
North Coast Regional Water Quality Control Board

March 17, 2014

In the Matter of

Water Quality Certification

for

Fish Rock Road Sediment Reduction Project
WDID No. 1B13089WNME

APPLICANT: Mendocino County Department of Transportation

RECEIVING WATERS: Tributaries to the Garcia River watershed, including: Mill Creek, Cabin Creek, Pardaloe Creek, unnamed tributaries to Mill Creek, unnamed tributaries to Pardaloe Creek, unnamed tributaries to Garcia River, unnamed tributaries to Inman Creek, unnamed tributaries to Signal Creek, unnamed tributaries to Hayfield Creek, unnamed tributaries to Fleming Creek. Tributaries to the Gualala River watershed, including: unnamed tributaries to Billings Creek, unnamed tributaries to Hayfield Creek, unnamed tributaries to Doty Creek, and unnamed tributaries to the Little North Fork Gualala River.

HYDROLOGIC UNITS: Garcia River watershed (Hydrologic Unit No. 113.70)
Gualala River watershed (Hydrologic Unit No. 113.81)

COUNTY: Mendocino

FILE NAME: Mendocino County Department of Transportation (DOT) – Fish Rock Road Sediment Reduction Project

BY THE EXECUTIVE OFFICER:

1. On July 15, 2013, the 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 sediment reduction activities associated with the county-owned and maintained Fish Rock Road (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 22, 2014, and posted information describing the Project on the Regional Water Board's website. The Regional Water Board did not receive any public comments on the Project. The Project is located along 14 miles of Fish Rock Road, with the following bounding coordinates: west bounding coordinates latitude 38.83367 N, longitude 123.56451 W and east bounding coordinates latitude 38.91502 N, longitude 123.29786 W. Temporary impact to bed and bank of unnamed tributaries to the Garcia River and Gualala River is 0.33 acres/2,333 linear feet. Permanent impacts include 386 cubic yards of rock armoring as energy dissipaters in scoured out areas and 70 cubic yards of excavation/backfill rock slope protection as grade control. Sum total of new permanent impacts estimated to be 868 linear feet.
2. The primary purpose and final goal of the project is to implement the MCDOT's Erosion control plan (ECP) and Site Specific Management Plan (SSMP) for compliance with the Action Plan for the Garcia River Watershed Sediment Total Maximum Daily Load. Preliminary estimates of decadal sediment savings as a result of proposed activities is estimated to be approximately 29,300 cubic yards of sediment based on the MCDOT's Direct Inventory to Road Treatments (DIRT) database estimates. Funding for this project has been provided in part through an agreement with the State Water Resources Control Board and the U.S. Environmental Protection Agency under the Federal Nonpoint Source Pollution Control Program (Clean Water Act Section 319).
3. The project will reduce chronic and episodic sediment delivery to the Garcia River and Gualala River watersheds. Sediment reduction treatments focus on; replacement of undersized and corroded culverts on filled stream crossings and installation of more frequent ditch relief culverts to better restore the natural hydrology, culvert downspouts to discharge at more stable locations, energy dissipaters at culvert outlets, outside berm removal activities and installation of over-side drains for improved road drainage, reshaping of dirt roads for improved drainage, rock surfacing, and removal of outside fill materials in some areas to reduce effective slope angle and soil weight for improved slope stability. Road upgrades - including outsloping, removal of outside berms, installation of rolling

dips, filling of inboard ditches, rock surfacing, upsizing of existing ditch relief culverts, and installation of overside drains - will be implemented at various locations along Fish Rock Road by the County Roads Division. Additionally, 39 individual project sites are proposed for upgrade as part of this request for certification, including: one new ditch relief culvert, rock slope protection for four existing ditch relief culverts, one gully repair, one new ditch relief culvert associated with a spring, installation of six new culverts on filled stream crossings, upsize and replace twenty existing stream crossing culverts, and six ditch relief culvert replacement.

