

TYPE OR PRINT
IN BLACK INK
(For instructions, see
booklet: "How to File an
Application to
Appropriate Water in
California")



California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
www.waterrights.ca.gov

STATE WATER RESOURCES CONTROL BOARD
NOV 17 PM 12:05
DIVISION OF WATER RIGHTS
SACRAMENTO

APPLICATION NO. _____

APPLICATION TO APPROPRIATE WATER

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	CA Dept. of Transportation Steve Blair	CA Dept. of Transportation David Melendrez
Mailing Address	1656 Union St.	1656 Union St.
City, State & Zip	Eureka, CA 95501	Eureka, CA 95501
Telephone	(707) 445-6381	(707) 445-5201
Fax	(707) 441-5733	(707) 441-4677
E-mail	steven-blair@dot.ca.gov	david-melendrez@dot.ca.gov

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner
- Limited Partnership*
- Corporation
- Limited Liability Company (LLC)
- Business Trust
- Joint Venture
- General Partnership*
- Husband/Wife Co-Ownership
- Other _____

*Please identify the names, addresses and phone numbers of all partners.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

Project proposes to construct two bridges and a throughcut to realign Highway 101 around an active slide area at Confusion Hill (Post Mile 98.9/R100.8). Water will be used for concrete production at onsite concrete batch plant, concrete curing and dust control. Water will be drafted from the South Fork Eel River by water truck following National Marine Fisheries Service Guidelines and 1602 Lake and Streambed Alteration Agreement.

For continuation, see Attachment No. ____

\$1000.00
\$850.00
JRP

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)
Industrial	14,000	7.73	11/13/08	5/12/09			
	Total afa		Total afa				

See Attachment No. ____ * If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be 7.73 acre-feet.

c. Reservoir storage is: onstream offstream underground (If underground storage, attach Underground Storage Form.)

d. County in which diversion is located: Mendocino County in which water will be used: Mendocino

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

POD / PORD # South Fork Eel River tributary to Eel River thence Pacific Ocean

POD / PORD # _____ tributary to _____ thence _____

POD / PORD # _____ tributary to _____ thence _____

POD / PORD # _____ tributary to _____ thence _____

If needed, attach additional pages, check box below and label attachment

See Attachment No. ____

b. State Planar and Public Land Survey Coordinate Description:

POD/PORD #	CALIFORNIA COORDINATES (NAD 83)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE AND MERIDIAN
1	N39° 55.315' W123° 45.937'	2	SW ¼ of SE ¼	17	24N	17W	MD
2	N39° 55.317' W123° 45.912'	2	SW ¼ of SE ¼	17	24N	17W	MD
			¼ of ¼				
			¼ of ¼				

If needed, attach additional pages, check box below and label attachment

See Attachment No. ____

c. Name of the post office most often used by those living near the proposed point(s) of diversion:

Garberville, CA 95542

6. WATER AVAILABILITY

- a. Have you attached a water availability analysis for this project? YES NO
 If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.

Consultation with NOAA

See Attachment No. ____

- b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?
 YES NO
- c. In an average year, does the stream dry up at any point downstream of your project? YES NO
 If YES, during which months? Jan Feb Mar Apr May Jun Jul Aug Sep Oct
 Nov Dec
- d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment

Randall Sand and Gravel, P.O. Box 339 Garberville, CA 95560

See Attachment No. ____

Contact: Kelly Studebaker
707-923-2820

7. PLACE OF USE

a.

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
¼ of ¼	<u>SEE ATTACHED MAP</u>					<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
Total Acres:						

*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. ____ Please provide the Assessor's Parcel Number(s) for the place of use:

53-250-09, 08, 07, 10; AP53-270-05, 06, 10, 08, 11; AP53-240-13

8. PROJECT SCHEDULE

- a. Project is: proposed. Year construction will begin: _____
 partially complete. Extent of completion: North bridge is complete. Work on South bridge and throughout remain

complete. Year completed: _____

- b. Year of first use: _____ Year water will be used to the full extent intended: _____

9. JUSTIFICATION OF AMOUNTS REQUESTED

- a. IRRIGATION: Maximum area to be irrigated in any one year: _____ acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-foot/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

See Attachment No. ____

b. DOMESTIC: Number of residences to be served: _____ Separately owned?
 YES NO Number of people to be served: _____ Estimated daily use per person is:
 _____ gallons per day Area of domestic lawns and gardens: _____ square feet
 Incidental domestic uses:

_____ (dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock: _____ Maximum number: _____
 Describe type of operation: _____
 (feedlot, dairy, range, etc.)

d. RECREATIONAL: Type of recreation: Fishing Swimming Boating Other _____

e. MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

See Attachment No. ____

Month of maximum use during year: _____
 Month of minimum use during year: _____

f. HEAT CONTROL: Area to be heat controlled: _____ net acres
 Type of crops protected: _____
 Rate at which water is applied to use: _____ gpm per acre
 Heat protection season will begin _____ and end _____
 (month and day) (month and day)

g. FROST PROTECTION: Area to be frost protected: _____ net acres
 Type of crops protected: _____
 Rate at which water is applied to use: _____ gpm per acre
 The frost protection season will begin _____ and end _____
 (month & day) (month & day)

h. INDUSTRIAL: Type of industry: Highway Construction
 Basis for determination of amount of water needed: Construction Scenario Estimates

i. MINING: Name of the claim: _____ Patented Unpatented

Nature of the mine: _____ Mineral(s) to be mined: _____
 Type of milling or processing: _____
 After use, the water will be discharged into _____ (watercourse)
 in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____ B. & M.

- j. POWER: Total head to be utilized: _____ feet
 Maximum flow through the penstock: _____ cfs Maximum theoretical horsepower capable of being generated by the works (cfs x fall ÷ 8.8): _____
 Electrical capacity (hp x 0.746 x efficiency): _____ kilowatts at: _____ % efficiency
 After use, the water will be discharged into _____ (watercourse)
 in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____ B&M. FERC No.: _____
- k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced: _____
- l. OTHER: Describe use: _____
 Basis for determination of amount of water needed: _____

10. DIVERSION AND DISTRIBUTION METHOD

- a. Diversion will be by gravity by means of: _____
 (dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from: SFER to Temporary Holding Tanks
 (sump, offset well, channel, reservoir, etc)
 Pump discharge rate: 414,000 cfs or gpd Horsepower: _____
 Pump Efficiency: _____

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
<u>SEE ATTACHED DESCRIPTION</u>						

See Attachment No. _____

d. Storage reservoirs: (For underground storage, complete and attach underground storage form)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
					<u>SEE ENCLOSED EXAMPLE SPECIFICATIONS</u>		

See Attachment No. _____

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter in inches	Length in feet	Fall: Vertical distance between entrance and exit of outlet pipe in feet	Head: Vertical distance from spillway to entrance of outlet pipe in feet	Dead Storage: Storage below entrance of outlet pipe in acre-feet

See Attachment No. ____

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be _____ cfs. Diversion to offstream storage will be made by:

Pumping Gravity

11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.

