

July 6, 2016

**Public Notice for Water Quality Certification and/or Waste  
Discharge Requirements (Dredge/Fill Projects)**

**Federal Highways Administration  
CA FLAP 36(13) California State Route 36 Improvement Project  
WDID No. 1B14102WNHU, ECM PIN CW-808329**

**Humboldt County**

On February 13, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Federal Highway Administration (FHWA), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities related to the proposed CA FLAP 36(13) California State Route 36 Improvement Project (Project). The proposed Project would cause impacts to jurisdictional waters within the Van Duzen River watershed (Basin Plan Hydrologic Planning Sub-Area 111.22, Bridgeville).

**Project Description**

The proposed Project involves curve correction and realignment of State Route 36 (SR 36) between post-miles 36.1 and 40.5, between Bridgeville and Dinsmore along the Van Duzen River, Little Van Duzen River, Burr Creek, and tributaries thereof. The existing roadway in the Project area has narrow travel lanes with little to no shoulders, numerous excessively tight curves, excessively steep grades, limited sight distance, and several sections without a centerline. The purpose of the Project is to reduce the number and severity of vehicle accidents and upgrade the roadway to current design standards.

Two 12-foot travel lanes with 4-foot paved shoulders would be constructed throughout the Project limits. The number of curves along the roadway would be reduced from 127 to 37.

Proposed Project activities include the following:

- Removal of existing roadway and drainage systems;
- Construction of new and upgraded drainage systems (e.g., culverts, headwalls, wingwalls, downdrains, riprap energy dissipation systems, underdrains, horizontal drains, drain inlets, ditches);
- Roadway demolition and construction, including cut and fill earthwork;
- Construction of earth retaining structures, including mechanically stabilized earth and soil nail walls;
- Implementation of slide stabilization measures;
- Construction of several rock embankments;
- Replacement of the Burr Creek/SR 36 culvert

**Impacts**

FHWA has determined that the proposed Project would result in approximately 0.95 acres of permanent impacts to jurisdictional wetlands. Project implementation would result in approximately 1,572 and 4,856 linear feet of permanent impacts to jurisdictional intermittent channels and roadside drainages, respectively. Additionally, Project implementation would result in approximately 0.36 acres of permanent impacts to riparian habitat. Permanent impacts would occur as a result of soil fill, riprap, drainage outlet and inlet structures, retaining walls, and slope buttressing.

FHWA has determined that the proposed Project would result in approximately 0.25 acres of temporary impacts to jurisdictional wetlands. Project implementation would result in approximately 404 and 297 linear feet of temporary impacts to jurisdictional intermittent channels and roadside drainages, respectively. Also, Project implementation would result in approximately 0.26 acres of temporary impacts to riparian habitat.

**Proposed Mitigation**

Mitigation for waters of the U.S. and state of California will be comprised of onsite and offsite measures, as summarized in the *Proposed Mitigation and Monitoring Site Plan for CA FLAP SR 36(13) California State Route 36 Improvement Project*, dated January 2015, and the *Addendum to Previous Submittal Clean Water Act Sections 404 and 401 Permit Application*, dated June 23, 2016. Mitigation activities, mitigation quantities, and project impacts are described in detail below.

Feature Type	Permanent Impacts to Jurisdictional Features	Proposed Onsite Mitigation	Proposed Offsite Mitigation	Total Onsite and Offsite Mitigation
Intermittent Channels	1,572 lf <sup>1</sup>	305 lf (restoration)	965 lf (restoration) 504 lf (enhancement) <sup>2</sup>	1,774 lf
Wetland Areas	0.70 acre	0.11 acre (restoration)	0.47 acre (restoration) 0.20 acre (creation) 0.25 acre (preservation) <sup>3</sup>	0.92 acre
Riparian Areas	0.36 acre	0.18 acre (restoration)	0.12 acre (restoration)	0.30 acre <sup>4</sup>

<sup>1</sup>linear feet (lf)

<sup>2</sup>The upstream restoration practices will restore a portion of the natural cold-water hydrology for the remaining section of the channel for direct discharge to the Van Duzen River

<sup>3</sup>Preservation of the large fen will protect this natural rare feature from future impacts

<sup>4</sup>Estimation of the amount of riparian to be mitigated is below the impacted amount; however, until the areas of mitigation are constructed, accurate depictions of proposed riparian acreage has been estimated to be low. Once the areas have been planted, FHWA will calculate the actual amounts.

### *Onsite Mitigation*

#### PM 36.32

Remove a culvert and daylight 60 linear feet of an existing intermittent channel to restore natural hydrology.

#### PM 36.75

Remove a culvert to restore 50 linear feet of flow to an existing intermittent channel.