4. The project is self-mitigating; it is designed to reduce delivery of sediment and will improve water quality conditions. The project will employ best management practices to prevent or reduce any discharges during and after construction. BMPs included within project designs utilize the following sources of guidance:
 - *A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds*, 5 Counties Salmonid Conservation Program
 - *Handbook for Forest and Ranch Road: A Guide for planning, design, constructing, reconstructing, maintaining, closing wildland roads*, Pacific Watershed Associates
 - *Low Volume Roads Engineering Best Management Practices Field Guide*, USFS
 - *Certified Professional in Erosion and Sediment Control, CPESC Exam Review Guide*
 - *A Guide for the Management of Landslide-Prone Terrain in the Pacific Northwest*, BC Ministry of Forests
5. The Applicant has applied for authorization from the United States Army Corps of Engineers for a Clean Water Act, section 404 permit. The Applicant has also applied to California Department of Fish and Wildlife for a Streambed Alteration Agreement.
6. The Mendocino County Department of Transportation, as lead California Environmental Quality Act (CEQA) agency, has completed a Mitigated Negative Declaration with the State Clearinghouse (SCH No. 2012042016) on June 21, 2012, pursuant to CEQA guidelines.
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.
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

- Receiving Waters: Tributaries to the Garcia River watershed, including: Mill Creek, Cabin Creek, Pardaloe Creek, unnamed tributaries to Mill Creek, unnamed tributaries to Pardaloe Creek, unnamed tributaries to Garcia River, unnamed tributaries to Inman Creek, unnamed tributaries to Signal Creek, unnamed tributaries to Hayfield Creek, unnamed tributaries to Fleming Creek. Tributaries to the Gualala River watershed, including: unnamed tributaries to Billings Creek, unnamed tributaries to Hayfield Creek, unnamed tributaries to Doty Creek, and unnamed tributaries to the Little North Fork Gualala River.
- Fill or Excavated Area: Temporary impact to bed and bank of unnamed tributaries to the Garcia River and Gualala River is 0.33 acres/2,333 linear feet. Permanent impacts include 386 cubic yards of rock armoring as energy dissipaters in scoured out areas and 70 cubic yards of excavation/backfill rock slope protection as grade control. Sum total of new permanent impacts estimated to be 868 linear feet.
- Latitude/Longitude: West bounding coordinates Latitude 38.83367° N Longitude 123.56451° W; and east bounding coordinates Latitude 38.91502° N, Longitude 123.29786° W.
- Expiration: March 17, 2019

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the MCDOT's Fish Rock Road Sediment Reduction Project (WDID No. 1B13089WNME), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provision of the state law, provided that the Applicant complies with the following terms and conditions:

All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project as related to this Water Quality Certification.

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. The validity of this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.
4. The Regional Water Board shall be notified annually and 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. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
6. The Garcia River watershed and Gualala River watershed are both identified as impaired due to excess sediment and elevated temperature under Clean Water Act Section 303(d). The Gualala River is also listed as impaired due to aluminum. Total maximum daily loads (TMDL) for sediment have been developed for both watersheds, and the Action Plan for the Garcia River Watershed Sediment TMDL was adopted into the Water Quality Control Plan for the North Coast Region on January 3, 2002. The primary purpose and final goal of the project is to implement the MCDOT's Erosion control plan (ECP) and Site Specific Management Plan (SSMP) for compliance with the Action Plan for the Garcia River Sediment TMDL. If an

- action plan for the Gualala River sediment TMDL is developed prior to the expiration date for the requested Certification, then the Regional Water Board may revised the provisions of that Certification to address actions identified in such action plans. Activities that will be authorized by this Certification are designed to reduce ongoing chronic erosion and prevent future episodic erosion. Accordingly, this Certification is consistent with, and implements BMPs that will attenuate sediment impacts.
7. Pursuant to Regional Water Board Resolution R1- 2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region, the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more effectively and efficaciously pursue compliance with sediment-related standards by all discharges of sediment waste.”
 8. Any water pumped from the work area shall not be discharged back to the creek; it shall be pumped to a tank or other conveyance and disposed of at a legal point of appropriate disposal.
 9. Applicant shall use wildlife-friendly 100% biodegradable erosion control products/BMPs. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products, that contain synthetic (e.g., plastic or nylon) netting or materials for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the Project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
 10. The Project shall be implemented according to the submitted application materials and the findings in this certification.
 11. BMPs shall be implemented as proposed in the application materials. 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. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.
 12. 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.
13. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
 14. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented including stopping work. 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.
 15. 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. 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 action(s).
 16. 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.
 17. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the Project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
 18. The Applicant shall implement the Project in accordance with the Project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan.
 19. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
 20. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State

including dry portions of the shoreline. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality.

21. 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.
22. In the event of any violation or threatened violation of the conditions of this Order, 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 Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
23. 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. 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).

24. The authorization of this certification for any dredge and fill activities expires on March 17, 2019. Conditions and monitoring requirements outlined in this Order 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 Jonathan Warmerdam at (707) 576-2653.

Matthias St. John
Executive Officer

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Weblink: 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 can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original to: Alex Straessle, Mendocino County Department of Transportation, 340 Lake Mendocino Drive, Ukiah, CA 95482-9432