



**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

June 8, 2009

In the Matter of
Water Quality Certification
for the
City of Ukiah, Gobbi Street/Oak Manor Drive/Babcock Lane Realignment
WDID No. 1B08169WNME

APPLICANT: City of Ukiah
RECEIVING WATER: Creek bed and bank within Gibson Creek
HYDROLOGIC UNIT: Ukiah Hydrologic Subarea No. 114.31,
Russian River Hydrologic Area 114.00
COUNTY: Mendocino
FILE NAME: City of Ukiah, Gobbi Street/Oak Manor Drive/Babcock Lane
Realignment
WDID No. 1B08169WNME

BY THE EXECUTIVE OFFICER:

- On November 21, 2008, Mr. Tim Eriksen, P.E., Public Works Director/City Engineer of the City of Ukiah (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 construction of a new set of natural stream bed (bottomless) culverts to align Babcock Lane with Oak Manor Drive at their intersection with Gobbi Street (Project). The Project will cause permanent impact to approximately 0.07 acres, and temporary impact to 0.03 acres of waters of the State associated with Gibson Creek in the Ukiah Hydrologic Subarea No. 114.31, Russian River Hydrologic Area 114.00. Fee payment for the total of \$915 was submitted on May 12, 2009. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 23, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
- The purpose of the Project is the realignment of Babcock Lane with Oak Manor Drive at their intersection with Gobbi Street to create a standard 90 degree intersection so that the intersection is safer and complies with Americans with

Disabilities Act (ADA) guidelines. The intersection is also used by school children traveling to their nearby school. The existing low profile concrete bridge over Gibson Creek will be replaced with two pre-cast concrete bottomless rectangular culverts, and a short segment of Gibson Creek will be realigned.

3. Specific elements of the Project include:
 - o Demolition of existing bridge across Gibson creek, and removal of existing non-ADA pedestrian bridge northwest of the intersection.
 - o Construction of a temporary creek crossing over Gibson Creek.
 - o Re-aligning a segment of Gibson Creek to accommodate the new intersection geometry.
 - o Construction of new bottomless culverts.
 - o Demolition and removal of existing street pavement.
 - o Relocation of any utilities that conflicts with the realigned street and creek.
 - o Construction of new roadway, curb, gutters, sidewalk, and ADA curb ramps.
 - o Construction of new storm drain manhole and relocation of existing storm drain, and vegetated bio-swales for discharge to Gibson Creek.
 - o Restoration of Gibson Creek within limits of Project disturbance.
4. Compensatory mitigation consists of revegetation of impacted area with species native to the area, per the *Restoration and Enhancement Monitoring and Reporting Plan*, by Winzler & Kelly, November 2008. Additionally, trees removed larger than 4 inches in diameter at breast height, will be replaced with a minimum of 3 replacement trees (of same or endemic species) on or near the streambank at the project site. Revegetation/restoration area should result in an area larger than impact and of better quality shade and habitat. Planted vegetation will be monitored for at least five years, with yearly reports submitted to the Regional Water Board. Revegetation shall have an 85% survival rate at the end of five years. Plants shall be irrigated as necessary for survival and establishment. Invasive plant species such as vinca and Himalayan blackberry will be removed. The Project will comply with California Department of Fish and Game fish passage guidelines.
5. Post-construction stormwater treatment features will be incorporated to treat stormwater runoff. Landscape-based treatment such as bioswales will treat stormwater before it is discharged to Gibson Creek. Treatment features will be installed and maintained as described in the application.
6. The Applicant has applied to the United States Army Corps of Engineers, file number 2008-00444N, to perform the Project pursuant to Clean Water Act, section 404.
7. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game has been obtained, Notification No. R1-08-0581.

8. The City of Ukiah, as lead California Environmental Quality Act (CEQA) agency, has prepared and filed a Mitigated Negative Declaration, and Notice of Determination with the Office of Planning and Research, (State Clearinghouse No. 2007102093, April 21, 2008), pursuant to California Environmental Quality Act (CEQA) guidelines.

Receiving Water: Gibson Creek in the Ukiah Hydrologic Subarea No. 114.31, Russian River Hydrologic Area 114.00

Filled or Excavated Area: Area Permanently Impacted: 0.07 acres of creek bed and bank
Area Temporarily Impacted: 0.03 acres of creek bed and bank

Latitude/Longitude: 39.145317°N / 123.191997°W

Expiration: June 8, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Ukiah, Gobbi Street/Oak Manor Drive/Babcock Lane Realignment Project (WDID No. 1B08169WNME), 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 Russian River is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed 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.

5. The Regional Water Board shall be notified 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.
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.
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 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.
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. 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.
13. 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.

14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.
17. 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.

18. 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).

19. The authorization of this certification for any dredge and fill activities expires on June 8, 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 Stephen Bargsten of our office at (707) 576-2653.

Sincerely,

Catherine Kuhlman
Executive Officer

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