan: Maacama Creek Bridge Wetland Drainage Ditch* prepared in May 2005, both prepared by California Department of Transportation. To compensate for the loss of 0.0011 acre of wetland impacts, the mitigation plan proposes to create 0.0023 acres of wetland for a ratio of 2:1. A conservation easement was also established in May 2005 for 2.95 acres on a property adjacent to Redwood Creek to be protected in perpetuity (Document No. 59175).

7. To mitigate for the additional temporal loss of riparian habitat Caltrans shall increase the mitigation ratio for trees cut within the riparian zone to 5:1. In addition, the riparian plantings including revegetation and mitigation shall be conducted along at least 240 linear feet of stream bank to mitigate for the 160 linear feet of temporary impacts to the riparian zone.
8. 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. 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. The proposed project will slightly realign and add road surface to the highway. Approximately 1.06 acres of additional impervious surface will be added throughout the project area. Therefore, approximately 1.46 acres of post construction storm water treatment controls are proposed within the project area, which includes the addition of six bioswales along highway 128 in the vicinity of the Redwood Creek Bridge.
10. On June 30, 2003, the California Department of Transportation adopted a negative declaration (SCH No. 2003052113) for the project in order to comply with the California Environmental Quality Act. 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. The United States Army Corps of Engineers has permitted this project under Nationwide Permit Numbers 14 and 33: Linear Construction Projects and Temporary Construction, Access and Dewatering Projects (File Nos. 26565N and 26566N), pursuant to Clean Water Act, section 404. In addition, Caltrans has applied for a California Department of Fish and Game Lake or Streambed Alteration Agreement.

Receiving Water: Wetlands, Redwood Creek and Maacama Creek
Russian River Hydrologic Unit No. 114.00,
Geyserville Hydrologic Subarea No. 114.25.

Filled or Excavated Area: Permanent Impacts: 0.036-acres – Stream Channel
0.0011-acres – Wetlands
Temporary impacts: 0.58-acres – Stream Channel
0.476-acres (160 linear feet) – Riparian

Expiration: October 15, 2013

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE CALTRANS HIGHWAY 128 – REDWOOD CREEK AND MAACAMA CREEK BRIDGES PROJECT W DID No. 1B03136WNSO, 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, oil or petroleum products, welding slag, 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. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the attention of Regional Water Board at least 30 days prior to the start of any project activity. Construction activities are authorized only if they are adequately addressed in the current SWPPP.
14. Visual observations of Redwood Creek and/or Maacama Creek shall be conducted whenever a project activity has the potential to mobilize sediment and increase the turbidity and/or pH of the Redwood Creek and/or Maacama Creek. In order to demonstrate compliance with receiving water limitations, field turbidity and/or pH measurements shall be collected whenever a project activity causes turbidity and/or pH of Redwood Creek and/or Maacama Creek to be increased above background concentrations.
15. Whenever turbidity and/or pH in Redwood Creek and/or Maacama Creek is increased above background as a result of project activities, turbidity and/or pH measurements shall be collected upstream (within 50 feet) of project activities (background) and downstream (within 100 feet) of the source. The frequency of turbidity and/or pH monitoring shall be a minimum of every hour during periods of increased turbidity and/or pH and shall continue until measurements demonstrate

compliance with receiving water limitations and turbidity and pH levels are no longer increasing as a result of project activities. If turbidity levels are greater than 20 percent above background, or pH levels are beyond the water quality objective (6.5 – 8.5) 100 feet downstream of the source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s) of sediment or increased pH. In addition, the overall distance from the source(s) of turbidity or pH to the downstream extent of the increased turbidity or pH (20 percent above background / 6.5 - 8.5) shall be measured.

16. Turbidity and pH monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within 1 hour of taking any turbidity measurement higher than 20 percent above background or pH measurements outside of 6.5 – 8.5 at a point 100 feet or more downstream of the source(s). Pictures of Redwood Creek and/or Maacama Creek upstream, downstream and within the working and/or disturbed area shall be taken and submitted to the appropriate Regional Water Board staff via e-mail within 24 hours of the incident.
17. Monthly monitoring reports shall be submitted to the appropriate Regional Water Board staff person. The monthly monitoring reports shall include at a minimum a summary of discharges, a summary of corrective actions taken (if necessary), pictures, all field sampling measurements and/or results, project status (i.e. upcoming construction schedule and disturbed soil area updates), biological monitoring reports, changes to the SWPPP. Monthly monitoring reports are due to the Regional Water Board by the 15th of the following month.
18. Calibration logs for all field monitoring equipment shall be maintained and be available to the Regional Water Board on request.
19. When construction operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 100 feet of waters of the United States and the State.
20. All materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly within a clearly designated area at least 100 feet beyond waters of the United States and the State.
21. 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 Caltrans use any vehicle or equipment which leaks any substance that may impact water quality.
22. 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.

23. 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.
24. 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.
25. Compensatory mitigation for the stream channel area to be impacted is outlined in *Riparian and Oak Woodland Habitat Mitigation and Monitoring Plan* (December 2003) and for the wetland area, *Mitigation and Monitoring Plan: Maacama Creek Bridge Wetland Drainage Ditch* prepared in May 2005, both prepared by California Department of Transportation. To compensate for the loss of 0.0011 acre of wetland impacts, the mitigation plan proposes to create 0.0023 acres of wetland for a ratio of 2:1. A conservation easement was also established in May 2005 for 2.95 acres on a property adjacent to Redwood Creek to be protected in perpetuity (Document No. 59175).
26. Mitigation for the additional temporal loss of riparian habitat shall be conducted within the riparian zone at a 5:1 ratio. In addition, to mitigate for the 160 linear feet of impacts to the riparian zone, riparian plantings including revegetation and mitigation shall be conducted at a minimum ratio of 1.5:1 (240 linear feet). A final mitigation plan to address temporal loss of riparian habitat shall be submitted to the Regional Water Board for approval by April 1, 2008.
27. Yearly monitoring reports for the required compensatory mitigation shall be provided to the Regional Water Board by July 15 during each calendar year for a total of five years. Reports shall include photo documentation of the mitigation area. After five years have passed, the mitigation will be evaluated for successful attainment of the final wetland criteria as outlined in the U.S. Army Corps of Engineers 1987 Delineation Manual and a decision will be made whether additional mitigation measures are necessary to insure that no net loss of wetland habitat occurs. Reports shall be prepared by a professional consultant with in-depth experience in wetland ecosystem creation and function, as well as wetland

mitigation monitoring techniques. Reports shall be submitted to the attention of the appropriate Regional Water Board staff member.

28. Modification of the areas designated for bioswales shall be conducted in accordance with the application and the supplemental information provided by Caltrans to the Regional Water Board dated October 21, 2008.
29. The applicant shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after the first rainfall event that generates visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A report containing these photos shall be submitted within 60 days of the first rainfall event that generates runoff from the disturbed areas.
30. 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 State Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
31. 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.
32. 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.
33. 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.
34. 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. Hardeep Takhar, Caltrans District 4, 111 Grand Avenue, Oakland, CA 94623

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

Ms. Lilian Acorda, Caltrans District 4, 111 Grand Avenue, Oakland, CA 94623

Ms. Samantha Olson, SWRCB, Office of the Chief Counsel

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

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

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