



Linda S. Adams  
Secretary for  
Environmental Protection

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

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Arnold  
Schwarzenegger  
Governor

May 12, 2009

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In the Matter of

**Water Quality Certification**

for the

**MENDOCINO CO. DOT – MENDOCINO PASS ROAD, P.M. 2.74, STORM DAMAGE  
REPAIR  
WDID NO. 1B09022WNME**

APPLICANT: Mendocino County Department of Transportation  
RECEIVING WATER: Williams Creek  
HYDROLOGIC UNIT: Round Valley Hydrologic Subarea No. 111.72  
COUNTY: Mendocino  
FILE NAME: Mendocino County DOT – Mendocino Pass Road, P.M.  
2.74, Storm Damage Repair

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BY THE EXECUTIVE OFFICER:

1. On February 10, 2009, Mendocino County Department of Transportation (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 repairing an embankment slope along the shoulder of Mendocino Pass Road and adjacent to Williams Creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 9, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. During the heavy winter storms of 2005-2006, high flows in Williams Creek eroded the toe of the embankment slope below Mendocino Pass Road at Post Mile 2.74 and the slope failed. The storm damaged area extends approximately 65 feet along the road shoulder and approximately 60 feet down the slope to the edge of the stream channel. The purpose of the project is to stabilize the embankment slope and restore the integrity of the roadway.

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3. The project involves construction of a rock armor buttress to stabilize the embankment slope. A 10-foot wide and 65-foot long bench will be excavated along the toe of the failing slope which is adjacent to the elevation of ordinary high water and approximately 8 feet above the summer low flow elevation. A self-adjusting keyway will be constructed on the bench by using a mix of one-ton and smaller rock slope protection (RSP). The keyway will extend 18 vertical feet above the excavated bench elevation. A 65-foot long, 35-foot wide, and 3-foot deep layer of RSP will extend upslope from the keyway approximately half the distance to the roadway. The remaining upper portion of the slope will be filled with previously excavated soil, compacted, and Best Management Practices (BMPs) for erosion control will be applied to the surface. The RSP slope will include three-foot diameter voids to allow for revegetation of the slope.
4. Embankment stabilization activities will permanently impact 65 linear feet and 650 square feet of the streambank. The project will not result in any temporary impacts to the streambank. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of BMPs for sediment and turbidity control and for operation of heavy equipment near a stream channel. The project is scheduled for construction during the summer of 2009 and is expected to take 20 days to complete.
5. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under nationwide permit (File No. 2007-400819N), pursuant to Clean Water Act Section 404. The Applicant has also applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement.
6. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, Class 1, section 15301 – existing facilities, pursuant to CEQA.
7. 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: Williams Creek in the Round Valley Hydrologic Subarea No. 111.72

Filled or Excavated Area: Area Temporarily Impacted: None  
Area Permanently Impacted: 650 square feet of stream streambank

Total Linear Impacts: Length Temporarily Impacted: None

Length Permanently Impacted: 65 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 39.83631 N/123.14725 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mendocino Pass Road, P.M. 2.74, Storm Damage Repair on Williams Creek Project (WDID No.1B09022WNME), 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. 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 May 12, 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.

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Catherine Kuhlman  
Executive Officer

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Original to: Mr. Larry Alexander, Mendocino Co. DOT, 340 Lake Mendocino Drive,  
Ukiah, CA 95482

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,  
Box 14, Eureka, CA 95501  
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