



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

August 10, 2009

In the Matter of
Water Quality Certification
for
County of Mendocino Department of Transportation
Eastside Calpella Road MP 3.70
Storm Damage Project
WDID No. 1B08092WNME

APPLICANT: Larry Alexander, County of Mendocino Department of Transportation
RECEIVING WATER: Russian River
HYDROLOGIC AREA: Ukiah Hydrologic Subarea No. 114.31, Russian River Hydrologic Unit No. 114.00
COUNTY: Mendocino County
FILE NAME: Mendocino County Department of Transportation, Eastside Calpella Road MP 3.70 Storm Damage Project

BY THE EXECUTIVE OFFICER:

1. On May 22, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Larry Alexander of the County of Mendocino Department of Transportation (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities associated with a bank stabilization project on the Russian River. Subsequent to receiving the application, Mr. Park Steiner became the agent for the Applicant. A fee in the amount of \$647.00 was paid in full. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 9, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the proposed project is to reinforce a damaged embankment and halt erosion of 40 linear feet of riverbank. The roadway is within four feet of the precipice and the potential for further erosion and damage persists. The repair site is located near Eastside Calpella Road, M.P. 3.70, north of the Town of Calpella, latitude 39.24170° N, longitude 123.19851° W, Mendocino County. The project will cause temporary and permanent impacts to approximately 0.07 acres of waters of

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the State associated with the Russian River in the Ukiah Hydrologic Subarea No. 114.31, Russian River Hydrologic Area 114.00.

3. The Applicant will temporarily divert the river flow by digging a channel in a gravel bar adjacent to the riverbed. Two feet of gravel will be left on both ends of the new channel for 24 hours at minimum, allowing sediment to settle before the channel is opened to river flow. Excavated gravel will be used to construct plastic lined cofferdams up and down stream from the construction site and using screened pumps, a pool at the base of the embankment will be dewatered. Upon consultation with NOAA Fisheries and California Department of Fish and Game, all fish will be relocated. A three foot deep keyway will be excavated at the edge of the embankment, within the river bed, which will be filled with four ton rock slope protection up the side of the slope and one ton rock slope protection will be installed above it. Any existing deep water habitat will be preserved if possible. Two rock vanes will be constructed to deflect water flow away from the bank. Creek flow will be returned to the original condition upon completion of the bank armoring, causing as little disturbance as possible. Willow poles will be planted at the base and in the interstices of the rock. The project will require the use of an excavator, bulldozer and dump trucks. The paved parking area of Mendocino Redwood Company will be used for staging, overnight storage and offloading, and provide an access point to the construction site. All operations, including harvesting of local willow stems, will be done with respect to all wildlife and to cause the minimum of disruption possible.
4. Compensatory mitigation will consist of planting of native riparian vegetation in and around the repair area to establish shade and habitat. Plantings shall also be placed to help reduce erosion at and near the project site. All plantings shall be irrigated and managed, as necessary, for a minimum of five consecutive years immediately following planting. Planted vegetation shall have at least an 85% survival rate of thriving planted species at the end of five years. Annual reports shall be submitted to the Regional Water Board for five years, and shall include photos of the revegetated areas, and include survival rates and a narrative summary of the status of the revegetation/mitigation effort. Continued maintenance of these facilities shall be the responsibility of the Applicant.
5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. Silt fences and silt curtains will be used to avoid delivery of sediment to the Russian River during construction. All disturbed soil will be treated with mulching, seeding of native grasses and/or sterile hybrids, and/or erosion control blankets. All work by heavy equipment shall be conducted from the adjacent gravel bar. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.

6. The County of Mendocino, as lead California Environmental Quality Act (CEQA) agency, submitted a Notice of Exemption to the State Clearinghouse (SCH No. 2008108388), pursuant to CEQA guidelines.
7. Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement (Notification No. R1-08-0200), issued on October 20, 2008.
8. Applicant has applied to US Army Corps of Engineers on November 15, 2007, for a Clean Water Act Section 404 Nationwide Permit, (File No. 400818N).
9. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13269.

Receiving Water: Russian River
Ukiah Hydrologic Subarea No. 114.31
Russian River Hydrologic Unit No. 114.00

Filled or Excavated Area: 0.07 acres of temporary and permanent impacts to river bed and river bank

Latitude/Longitude: 39.24170° N 123.19851° W

Expiration: August 10, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mendocino County Department of Transportation, Eastside Calpella Road MP 3.70 Storm Damage Project (WDID No. 1B08092WNME), 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. 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 Order (Enclosed).
5. The Russian River watershed is listed on the Clean Water Act Section 303(d) list as impaired for sediment and temperature. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, watershed specific 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.
6. The Regional Water Board shall be notified in writing at least five (5) 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.
7. 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.
8. 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.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
10. 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.
11. 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.

12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. 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.
14. 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.
15. 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.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. 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.
18. 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.

19. 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).
20. The authorization of this certification for any dredge and fill activities expires on August 10, 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 at (707) 576-2653.

Catherine Kuhlman
Executive Officer

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Certified Return Receipt

Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original to: Mr. Park Steiner, County of Mendocino Department of Transportation,
340 Lake Mendocino Drive, Ukiah, CA 95482

Copies sent to: Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Mr. Bill Orme, SWRCB, 401 Certification and Wetlands Unit Program

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94105-1398

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