



**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

April 17, 2009

In the Matter of

Water Quality Certification

for the

**USDI, NATIONAL PARK SERVICE AND FEDERAL HIGHWAY ADMINISTRATION –
ALDER CAMP ROAD REHABILITATION PROJECT
WDID NO. 1A04149WNDN**

APPLICANT: U.S. Department of Transportation, Federal Highway Administration
RECEIVING WATER: Unnamed tributaries to Richardson Creek, tributary to the Klamath River
HYDROLOGIC UNIT: Klamath Glenn Hydrologic Subarea No. 105.11
COUNTY: Del Norte
FILE NAME: USDI, National Park Service, Alder Camp Road Improvement

BY THE EXECUTIVE OFFICER:

1. On November 1, 2004, the U.S. Department of Transportation, Federal Highway Administration (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 rehabilitating the entire length (approximately two miles) of Alder Camp Road in Redwood National and State Parks from Coastal Drive to Klamath Beach Road. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 16, 2004, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project and certification was issued on January 18, 2005. The project was not initiated due to lack of funding and the certification expired.
2. On February 23, 2009, the Applicant submitted a request for renewal of the expired certification. Due to the economic recovery legislation recently passed by

California Environmental Protection Agency

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Congress, the Applicant believes that funding can be secured for the project and they are planning to start the project in May 2009. No changes were made to the original project design or construction details.

3. The eastern portion of the roadway project is within the Yurok Indian Reservation and that portion of the project is not within the State's jurisdiction. This Clean Water Act Section 401 certification is only applicable to the western portion of the project that is within the Redwood National and State Park boundary. The project involves removing the existing asphalt road surface, installing one new culvert, replacing, rehabilitating, and extending existing drainage structures, repairing roadbed fill failures, and repaving the surface.
4. Impacts to waters of the United States are associated with drainage structure improvements at twenty-eight drainage crossings along the entire roadway. Impacts to waters of the United States within the State's jurisdiction are associated with drainage structure improvements at twelve drainage crossings that are identified in the Environmental Assessment as locations 14, 15, 16, 17, 18, 19, 20A, 20B, 21A, 21B, 21C, and 22. The following project descriptions and their associated impacts are limited to the sites that are subject to this certification.
5. The activities at drainage crossing sites 14, 18, 20A, 20B, 21A and 22 involve replacement of the existing 12-inch corrugated metal culverts with 24-inch culverts. Their associated drop inlets will also be replaced. The culverts at sites 14 and 21A will also be extended. The existing box culverts at sites 16 and 21B will be cleaned and extended. The existing box culverts at sites 15 and 19 will be cleaned and riprap will be added at the outlet ends. The existing box culvert at site 17 will only be cleaned and site 21C involves installation of a new 24-inch culvert. The existing roadside ditches will be cleaned and sections of roadside ditch will be paved.
6. Alder Camp Road will be closed during project construction. The construction schedule is limited by special-status species (marbled murrelet) restrictions that require work to be performed during their non-breeding period between June 15 and October 31. The hours of operation will also be limited to the period between two hours after sunrise and two hours before sunset to comply with special-status species restrictions.
7. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in stream channels. The Applicant is required to apply for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and will prepare a Storm Water Pollution Prevention Plan that identifies BMPs to control erosion and prevent impacts to water quality.

8. The Applicant has obtained authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Nos. 3, 14, and 33 (File No. 286600N), pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from California Department of Fish and Game is not required because the project is a federal project on federal land.
9. The National Park Service prepared an Environmental Assessment in accordance with the National Environmental Policy Act. The California Department of Transportation reviewed the action and determined the project will not individually or cumulatively have a significant environmental effect and is excluded from the requirement to prepare further environmental documentation in accordance with the National Environmental Policy Act. Upon review of the project scope, potential impacts, and consideration of the NEPA findings, Regional Water Board staff determined that this project is categorically exempt from CEQA review (Class 1, Section 15301 – existing facilities).
10. 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: Unnamed tributaries to Richardson Creek, a tributary to the Klamath River

Filled or Excavated Area: Area Temporarily Impacted: less than 0.01 acre
Area Permanently Impacted: 0.13 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: 50 linear feet of streambed
Length Permanently Impacted: 312 linear feet of new impacts to existing culverted stream channels

Dredge Volume: None

Latitude/Longitude: West End : 41.51058 N/124.07607 W
East End : 41.52525 N/124.04755 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the U.S. Department of Transportation, Federal Highway Administration, Alder Camp Road Rehabilitation Project (WDID No.1A04149WNDN), 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. Adequate 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. 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.
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. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. 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.
12. 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.
13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.
16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on April 17, 2014. 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.

Catherine Kuhlman
Executive Officer

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Original to: Mr. Patrick Flynn, 12300 W. Dakota Avenue, Suite 380,
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1455 Market Street, San Francisco, CA 94103-1398