Use only as needed

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? Weir Meter Periodic sampling Other (describe)

Keep log on the amount/number of times the temporary holding tank(s) are filled per day. Document date, time, and total volume diverted per day.

12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?

YES NO

If NO, I do do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:

See Attachment No. ____

13. EXISTING WATER RIGHTS AND RELATED FILINGS

a. Do you claim an existing right for the use of all or part of the water sought by this application?

YES NO

If YES, please specify: Riparian Pre-1914 Registration Permit License

Percolating groundwater Adjudicated Other (specify) _____

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.

N/A

See Attachment No. ____

c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.

See Attachment No. _____

14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? Yes No If yes, please explain: Water drafted from SFFR

15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage. See the instruction booklet for more information.

See Attachment No. _____

ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

16. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____
Department: _____ Telephone: (_____) _____
County Zoning Designation: _____

Are any county permits required for your project? YES NO If YES, check appropriate box below:

- Grading permit Use permit Watercourse Obstruction permit Change of zoning
- General plan change Other (explain): _____

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. _____

17. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project:
 Federal Energy Regulatory Commission U.S. Forest Service U.S. Bureau of Land Management U.S. Corps of Engineers U.S. Natural Res. Conservation Service Calif. Dept. of Fish and Game State Lands Commission Calif. Dept. of Water Resources (Div. of Safety of Dams) Calif. Coastal Commission State Reclamation Board Other (specify)
NOAA Fisheries, Sec. 7; USFWS, Sec. 7

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
USACE	404	Hal Durio	11/1/05	415-977-8472
CDFG	1602	Craig Mertz	3/5/08	530-225-2281
NCRWQCB	401	Dean Prat	12/12/07	707-576-2801

See Attachment No. NOAA BO, Sec. 7 Dan Logan 11/29/07 707-575-6053

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? YES NO

If YES, explain:

See Attachment No. _____

- d. Have you contacted the California Department of Fish and Game concerning your project?
 YES NO If YES, name, telephone number and date of contact:

Craig Mertz 530-225-2281

18. ENVIRONMENTAL DOCUMENT

- a. Has any California public agency prepared an environmental document for your project?
 YES NO
- b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

CA Dept. of Transportation

- c. If NO, check the appropriate box and explain below, if necessary:
- The applicant is a California public agency and will be preparing the environmental document.*
 - I expect that the State Water Board will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency: _____
 - See Attachment No. _____

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.

19. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

Amended 401 Certification obtained 12/7/07

See Attachment No. ____

- b. Will a waste discharge permit be required for your project? YES NO
 Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used? _____
-

See Attachment No. ____

20. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
 b. Will you be preparing an archeological report to satisfy another public agency? YES NO
 c. Do you know of any archeological or historic sites located within the general project area?
 YES NO If YES, explain:

ON FILE

See Attachment No. ____

21. ENVIRONMENTAL SETTING

Attach two complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.
- See Attachment No. ____



SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

	PROJECT MANAGER	11/3/08
Signature of Applicant	Title or Relationship	Date
	SR. TRAN. ENGR.	11/3/08
Signature of Co-Applicant (if any)	Title or Relationship	Date

Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.

“APPLICATION TO APPROPRIATE WATER” CHECKLIST

Before you submit your application, be sure to:

- Answer each question completely.
- Number, label and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet.
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation.
- Include two complete sets of color photographs of the project site.
- Enclose a check for the required fee, payable to the Division of Water Rights.
- Enclose an \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game.
- Sign and date the application.

Send the original and one copy of the entire application to:

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000



California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman



Linda S. Adams
 Secretary for
 Environmental Protection

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

2008 NOV 17 PM 12:19

STATE WATER RIGHTS
 SACRAMENTO

December 12, 2007

Mr. Gary Berrigan
 CDOT Eureka
 P.O. Box 3700
 Eureka, CA 95501

Dear Mr. Berrigan:

Subject: Amendment to the Clean Water Act Section 401 Certification (Water Quality Certification) for the Confusion Hill Bypass Project

File: CDOT – Hwy 101, Confusion Hill Bypass
 WDID No. 1B05153WNME

On November 26, 2007, we received an email from Jerome Washington of your agency requesting clarification or amendment of Additional Condition No. 16 of the Clean Water Act Section 401 Water Quality Certification (Water Quality Certification) for the Confusion Hill Bypass Project. The clarification or amendment was requested because Caltrans has obtained a permit from the Division of Water Rights allowing water drafting for this project from the South Fork Eel River outside of the work window specified in Additional Condition No. 16 of the Water Quality Certification. Additional Condition No. 16 states that all work within waters of the United States shall not commence until May 15th and shall be completed prior to October 31st.

Based on the information contained in the Division of Water Rights' Temporary Permit for Diversion and Use of Water, permitted water drafting activities are not likely to result in discharges or threatened discharges that could affect water quality. This letter serves as an amendment to the Water Quality Certification issued for the Confusion Hill Bypass project on February 16, 2006, revising and replacing Additional Condition No. 16 as outlined below:

Additional Condition No. 16: All work within waters of the United States shall not commence until May 15th and shall be completed prior to October 31st. Water drafting activities conducted in accordance with a Temporary Permit for Diversion and Use of Water issued by the Division of Water Rights are exempt from this condition.

California Environmental Protection Agency

Recycled Paper

*Chym \$1000 Temp. Per.
 Check \$850 DIFG.*

Please note that if it is determined that any water drafting activities are causing adverse impacts to the South Fork Eel River, water drafting activities shall cease immediately until measures to correct the problem(s) are implemented such that activities will no longer result in any adverse impacts to water quality.

I hereby issue an amendment to Additional Condition No. 16 of the Water Quality Certification Order (WDID No. 1B05153WNME) for the Highway 101, Confusion Hill Bypass Project and certify that the remainder of the Water Quality Certification sections of the Order are still valid. If you have any questions or comments, please contact Dean Prat at (707) 576-2801.

Sincerely,



Robert R. Klamt
Interim Executive Officer

121207_DLP_cdotconfhillwaterdraft401amend.doc

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333
Market Street, San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA
95502
Mr. Jerome Washington, CDOT Eureka, P.O. Box 3700, Eureka, CA 95501

2008 NOV 17 PM 12: 06

5. ARCHEOLOGY

c. Caltrans District 1 conducted a cultural resources field survey of the entire project area, recorded any sites found, determined National Register of Historic Places eligibility of any sites found, and submitted documentation of the study to the State Historic Preservation Office (SHPO) with a "Finding of No Adverse Effect to Historic Properties with Standard Conditions". District 1 received concurrence from SHPO for the Confusion Hill cultural resource studies on 4/22/05. The SHPO file reference number is "FHWA A050322C".

