



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

August 12, 2009

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In the Matter of  
Notice of Coverage, Waiver of Waste Discharge Requirements for Minor Dredging and  
Fill Activities  
for  
Mendocino County Department of Transportation, Gualala Road MP 1.65  
Storm Damage Project  
WDID No. 1B06154WNME

APPLICANT: County of Mendocino Department of Transportation  
RECEIVING WATER: Gualala River  
HYDROLOGIC AREA: Gualala River Hydrologic Subarea No. 113.85  
Mendocino Coast Hydrologic Area 113.00  
COUNTY: Mendocino County  
FILE NAME: Mendocino County Department of Transportation, Gualala  
Road MP 1.65 Storm Damage Project

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BY THE EXECUTIVE OFFICER:

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution R1-2007-0098. On October 5, 2006, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Ole Wik of the County of Mendocino Department of Transportation (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Mendocino County Department of Transportation, Gualala Road MP 1.65 Storm Damage Project (Project) near the town of Gualala, Mendocino County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 15, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.
2. The purpose of the project is to reinforce a damaged embankment and prevent continued erosion, which threatens the roadway and delivers sediment into the river. The bank was damaged in the 2005-2006 winter storms. The project will use bank armoring for reinforcement and stabilization. The project is located near Gualala Road, M.P. 1.65, east by northeast of the Town of Gualala, latitude 38.77695° N, longitude 123.49987° W, Mendocino County. The project

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permanently impacts approximately 0.02 acres of waters of the State associated with the Gualala River in the Gualala Hydrologic Subarea No. 113.85, Mendocino Coast Hydrologic Area 113.00.

3. The Applicant proposes to conduct repairs during the dry season when the active riverbed will be approximately 35 feet from the repair site. Flood debris, such as limbs and fallen trees, will be cleared from the area and the shoulder of the roadway will be reestablished to a minimum of three feet wide. An approximately four feet deep by four feet wide by 100 feet long footing trench will be constructed at the toe of the slope and geotextile underlayment will be placed in the trench and up the slope. The footing will be filled with one ton rip rap and loosely fitted one half ton rip rap will be installed from the footing up to the top of the bank, leaving ample interstices to allow for successful propagation of larger tree species. Soil will also be placed in the interstices to further encourage tree propagation.
4. Compensatory mitigation will consist of riparian habitat improvements. The Applicant proposes for each 100 square feet of placed rock to plant one native tree, such as California bay-laurel (*Umbellularia californica*), coast live oak (*Quercus agrifolia*), red alder (*Alnus rubra*), Oregon ash (*Fraxinus latifolia*), Douglas fir (*Pseudotsunga manziesii*), and/or willows appropriate for coastal use (*Salix lucida*). Based on observations of an adjacent previous repair site, future establishment of other native trees and shrubs by natural propagation is expected. All plantings shall be irrigated and managed as necessary for a minimum of 5 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.
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. A Stormwater Mitigation Plan has been created to minimize construction related disturbances to water quality. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Drain inlets will be protected by gravel bags, straw wattles or other filtering devices and all exposed areas will be treated with mulch or hydro-seeding or covered with plastic sheeting. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
6. Applicant has applied to the U.S. Army Corps of Engineers, however the Corps has decided that the Project is outside of their jurisdiction, and will not be issuing a permit for the Project.

7. Applicant has applied to the California Department of Fish and Game for a Lake and Streambed Alteration Agreement.
8. The County of Mendocino Department of Transportation, as lead California Environmental Quality Act (CEQA) agency, submitted a Notice of Exemption to the State Clearinghouse on September 20, 2006, pursuant to CEQA guidelines.
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 13260.
10. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Water Quality Notice of Coverage.
11. Applicant shall construct the project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
12. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
13. Applicant shall provide a copy of this Notice of Coverage and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
14. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, 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 for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Notice of Coverage. In response to a suspected violation of any condition of this Notice of Coverage, the State Water Board may require the holder of any federal permit or license subject to this Notice of Coverage to furnish, under penalty of perjury, any technical or monitoring reports the State 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 Notice of Coverage, the State Water Board may add to or modify the conditions of this Notice of Coverage as appropriate to ensure compliance.

15. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
16. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
17. This Notice of Coverage is not transferable. 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 Notice of Coverage by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. The request must contain the following:
  - i. requesting entity's full legal name
  - ii. the state of incorporation, if a corporation
  - iii. address and phone number of contact person
  - iv. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Notice of Coverage.
18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
19. The authorization of this Notice of Coverage for any dredge and fill activities expires on August 12, 2014. Conditions and monitoring requirements outlined in this Notice of Coverage are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Notice of Coverage must be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.

Receiving Water: Gualala River Hydrologic Subarea No. 113.85  
Mendocino Coast Hydrologic Area 113.00

Filled or Excavated Area: 0.02 acres of permanent impacts

Latitude/Longitude: 38.77695° N, 123.49987° W

Expiration: August 12, 2014

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mendocino County Department of Transportation, Gualala Road MP 1.65 Storm Damage Project (WDID No. 1B06154WNME), as described in the application, is hereby covered under the Waiver, provided that Project complies with the following terms and conditions:

1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.
3. The following is a partial listing highlighting selected standard provisions from Resolution 2007-0098:
  - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
  - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
  - c. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
  - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2007-0098"
  - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
4. The following from Resolution 2007-0098 apply specifically to dredge and fill activities. "The Applicant shall comply with the following additional conditions:
  - a. Discharges shall be non-toxic, short term, discharges to land.
  - b. The Project shall not result in a net loss of wetlands or beneficial uses.

- c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements.”
5. Applicant shall construct the project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
  6. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of the terms contained in the Waiver and this Notice of Coverage, may result in the revocation coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.
  7. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities, Resolution 2007-0098.

If you have any questions or comments please call Stephen Bargsten at (707) 576-2653.

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Catherine Kuhlman  
Executive Officer

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Certified Return Receipt

Enclosure: Waiver Policy (Resolution 2007-0098)

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 Program Manager, Clean Water Act  
Section 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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