#### PM 36.91

Create 0.11 acres of wetland areas at PM 36.91 by removing an existing culvert which will result in restoring the localized natural seepage flow.

#### PM 36.84

Remove a culvert at PM 36.84 to restore 50 linear feet of flow to an existing intermittent channel.

#### PM 38.43

Remove a truck that is currently wedged within a channel and impeding flow. By removing this truck, 20 linear feet of channel will be restored and recover the natural flow.

### *Offsite Mitigation*

Offsite mitigation will take place roughly 1 mile west of the Project location, within the Van Duzen watershed. This property is known as the Burke/Robey Peatland Property and contains rare and valuable resources and habitat to support federally-listed species. The anticipated actions involved in the construction of the proposed mitigation include:

- Removal of fill material (i.e. timber from forestry practices, native soil from 2-track road construction, and a car) from a large wetland and an associated stream channel with machinery.
- Installation of drop structures and minor channel re-sculpting in the aforementioned channel.
- Removal of a spring box and associated piping. The channel work will be conducted with a small piece of machinery to re-establish the natural hydrology and relict channel.
- An overflow, outfall channel, associated with the onsite fen was noted during the site visits. This channel has been, essentially dammed with woody debris and sediment for the purposes of a road crossing. Removal of this debris/sediment dam will restore the natural cold-water hydrology within the entire repaired reach, and discharge into the Van Duzen River downstream.
- Redirection of surface flow by means of the placement of rock and minor regrading to reconnect wetlands that were disconnected by the installation of an access road that was likely used for historic timber practices.

### **Post-Construction Storm Water Treatment**

This project will add a total of 2.13 acres of new impervious surface within the entire project limits. FHWA shall install 26 biofiltration strips at 26 roadside locations to treat a total of 12.32 acres of added or reworked impervious surfaces.

### **Construction Timing**

The Project is expected to take three construction seasons to complete, beginning in September 2016. Tree clearing would commence in September 2016, ground disturbance would commence in April 2017, and the Project would be completed in November 2018. Work will occur during the wet season (October 15 through May 15). FHWA has proposed a winterization strategy and will exercise avoidances of indirect impacts by following Best Management Practices (BMPs).

### **Disturbed Ground Area**

Project implementation would result in greater than one acre of disturbed soil area. FHWA shall apply for coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) and prepare a Stormwater Pollution Prevention Plan detailing BMPs to control pollution from the Project area during construction. All temporarily disturbed areas within the Project area shall be appropriately stabilized and/or replanted with appropriate native vegetation.

### **Total Maximum Daily Load and Water Impairment**

The Van Duzen watershed is identified as impaired for sediment under Clean Water Act Section 303(d). In December 1999, the U.S. EPA established sediment Total Maximum Daily Loads (TMDLs) for the Van Duzen River. The TMDL identifies State Route 36 as a sediment delivery risk in the watershed. Excessive sediment in the Van Duzen River is particularly harmful to cold freshwater habitat, including anadromous salmonid habitat. Erosion is identified as a contributing source to sediment impairment. FHWA will utilize appropriate erosion control, sediment control, and site management BMPs to control pollutants during construction, and drainage improvements will result in a net reduction in sediment contributions. Accordingly, this certification does not certify any activities that would contribute to Van Duzen watershed sediment impairment.

### **Other Agency Permits**

FHWA has applied for an Individual Permit from the U.S. Army Corps of Engineers, pursuant to the Clean Water Act, section 404. FHWA submitted a Biological Assessment to the U.S. Fish and Wildlife Service (USFWS) in January 2014, requesting formal consultation. USFWS issued a Biological Opinion for the Project on May 21, 2014. FHWA submitted a Biological Assessment to the National Marine and Fisheries Service (NMFS) in April 2014, requesting formal consultation. NMFS issued a Biological Opinion for the Project on June 27, 2014.

### **CEQA Compliance**

On September 12, 2014, Caltrans certified a Mitigated Negative Declaration (State Clearinghouse No. 2014072016) for the project in order to comply with the California Environmental Quality Act. The Regional Water Board has considered the environmental document.

Regional Water Board staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all phone calls and comments submitted in writing and received within a 21-day comment period that begins on the first date of issuance of this notice and ends at 5:00 p.m. on the last day of the comment period. If you have any questions or comments, please contact staff member Brandon Stevens at (707) 576-2377 or [Brandon.Stevens@waterboards.ca.gov](mailto:Brandon.Stevens@waterboards.ca.gov) within 21 days of the posting of this notice.

The information contained in this public notice is only a summary of FHWA's proposed activities. The Regional Water Board's Project file includes the application for certification and additional details of the proposed Project, including maps and design drawings. Project documents and any comments received are on file and may be reviewed or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.