Water Drafting Description

STATE WATER RESOURCES
CONTROL BOARD

EA. 01-397514
2008 APR 11 11:12-06
CONFUSION HILL

DIV OF WATER RIGHTS
SACRAMENTO

DATE: April 22, 2008

RE: Sebastian Cohen cell phone # (707) 496-4096

Structures Rep: Dan Stiles

Access to the Drafting Locations: Minimal work will be needed to gain access to the river bar locations where water drafting will occur. No grading operations will be needed to facilitate access the river bar. All work will occur such that no deposition or sedimentation of the river will occur. If necessary, silt fence and other BMPs will be placed to ensure no releases or discharges occur.

Compliance with permit requirements: Upon approval of the water drafting permit, a mandatory meeting will be held with all staff, both on the Contractor's side and the State's side, who will be associated with any and all water drafting operations. The meeting will include a review of all permit requirements and will discuss how all requirements are to be interpreted and adhered to. Roles and responsibilities, such as who is to monitor the current river flow rate (Leggett USGS Gauging Station), who is to record the daily log and where it is to be kept, etc.... are all to be discussed at this meeting. A laminated copy of the permit will be provided to all attendees.

USGS Gauging Station at Legget

http://waterdata.usgs.gov/ca/nwis/uv/?site_no=11475800&PARAMeter_cd=00065,00060

1st LINE SUPERVISOR SIGNATURE

DATE

2nd LINE SUPERVISOR SIGNATURE

DATE

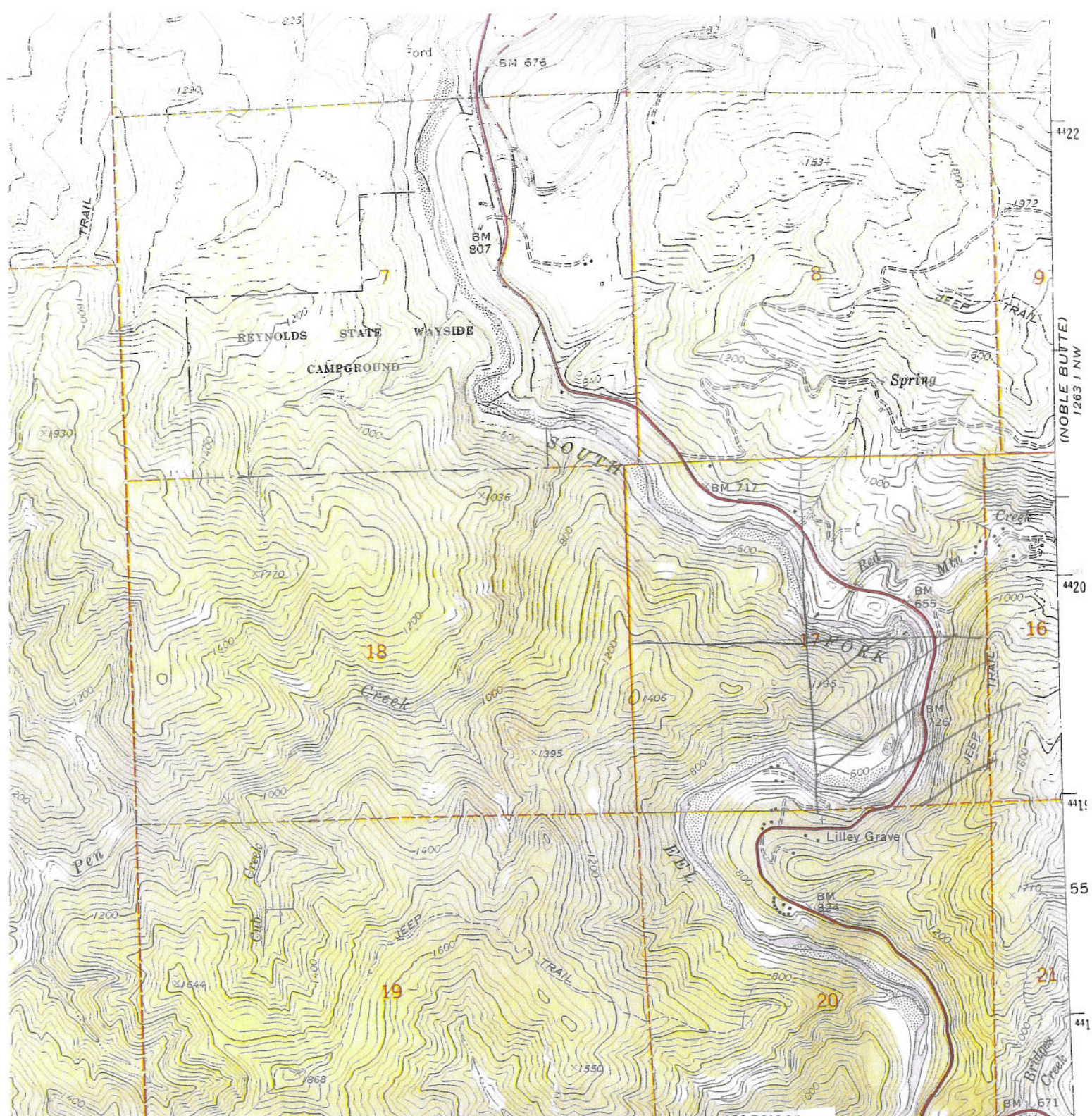
SAFETY COORDINATOR SIGNATURE

DATE

ORIGINAL - CSC

CC - CAT #6

CC - BULLETIN BOARD



● ★ U.S. GOVERNMENT PRINTING OFFICE: 1974-784-302/6
435000m E.

39° 52' 30"
123° 45'

