



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

April 14, 2009

In the Matter of
Revised - Water Quality Certification

for the

**CDOT – HIGHWAY 101/HIGHWAY 36, ALTON INTERCHANGE
WDID NO. 1B07140WNHU**

APPLICANT: California Department of Transportation
RECEIVING WATER: Wetlands and Unnamed Tributaries to the Van Duzen River
and Eel River
HYDROLOGIC UNIT: Ferndale Hydrologic Subarea No. 111.11
COUNTY: Humboldt
FILE NAME: CDOT – HWY101/HWY 36, Alton Interchange

BY THE EXECUTIVE OFFICER:

1. On August 21, 2007, the California Department of Transportation (Caltrans) 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 construction of a spread diamond interchange structure at the intersection of Highway 101 and Highway 36 at Alton, Humboldt County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 10, 2007, and posted information describing the project on the Regional Water Board's website. No public comments on this project were received. On January 22, 2008, a 401 Certification was issued to Caltrans for the project.
2. On April 2, 2009, Caltrans submitted an application for an amendment to the 401 Certification to conduct construction activities in the wet season (October 15 through May 15). The previous application specified that work would only be conducted in the dry season (May 15 through October 15). Subsequent to receiving the

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amendment request, Regional Water Board Staff reviewed the project's Storm Water Pollution Prevention Plan (SWPPP), met with Caltrans to discuss the proposed wet season construction schedule and conducted a site visit to evaluate the construction plan and potential water quality concerns. This revised 401 certification authorized Caltrans to conduct construction activities that have a low threat to water quality in the wet season. No work will be conducted in any of the drainages (stream channels or drainage ditches) in the wet season (October 15 to May 15). 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).

3. The project involves conversion of Highway 101 from a four lane expressway to a four lane freeway between the Van Duzen River Bridge (P.M. 57.0) and Drake Hill Road (P.M. 59.1), approximately two miles south of the City of Fortuna. The project is designed to improve traffic safety and reduce conflicts. The project includes construction of a spread diamond interchange structure to replace the existing at-grade intersection of Highway 101 and Highway 36. The project will also result in closure of other at-grade road extensions on the west side of Highway 101 including Fowler Lane, Hansen Lane, Sandy Prairie Road, Drake Hill Road, and a Van Duzen River access road. The project is scheduled to begin in June 2008 and is expected to take three to four years to complete.
4. The project will result in a thirty-seven percent increase in the amount of impervious surface area within the project area. The drainage plan incorporates bio-filtration strips and bio-filtration swales as Best Management Practices (BMPs) for post-construction storm water treatment. Approximately 4.76 acres of bio-filtration strip area and approximately 0.48 acre of bio-filtration swale area have been incorporated into the drainage plans. These BMPs will be located adjacent to the highway and the new interchange structures.
5. Construction of the interchange and other roadway structures requires filling and relocation of existing drainage features and wetlands. The project will result in permanent impacts to 2.59 acres and temporary impacts to 0.19 acre of existing wetlands that are subject to the U.S. Army Corps of Engineers jurisdiction. The project will result in permanent impacts to 0.07 acre and approximately 170 linear feet of roadside drainage channel within the U.S. Army Corps of Engineers jurisdiction. The project will also result in permanent impacts to 1.9 acres of coastal zone wetlands and 0.41 acre of riparian vegetation.
6. A large parcel in the southwest quadrant of the project area will be used to meet the wetland mitigation requirements and for the purposes of drainage attenuation. The drainage design involves routing most of the runoff from the project area through the southwest quadrant and includes construction of a new open channel to replace the Fowler Lane ditch. This design involves splitting flows from the new ditch at two locations to allow the water surface elevation to equalize between the two points in

the ditch and the wetland mitigation area. A new channel north of the Humboldt County levee easement will be created to connect two constructed wetland mitigation areas to the existing wetlands. A combination of open channels and 42-inch diameter culverts will replace the existing drainage conveyance system that currently includes a series of heavily vegetated channels and 30-inch diameter culverts. An existing ditch in the southwest quadrant will be modified to provide additional storm water runoff storage capacity. The drainage design is intended to replicate pre-project Fowler Lane ditch overflow patterns in the southwestern quadrant.

7. Caltrans has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
8. Caltrans has applied to the United States Army Corps of Engineers to perform the project under an individual permit, pursuant to Clean Water Act, section 404.
9. On June 28, 2005, Caltrans adopted a mitigated negative declaration (SCH No. 2005032007) 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. The mitigated negative declaration indicates that the construction of the interchange will result in unavoidable permanent and temporary impacts to portions of wetlands and other waters of the United States. Implementation of a compensatory mitigation plan is required and is expected to reduce these impacts to less-than-significant levels.
10. Compensatory mitigation is required. Compensatory mitigation involves creation of 4.3 acres of wetlands and enhancement of 1.5 acres of existing wetlands. Compensatory mitigation also includes the creation of 5.9 acres of coastal zone wetlands and 1.23 acre of riparian area. Compensatory mitigation activities will occur on an adjacent parcel located in the southwest quadrant. Noncompensatory mitigation includes the use of BMPs for heavy equipment use near a waterway and for sediment and erosion control.

Receiving Water: Wetlands and unnamed tributaries to the Van Duzen River and Eel River in the Ferndale Hydrologic Subarea 111.11

Filled or Excavated Area: Area Temporarily Impacted: 0.19 acre of wetland
Area Permanently Impacted: 2.59 acres of wetland, 0.41 acre of riparian vegetation, 0.07 acre of roadside drainage channel, and 1.9 acres of California coastal zone wetland

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: 170 linear feet of roadside drainage channel

Dredge Volume: None

Latitude/Longitude: 40.54786 N/124.14553 W

Expiration: January 22, 2013

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Alton Interchange Project (WDID No. 1B07140WNHU), 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 Caltrans.
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. Compensatory mitigation shall include creation of 4.9 acres of three-parameter wetlands in existing upland areas; create 5.9 acres of two-parameter wetlands in existing upland areas; plant 4.4 acres of upland area with native riparian trees and shrubs; and enhance 1.5 acres of existing three-parameter wetlands through vegetation removal and revegetation. Compensatory mitigation activities shall be conducted in accordance with the Caltrans-prepared *Wetland Mitigation and Monitoring Plan Alton Interchange*, dated January 2009.
6. 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.

7. 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 year round.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. A copy of this Order and the application documents submitted by Caltrans for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. Work in flowing or standing surface waters, unless otherwise proposed in the project description and/or approved by the Regional Water Board, is prohibited. If construction dewatering is found to be necessary, Caltrans shall use a method of water disposal other than disposal to surface waters (such as land disposal) or Caltrans 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 Caltrans or its contractors use any vehicle or equipment which leaks any substance that may impact water quality.
14. 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.

15. Caltrans 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.
16. 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.
17. All project work shall be conducted as described in this Order and in the application submitted by Caltrans. 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.
18. The Eel River watershed is 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 watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific implementation plans for this TMDL. If a TMDL implementation plan is adopted 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.
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 and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
20. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
21. 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.

22. 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.

23. 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).

24. The authorization of this certification for any dredge and fill activities expires on January 22, 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.

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 to: Mr. Gary Berrigan, California Department of Transportation,
P.O. Box 3700, Eureka, CA 95502

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863,
Eureka, CA 95502
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398
Ms. Susan Tappan, California Department of Transportation,
P.O. Box 3700, Eureka, CA 95502