March 14, 2008

In the Matter of

Water Quality Certification

for the

CDOT – Sandhouse Passing Lane and Sandhouse Snow Chain On and Off Area, Route 299
WDID NO. 1A07141WNTR

APPLICANT: California Department of Transportation
RECEIVING WATER: Little Grass Valley Creek
HYDROLOGIC UNIT: Douglas City Hydrologic Subarea No. 106.31
COUNTY: Trinity
FILE NAME: CDOT – Sandhouse Passing Lane and Sandhouse Snow Chain On and Off Area, Route 299

BY THE EXECUTIVE OFFICER:

1. On August 24, 2007, the California 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 the construction of a passing lane, chain off area, chain on area, and road width improvements on Route 299, Trinity County, near Buckhorn Summit, between Post Miles 69.5 and 70.5. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 22, 2008 and posted information describing the project on the Regional Water Board’s website. We did not receive any public comments on this project.

2. The project is located approximately 2.9 miles west of Buckhorn Summit and 18 miles East of Weaverville. The project area has steep hillsides, and includes an old wagon road and logging roads, as well as Highway 299. An unnamed drainage located on the north side of the road drains through highway underdrains to Little Grass Valley Creek on the south side of the road. Little Grass Valley Creek is located outside of the proposed project impact area; the creek flows westward to its confluence with Grass Valley Creek, approximately two miles away.
3. The purpose of the project is to increase safety for vehicles while passing and to bring the width up to the Federal Highway Administration (FHWA) design standards. The project activities include a 35 foot increase in the width of the existing westbound lane edge (north side of road) to provide for: 1) a westbound passing lane, 2) an illuminated chain off area adjacent to westbound passing lane, 3) an illuminated chain on area adjacent to the eastbound passing lane, 4) 8-foot shoulders at the edge of each lane, 5) a 30 foot clear recovery zone adjacent to the westbound edge of traveled way, 6) extension of four culverts on north side of highway, 7) down drain replacement/ removal on the south side of the highway, and 8) installation of guardrail and signage upgrades. The applicant will use the State-owned Buckhorn Sand House property, and three turnouts at or near Post Miles 69.4, 70.53, and 70.56 for construction access and storage/staging areas.

4. Project activities include widening the westbound lane to accommodate a 12 foot passing lane, a 4 foot shoulder and a 4 foot median. In addition, the project activities include cutting back the slopes adjacent to the eastbound side of the road then using the material to prepare the sub-base adjacent to the westbound side for the road widening activities and lengthening four existing culverts to accommodate the widened road. In order to accommodate the culvert extension, the applicant will create a trench in line with the existing culverts, upstream of the inlet ends, adjoining extensions to the existing culverts, and backfilling with clean fill over and around each extension. Culvert extension activities are scheduled for the dry season. In addition, the project activity includes five culvert down drain replacements on the south side of Highway 299, using hand labor and equipment operated from the existing road surface. Project activities for construction of the chain on/off areas include installation of 12 light poles, and to construct a trench from the Sandhouse, running approximately 1000 feet along the westbound edge of the highway, crossing under the highway, and running for approximately 1500 feet along the eastbound edge of the highway, in order to install electrical conduit for lighting in the chain on/off areas.

5. Compensatory mitigation required for the project includes 3:1 mitigation for riparian vegetation removal and a 5-year monitoring plan to achieve a minimum of 80% success criteria. The project will result in 108.45 square feet (.00249 acre) and 148.21 linear feet of permanent impacts to the streambank. Mitigation involves planting willows in a 55 foot by 6 foot area behind the Caltrans-owned Sandhouse, which is located within the project limits. Non compensatory mitigation for this project includes the use of Best Management Practices for sediment and turbidity control and for heavy equipment operation near a waterway. Post construction BMPs includes the construction of a bioswale by modifying a drainage ditch near the Sandhouse. The dimensions of the bioswales are 160-feet long with a 5.5 feet wide channel bottom and 3:1 side slopes. The project is scheduled to occur during the construction season of 2008 or 2009; the Applicant anticipates completing the project in one construction season. The project does not involve any work within an active flowing channel.

6. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.

7. The Applicant intends to perform the project under the non-reporting provision of the United States Army Corps of Engineers Nationwide Permit Number 14, Linear Transportation Projects pursuant to Clean Water Act, section 404.
8. The California Department of Transportation, as the lead California Environmental Quality Act (CEQA) agency, adopted a mitigated negative declaration (SCH No. 20080222049) for the project in order to comply with CEQA and filed a Notice of Determination on March 13, 2008. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The environmental document indicates that construction activities could adversely affect water quality standards or waste discharge requirements. Water quality impacts will be minimized by implementing an Erosion Control Plan and implementing Best Management Practices such as waddles, straw bales and silt fencing. In addition, construction disturbed surfaces shall be revegetated. The environmental document also indicates potential adverse impacts associated with alteration of the existing drainage pattern of the site, including the substantial increase in the rate or amount of surface runoff and discharges of storm water. Water quality impacts will be minimized by implementing Post Construction Storm Water Treatment methods including construction of rock weirs, natural sheet flow and construction of a bioswale are expected to reduce potential impacts from storm water, sediment, petroleum and concrete discharges to less-than-significant levels. Mitigation measures in the mitigated negative declaration are incorporated into this Water Quality Certification.

Receiving Water: Little Grass Valley Creek in the Douglas City Hydrologic Subarea No. 106.31

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 108.45 square feet (0.00249 acre) of streambank

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 148.21 linear feet of streambank (93.16 feet ephemeral and 55.05 feet perennial)

Dredge Volume: None

Latitude/Longitude: 40.658394 N/122.767653 W
40.651072 N/122.746956 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Sandhouse Passing Lane and Sandhouse Snow Chain On and Off Area Project (WDID No. 1A07141WNTR), 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 Regional Water Board shall be notified 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. 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.

6. 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.

7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

8. 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.

9. All Materials used for cleaning concrete from tools and equipment, and wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly.

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. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs or a project activity has the potential to mobilize sediment and increase turbidity above background levels, field turbidity measurements shall be collected. Turbidity measurements shall be collected upstream (within 50 feet) of project activities (background) and downstream (within 100 feet) of the source of turbidity. Frequency of turbidity measurements shall be every hour during period of increased turbidity and shall continue until turbidity measurements demonstrate compliance with receiving water limitations and turbidity levels are no longer increasing as a result of project activities. In addition, monitoring results shall be reported to appropriate Regional Water Board staff by telephone within one hour if results indicate levels are 20 percent above background 100 feet or more.
downstream of the source of turbidity. Furthermore, all recorded data and observations shall be submitted in a report to the Regional Water Board within 30 days.

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. The applicant shall implement all mitigation measures as submitted in the Mitigation and Monitoring Plan (MMP). Any changes to the MMP, including changes to the success criteria or timelines, shall be submitted to the Water Board for review and approval before it is implemented.

15. 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.

16. 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.

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

18. 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.

19. 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.

20. 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).

21. The authorization of this certification for any dredge and fill activities expires on 
March 14, 2013. 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 Diana Henrioulle at (707) 576-2350.

Robert R. Klamt 
Interim Executive Officer

Original to: Mr. Clint Burkenpas, California Department of Transportation, P.O. Box 
496073, MS 91, Redding, CA 96049-6073

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, 
CA 95502 
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 
1455 Market Street, San Francisco, CA 94103-1398