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road

 Interstate Route
 U. S. Route
 State Route

(LEGGETT)
1263 I SW



QUADRANGLE LOCATION

PIERCY, CALIF.
NE 1/4 PIERCY 15' QUADRANGLE
N3952.5-W12345/7.5

1969

AMS 1263 IV NE-SERIES V895

WATER RESOURCES DIVISION
 CONTROL DIVISION
 0V17 PM12:06
 OF WATER RIGHTS
 SACRAMENTO

5-6

WATER DRAFTING LOCATIONS

PROPOSED WATER STORAGE TANK LOCATIONS

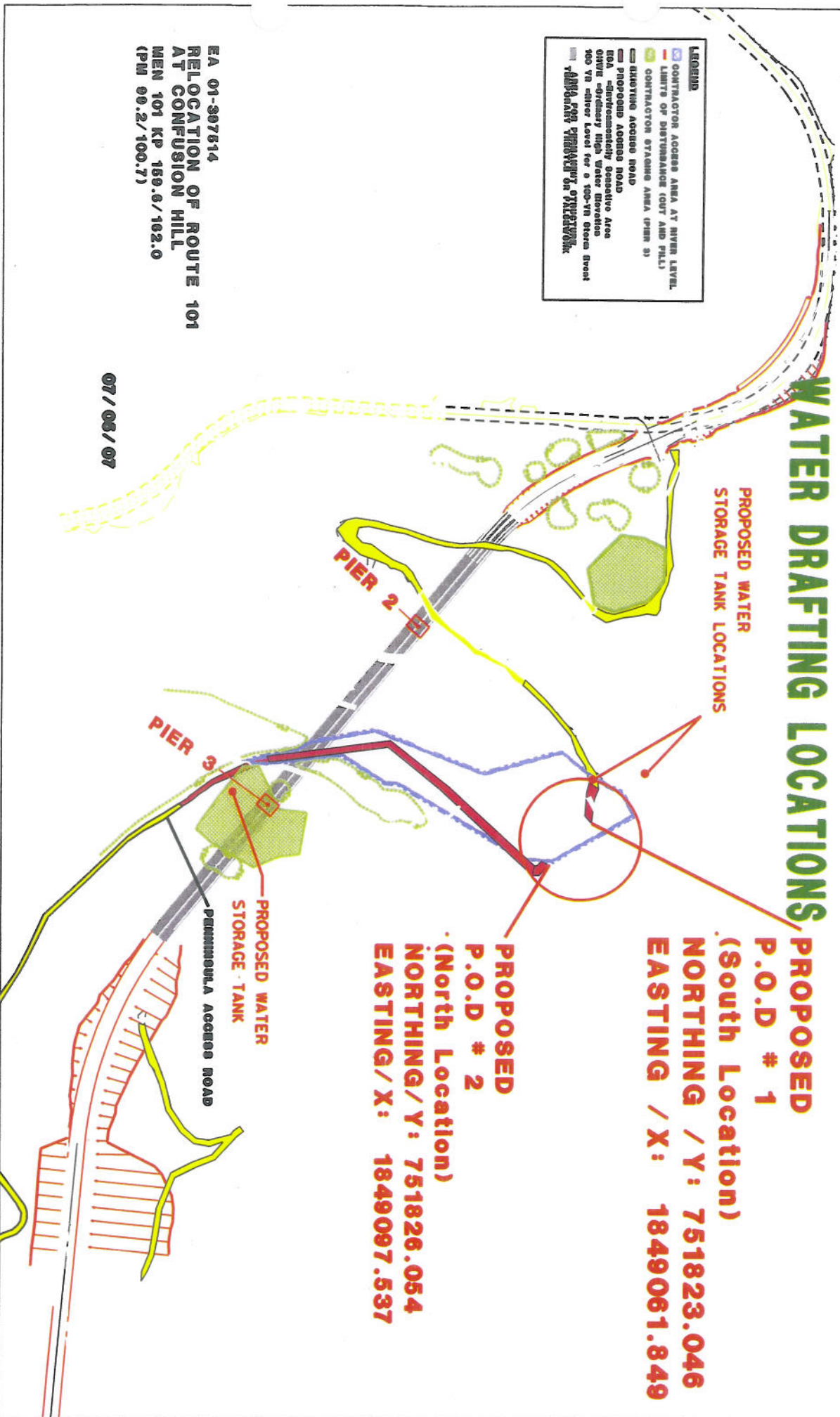
PROPOSED P.O.D # 1
 (South Location)
 NORTHING / Y: 751823.046
 EASTING / X: 1849061.849

PROPOSED P.O.D # 2
 (North Location)
 NORTHING / Y: 751826.054
 EASTING / X: 1849097.537

- LEGEND**
- CONTRACTOR ACCESS AREA AT RIVER LEVEL
 - LIMITS OF DISTURBANCE (CUT AND FILL)
 - CONTRACTOR STAGING AREA (PERM 3)
 - DRAFTING ACCESS ROAD
 - PROPOSED ACCESS ROAD
 - ROA - Governmentally Designated Area
 - OHV - Ordinary High Water Elevation
 - 300 YR return level for a 100-YR Storm Event
 - ADDITIONAL PROPERTY OF DISTURBANCE

EA 01-307614
 RELOCATION OF ROUTE 101
 AT CONFUSION HILL
 MEN 101 KP 159.6/162.0
 (PM 99.2/100.7)

07/06/07

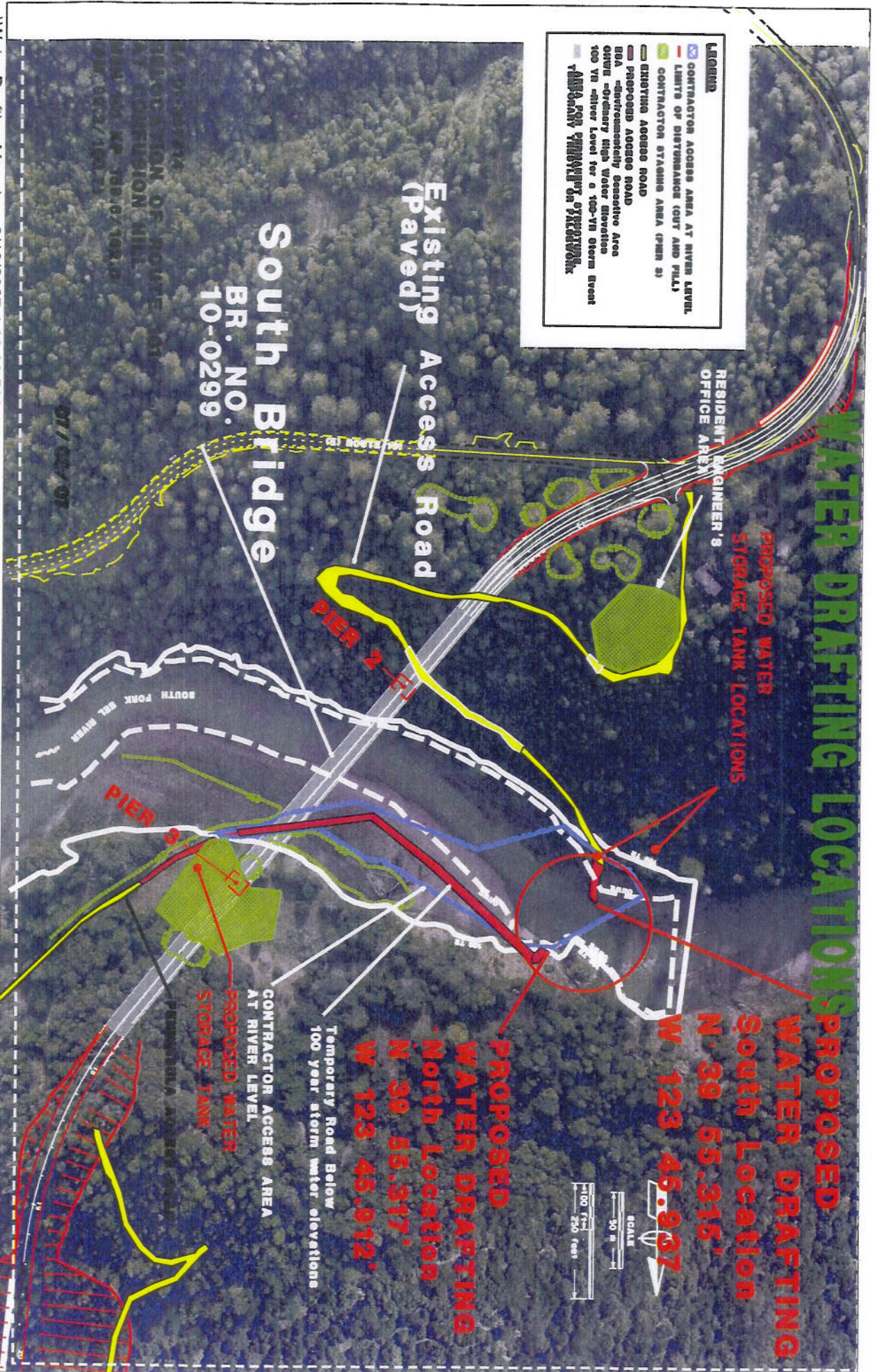


WATER DRAFTING LOCATIONS

PROPOSED WATER STORAGE TANK LOCATIONS
RESIDENT ENGINEER'S OFFICE AREA

PROPOSED WATER DRAFTING South Location
N. 39 55.315'
W 123 45.937'

- LEGEND**
- CONTRACTOR ACCESS AREA AT RIVER LEVEL
 - LIMITS OF DISTURBANCE (GUT AND FILL)
 - CONTRACTOR STAGING AREA (PERM 2)
 - EXISTING ACCESS ROAD
 - PROPOSED ACCESS ROAD
 - RIA - downstreamly sensitive Area
 - OHVIA - Primary High Water Elevation
 - 100 YR - River Level for a 100-YR Storm Event
 - AREA FOR PROPOSED STRUCTURE



PROPOSED WATER DRAFTING North Location
N 39 55.317'
W 123 45.912'

Temporary Road Below 100 year storm water elevations

CONTRACTOR ACCESS AREA AT RIVER LEVEL

PROPOSED WATER STORAGE TANK

Water Drafting System

Equipment

- The typical capacity of a water storage tank will hold approximately 1500 to 2500 gallons. Water will be stored in the tank(s) for an average of 12 to 24 hours. Maximum water storage time within the tank will be limited to 72 hours.



Figure 1: Typical Water Storage Tank w/PVC Line

- The water would continue to be pumped from the river using 1.5" to 2" diameter soft and hard (PVC) water line(s). Once the storage tank(s) is filled, the pump, filter apparatus, and water line will be removed from the river channel.



Figure 2: Temporary Storage of water drafting equipment

Water Drafting System

- The water pump used to pump water from the river channel into the storage tank, is a centrifugal type trash pump. The pump proposed for use is an electrical submersible pump.



Figure 3: Submersible pump and filter



Figure 4: Placement of pump and filter at POD 1

Water Drafting System



Figure 5: Generator Power Source



Figure 6: Flow Meter

Water Drafting System

Access Roads:

- Southern Water Drafting Point of Diversion (POD): Access to water drafting from the south bridge will be done via the existing paved access road near Pier 2, as shown on the attached map. The water truck will be able to drive up to the temporary storage tank, via the paved road, little to no grading would be required on the river bar for vehicle access to the Point of Diversion. Proposed water storage tank locations have been shown on the map.
- Northern Water Drafting Point of Diversion (POD) Peninsula Access Road: Access to water drafting, to supply the north side of the project, utilizes the existing Peninsula Access Road (gravel) near the Pier 3 (south bridge) area, as shown on the attached map. If a water storage tank is permitted at this location, a system similar to that shown on the "Typical Water Drafting Storage System" Detail would be employed here as well. A water storage tank location has been shown on the map.

NEPA/CEQA RE-VALIDATION FORM

DIST./CO./RTE.	01-Mendocino-US-101
PM/PM	98.5/100.9
E.A. or Fed-Aid Project No.	01-39751_
Other Project No. (specify)	N/A
PROJECT TITLE	Confusion Hill Highway Realignment Project
ENVIRONMENTAL APPROVAL TYPE	CEQA Environmental Impact Report (EIR), NEPA Environmental Assessment (EA)
DATE APPROVED	December 20, 2005
REASON FOR CONSULTATION (23 CFR 771.129)	<i>Check reason for consultation:</i> <input type="checkbox"/> Project proceeding to next major federal approval <input checked="" type="checkbox"/> Change in scope, setting, effects, mitigation measures, requirements <input type="checkbox"/> 3-year timeline (EIS only)
DESCRIPTION OF CHANGED CONDITIONS	Project now includes water drafting—see page two for details.

NEPA CONCLUSION - VALIDITY

Based on an examination of the changed conditions and supporting information: [Check ONE of the two statements below, regarding the validity of the original document/determination (23 CFR 771.129). If document is no longer valid, indicate whether additional public review is warranted and whether the type of environmental document will be elevated.]

- X The original environmental document or CE remains valid. No further documentation will be prepared.
- _____ The original document or CE is no longer valid; further documentation has been or will be prepared and is included on the continuation sheets or will be attached.
- _____ (Yes/No) Additional public review is warranted (23 CFR 771.111(h)(3))
- _____ (Yes/No) Supplemental environmental document is needed.
- _____ (Yes/No) New environmental document is needed. (If "Yes," specify type: _____)

CONCURRENCE WITH NEPA CONCLUSION

I concur with the NEPA conclusion above.

Dana York
 Signature: Environmental Branch Chief

3/11/08
 Date

J. F. D. L.
 Signature: Project Manager/DLAE

3-13-08
 Date

CEQA CONCLUSION : (Only mandated for projects on the State Highway System.)

Based on an examination of the changed conditions and supporting information, the following conclusion has been reached regarding appropriate CEQA documentation: (Check ONE of the four statements below, indicating whether any additional documentation will be prepared, and if so, what kind. If additional documentation is prepared, attach a copy of this signed form and any continuation sheets.)

- X Original document remains valid. No further documentation is necessary.
- _____ Only minor technical changes or additions to the previous document are necessary. An addendum has been or will be prepared and is included on the continuation sheets or will be attached. It need not be circulated for public review. (CEQA Guidelines, §15164)
- _____ Changes are substantial, but only minor additions or changes are necessary to make the previous document adequate. A Supplemental environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15163)
- _____ Changes are substantial, and major revisions to the current document are necessary. A Subsequent environmental document will be prepared, and it will be circulated for public review. (CEQA Guidelines, §15162) (Specify type of subsequent document, e.g., Subsequent FEIR:)

CONCURRENCE WITH CEQA CONCLUSION

I concur with the CEQA conclusion above.

Dana York
 Signature: Environmental Branch Chief

3/11/08
 Date

J. F. D. L.
 Signature: Project Manager

3-13-08
 Date

CONTINUATION SHEET(S)

NEPA/CEQA RE-VALIDATION FORM

Address only substantial changes or substantial new information since approval of the original document and only those areas that are applicable. Use the list below as section headings as they apply to the project change(s). Use as much or as little space as needed to adequately address the project change(s) and the associated impacts, minimization, avoidance and/or mitigation measures, if any.

Changes in project design, e.g., substantial scope change; a new alternative; change in project alignment.

N/A

Changes in environmental setting, e.g., new development affecting traffic or air quality;

N/A

Changes in environmental circumstances, e.g., a new law or regulation; change in the status of a listed species.

N/A

Changes to environmental impacts of the project, e.g., a new type of impact, or a change in the magnitude of an existing impact.

The project proposes a new type of impact. Please see attached sheets for project description, avoidance measures, and a summary of agency coordination.

Changes to avoidance, minimization, and/or mitigation measures since the environmental document was approved.

N/A

Changes to environmental commitments since the environmental document was approved, e.g., the addition of new conditions in permits or approvals. When this applies, append a revised Environmental Commitments Record (ECR) as one of the Continuation Sheets.

N/A

NEPA/CEQA RE-VALIDATION FORM

The Confusion Hill Realignment Project Environmental Impact Report/Environmental Assessment did not include water drafting as part of the project description. This NEPA/CEQA Re-validation Form acts as documentation that Caltrans has reviewed the potential effects of water drafting on the South Fork of the Eel River. The water is needed for batching concrete, dust control, and general contractor activities. Drafting from the river is necessary due to the remoteness of the project location. Without drafting, water would need to be trucked from far distances, resulting in high costs, potential construction delays, and would result in the unnecessary release of greenhouse gasses. Below describes the location of the water drafting, water drafting set-up, river access, monitoring and removal, compliance with permit requirements, and agency consultation.

Water Drafting Location: Water drafting would occur within the existing Confusion Hill Highway Realignment Project project limits, located in Mendocino County on US 101 at post miles 98.5/100.9.

Water Drafting Set-Up: The water drafting would involve pumping water from the river via submersible pump connected to PVC intake lines (below the 100-year floodplain) into temporary storage tanks (above the 100-year floodplain) placed off the river bar, at locations where the water could then be placed into haul vehicles.

The in-water portion (below the 100-year floodplain) of the system would require a weighted down electric submersible pump. The pump would be fitted to the end of 1.5" to 2" diameter soft and hard (PVC) water line(s). The water drafting operations (including fish screens, diversion structure, and record(s) keeping) would conform to conditions in the Streambed Alteration Agreement and the National Marine Fisheries Service Southwest Region's August 21, 2001 Water Drafting Specifications.

The portion of the system above the 100-year floodplain would require an already in-use generator to power the pump for the PVC waterlines used to deliver the water into the storage tanks. The generator is positioned within a secondary container to provide full containment of any leaks or spills that may occur during re-fueling and operation of the water pump unit. The typical capacity of a water storage tank will hold approximately 1000 to 1500 gallons. Water will be stored in the tank(s) for an average of 12 to 24 hours.

Access to the Drafting Locations: During pump and pump line installation and removal, vehicle access to the water drafting location will be needed. There are existing access roads to the drafting location. At no time would a vehicle be allowed to enter the wetted channel. All work would occur such that no deposition or sedimentation of the river would occur. If necessary, silt fence and other Best Management Practices (BMP) would be placed to ensure no releases or discharges would occur in the river.

Monitoring & Removal:

Once the storage tank is filled, the pump and water line would be manually pulled from the channel and secured near the generator.

To ensure that the pumping and delivery set-up is not damaged, allowed to float away, and to avoid damage of any portion of the river environment, the following criteria would be followed:

NEPA/CEQA RE-VALIDATION FORM

- The USGS gauging station at Leggett (USGS # 11475800 SF EEL R A LEGGETT CA) would be monitored daily. If a flow of 4,000 cfs is expected, the complete removal of the set-up within the 100 year flood-plain would occur.
- Regardless of what the expected or existing flow rate or stage is, if 3 inches of rain in a 24 hour period, or over 6 inches in any 72 hour period is expected, the complete removal of the set-up within the 100 year flood-plain would occur.
- At anytime either requested or directed by staff from the Regional Water Quality Control Board or Department of Fish & Game, regardless of existing or expected river flow rate, the complete removal of the set-up within the 100 year flood-plain would occur.

Compliance with permit requirements: Once all permit/s are approved and/or amended, a mandatory meeting would be held with those individuals (Contractor's staff and Caltrans staff) who would be associated with any and all water drafting operations. The meeting would include a review of all permit requirements and would discuss how all requirements are to be interpreted and adhered to. Roles and responsibilities, such as who is to monitor the current river flow rate (Leggett USGS Gauging Station), who is to record the daily log and where it is to be kept, etc.... are to be discussed at this meeting. A laminated copy of the permit/s would be provided to all attendees.

Results of Agency Coordination:

- As a follow-up to a November 2005 Biological Opinion, in April 2006 the National Oceanographic and Atmospheric Administration/National Marine Fisheries Service (NOAA/NMFS) sent Caltrans a letter stating that water drafting would have no adverse effects on listed fish species.
- The original California Department of Fish and Game (CDFG) 1602 Agreement (issued April 2006) allowed for water drafting. An amended (issued March 2008) 1602 Agreement extended water-drafting work windows.
- The California Regional Water Quality Control Board issued an amended 401 permit in December 2007 approving water drafting.

Through Caltrans internal review of the potential effects on water quality and listed fish species within the South Fork of the Eel River, and through coordination with the above listed resource agencies, Caltrans has determined that the addition of water drafting to the Confusion Hill Realignment Project would not affect resources within the South Fork of the Eel River.



State of California - The Resources Agency
DEPARTMENT OF FISH AND GAME
<http://www.dfg.ca.gov>
Northern Region
601 Locust Street
Redding, CA 96001
(530) 225-2363

ARNOLD SCHWARZENEGGER, Governor

RECEIVED
2008 NOV 17 PM 12:06
DFG OFFICE - REDDING
AGREEMENT NO. 1600-2005-0697-3



**AGREEMENT TO AMEND
LAKE OR STREAMBED ALTERATION AGREEMENT No. 1600-2005-0697-3**

WHEREAS, Mr. John Bulinski, representing the California Department of Transportation and the Department of Fish and Game entered into Lake or Streambed Alteration Agreement (Agreement) No. 1600-2005-0697-3 on or about April 17, 2006; and

WHEREAS, the Department has been requested by Mr. Sebastian Cohen representing the California Department of Transportation to amend the Agreement to modify conditions related to water drafting from the South Fork Eel River; and

WHEREAS, the terms of a Lake or Streambed Alteration Agreement may be amended by mutual written consent of the parties to the Agreement; and

WHEREAS, the Department has established a fee for a minor amendment to a Lake or Streambed Alteration Agreement and that fee, as set forth in Section 699.5(j) of Title 14 of the California Code of Regulations, is \$150.00.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth below, the Operator and the Department agree as follows:

1. The terms and conditions contained in the original Agreement shall remain in full force and effect except as herein provided.
2. All work shall be done in accordance with the plans and specifications provided to the Department with the original notification package and/or described in the original Agreement, except as herein provided.
3. The following language shall be added following the first sentence of existing Condition 9:

"Water drafting may continue year-round, subject to Conditions 21 through 28 of this Agreement. A screened submersible pump, electric line and PVC water line may remain within the 100-year floodplain between October 31 and June 15 of any year covered by this agreement. During this period, the USGS stream flow gage at Leggett (USGS Gage 11475800) shall be monitored daily. The pump, electric line and water line shall be removed from the 100-year floodplain whenever flows are projected to meet or exceed 4,000 cubic feet per second at Leggett. Regardless of whether flows at the Leggett gage meet or exceed this volume, the pump, electric line and water line shall be removed from the 100-year floodplain whenever 3 inches or more of rain are expected within a 24-hour period, or if 6 inches or more of rain are expected over a 72-hour period based on the National Weather Service forecast."

4. The following language shall be added following the first sentence of existing Condition 20:

"Water shall be pumped from the point of diversion (T 24 N, R 17 W, SW ¼ of SE ¼ Section 17, MDBM) to one or two storage tanks located above the 100-year floodplain. Operator shall remove PVC intake lines from the stream each time the temporary tanks are filled. A gasoline powered generator used to power the submersible pump shall be positioned within a secondary containment structure and located above the 100-year floodplain. Vehicle access to the point of diversion for maintenance and/or removal of the pump and intake line shall be limited to existing access roads."

5. The following language shall be added following the first sentence of existing Condition 21:

"No water shall be drafted from the South Fork Eel River when the stream flow is 14 cubic feet per second or less at the USGS stream flow gage at Leggett (USGS Gage 11475800)."

6. The following language shall be added following the first sentence of existing Condition 27:

"Operator shall comply with all terms and conditions of any temporary water use permit issued for the project by the State Water Resources Control Board."

7. A copy of this Amendment and a copy of the original Agreement shall be provided to any contractors and/or subcontractors of the Operator and copies of these documents shall be available at the project site.

8. The Operator understands that the Department may not execute this Amendment until it complies with all applicable State laws, including the California Environmental Quality Act (CEQA) (Pub. Resources Code, §§ 2100-21177), if CEQA applies.

IN WITNESS WHEREOF, the parties below have executed this amendment to Lake or Streambed Alteration Agreement No. 1600-2005-0697-3 as indicated below.

(Operator's name)

CALIFORNIA DEPT. OF FISH AND GAME

Sebastian Cohen 2/27/08
(signature) (date)

Mark Stoph 3/5/08
(signature) (date)

Sebastian Cohen
(print name)

Mark Stopher
Habitat Conservation Program Manager
Northern Region



California Regional Water Quality Control Board

North Coast Region

John W. Corbett, Chairman



Alan C. Lloyd, Ph.D.
Agency Secretary

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

February 16, 2006

Ms. Susan Leroy
CDOT Eureka
1656 Union Street
Eureka, CA 95501

Dear Ms. Leroy:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Confusion Hill Bypass Project

File: CDOT – Hwy 101, Confusion Hill Bypass
WDID No. 1B05153WNME

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341), in response to your request, on behalf of the California Department of Transportation (applicant), for Water Quality Certification for activities related to the Confusion Hill Bypass Project in Mendocino County. On November 29, 2005, the Regional Water Board received your application and a \$500.00 processing fee. On December 29, 2005, we sent you a letter stating the application was incomplete. You submitted additional information during the first week of January 2006, including a Notice of Determination and maps that show the area of potential impact from the project is larger than the area that was used to calculate the initial fee. On January 11, 2006, we deemed the application complete and posted information describing the project on the Regional Water Board's website for a 21-day public review and comment period. We did not receive any comments on this project. On January 12, 2006, we received an additional \$6510.00 that covers the remaining balance of the application fee.

Project Description: The project is located approximately 18.5 miles south of Garberville and 8 miles north of Leggett. Highway 101 currently bisects an ancient and active rockslide in the area known as Confusion Hill. The purpose of the project is to provide a safe and reliable transportation route around the landslide area by relocating the highway from the east side of the South Fork Eel River to the west side. Relocating the highway requires construction of two new bridges and a new section of highway between the new bridges. The existing section of highway will be de-commissioned following completion of the bypass.

California Environmental Protection Agency

Recycled Paper

The south bridge will be a segmental, cast-in-place, pre-stressed box girder structure. The south bridge will be 43 feet wide, 1355 feet long, and 255 feet above the center of the river channel. The foundation for the south bridge will be constructed on cast-in-drilled-hole piles. The north bridge will be a cast-in-place pre-stressed box girder structure with pier shaft foundations. The north bridge will be 43 feet wide, 580 feet long, and 150 feet above the center of the river. Both bridges are designed such that all piers and associated foundations will be located above the 100-year flood elevation of the river and the new section of highway will be at least 150-feet above the river.

Temporary access roads and temporary bridges will be constructed at each end of the project to allow access for personnel and various construction equipment including cranes, drill rigs, and excavation equipment. The applicant has identified two 1.5-acre areas near each end of the project as places where activities related to construction of access roads and temporary bridges could impact waters of the United States. The temporary bridges will be constructed 3 feet above the elevation of the 100-year storm event or they will be designed to withstand the 100-year storm event and would be overtopped at the elevation of a 50-year storm event. Activities related to construction of the temporary bridges include rotating, vibrating, drilling or a combination of these methods to install sheet piles or casings and drilling holes into the bedrock to build support piers for the temporary bridges.

A seasonal temporary bridge may also be installed near the south bridge. A railroad flatcar or similar bridge deck will be placed on river rock abutments; or wooden, steel or concrete piles will be placed in the channel to support a wood deck. The river rock abutments may extend several feet into the channel. All the bridges are designed to allow for fish passage and passage for recreational boating.

A portable concrete batch plant will be located near the southern end of Route 271 at an elevation above the 100-year storm event. A concrete pipeline or "slick line" may be used to transport concrete from the batch plant. A typical slick line is made of 6-inch diameter steel pipe; a secondary containment pipe or trough would be used to contain any concrete spills. All concrete wastes and water that contacts fresh concrete must be fully contained and disposed of properly in order to prevent any discharge to surface water or ground water.

All permanent and temporary impacts to waters of the United States from this project will occur within two designated 1.5-acre areas; however, the actual area of impact to waters of the United States is anticipated to be much smaller. The area of anticipated temporary impacts to waters of the United States from access road and temporary bridge placement and removal activities will be approximately 0.16-acre at each end of the project. All support piers installed for the temporary bridges will be removed to the level of bedrock. The only area of permanent impact to waters of the United States is anticipated to be from the sections of temporary bridge piers that will remain below the top of bedrock following removal of the temporary bridges. The area of permanent impact to waters of the United States from these pier remnants will be less than 0.01 acre. The new bridges and new highway section will not permanently impact waters of the United States.

The new section of highway will be placed in a large through-cut. Approximately 385,000 cubic yards of excess earthen material will be generated by excavation of the through-cut. The applicant has identified five areas along Highway 101 near the north end of the project that are above the elevation of the 100-year storm event where permanent disposal of the excess excavation material will occur. Best Management Practices (BMPs) for sediment and turbidity control will be implemented at the disposal areas during construction activities and all the disposal areas will be planted with native shrubs upon completion of the project.

The proposed project will not affect any wetlands. Existing vegetation will be preserved to the maximum extent possible and all disturbed areas will be seeded and replanted. To compensate for potential impacts this project may have on salmonids, a culvert modification project will be implemented on Red Mountain Creek to restore fish passage and provide access to historic spawning and rearing habitat.

Receiving Waters:	South Fork Eel River in the Benbow Hydrologic Subarea No. 111.32.
Filled or Excavated Area:	Area Temporarily Impacted: 0.32 acres of stream bank and stream channel Area Permanently Impacted: 0.01 acre of stream channel
Total Linear Impacts:	Length temporarily impacted: 150 feet Length permanently impacted: none

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 33

Compensatory Mitigation: To compensate for potential impacts to salmonids as a result of the Confusion Hill Bypass project construction activities, the applicant will fund a project to improve fish passage through the culvert at Red Mountain Creek. Highway 101 crosses Red Mountain Creek at the north end of the project where the new alignment will conform to the existing alignment. During a wide range of typical stream flows, the existing culvert at Red Mountain Creek prevents salmonids from accessing historic spawning and rearing habitat located upstream of the culvert. The fish passage improvement project will incorporate National Marine Fisheries Service and California Department of Fish and Game (CDF&G) fish passage criteria. The mitigation project is subject to approval by those agencies.

Modifications to improve fish passage through the existing culvert will likely include installation of concrete/rock weirs (baffles) in the bottom of the culvert to reduce flow velocities through the culvert. The baffles are likely to be composed of large rocks and concrete. The existing road leading to the culvert outlet will be used to gain access to through the culvert and inlet area.

Noncompensatory Mitigation: Noncompensatory mitigation for this project includes the use of BMPs for waste handling, sediment and turbidity control, and heavy equipment use and concrete use near a waterway. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the CDF&G.

CEQA Compliance: The California Department of Transportation, as the lead agency for CEQA, certified an Environmental Impact Report (SCH# 200405201) for this project on December 15, 2005.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 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 23 CCR 3855(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 any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.
- 2) All conditions listed in this Water Quality Certification must be included in the Plans and Specifications prepared by the applicant for the Contractor. All conditions shall be implemented according to the submitted application and this Water Quality Certification.
- 3) A copy of this permit must be provided to the contractor and all subcontractors conducting the work, and a copy must be in their possession at the work site. It is the applicant's responsibility to ensure that the contractor and all subcontractors are provided a copy of this permit.
- 4) A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the attention of Regional Water Board staff Dean Prat at least 30 days prior to the start of the project.
- 5) The Red Mountain Creek mitigation project shall be completed by October 31, 2010. The applicant shall notify the Regional Water Board in writing at least five working days (working days are Monday – Friday) prior to the commencement of the Red Mountain Creek mitigation project, with details regarding the schedule of operations, to allow staff the opportunity to be present onsite and to answer any public inquiries that may arise regarding the project.

- 6) The Red Mountain Creek mitigation project shall comply with all conditions in this Water Quality Certification.
- 7) Adequate BMPs for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
- 8) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 9) 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 permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 10) All materials used for cleaning concrete from tools and equipment, and any wastes generated by this activity, shall be adequately contained to prevent contact with soil and surface water and shall be disposed of properly.
- 11) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 12) If construction dewatering is found to be necessary, the applicant will use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage to discharge to surface waters.
- 13) Fueling, lubrication, maintenance, operation, storage and staging of vehicles and equipment shall be outside of waters of the United States and shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.

- 14) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 15) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 16) All work within waters of the United States shall not commence until May 15th and shall be completed prior to October 31st.
- 17) All activities, BMPs, and associated mitigation will be conducted as described in this Permit and the application submitted by the applicant for this project.
- 18) The applicant shall take photos of all areas disturbed by project activities, including all excess materials disposal areas, after the first rainfall event that generates visible runoff from these areas in order to demonstrate that erosion control measures have been successful. A report containing these photos shall be submitted within 60 days of the first rainfall event that generates runoff from the disturbed areas.
- 19) Visual observations of the South Fork Eel River shall be conducted whenever a project activity has the potential to mobilize sediment and increase the turbidity of the South Fork Eel River. Field turbidity measurements shall be collected whenever a project activity causes turbidity of the South Fork Eel River to be increased above background concentrations in order to demonstrate compliance with receiving water limitations.

Whenever turbidity in the South Fork Eel River is increased above background as a result of project activities, turbidity measurements shall be collected upstream (within 50 feet) of project activities (background) and downstream (within 100 feet) of the source of turbidity. The frequency of turbidity monitoring shall be a minimum of every hour during periods 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. If turbidity levels are greater than 20 percent above background 100 feet downstream of the source of turbidity, all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s) of sediment and the overall distance from the source of

turbidity to the downstream extent of the increased turbidity (20 percent above background) shall be measured.

Turbidity monitoring results shall be reported to appropriate Regional Water Board staff by telephone within 1 hour of taking any turbidity measurement that shows turbidity levels are 20 percent above background 100 feet or more downstream of the source of turbidity. All recorded visual observation and all field turbidity measurements collected for the purpose of this condition shall be submitted in a report to the Regional Water Board by November 15th each year and within 45 days of project completion.

- 20) This Order 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 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, 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.

Water Quality Certification: I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Confusion Hill Bypass Project, (Facility No. 1B05153WNME) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. 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.

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 Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration:

The authorization of this certification for any dredge and fill activities expires on February 16, 2011. 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.

Please notify Dean Prat of our staff at (707) 576-2801 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure:

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"

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,
San Francisco, CA 94599
U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502