

October 06, 2008

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

California Department of Transportation – District 1
Highway 101 – Rattlesnake Creek Fish Passage Project
WDID No. 1B08042WNME

Mendocino County

On March 17, 2008 the North Coast Regional Water Quality Control Board (Regional Water Board) received an application and \$500 fee from the California Department of Transportation (Caltrans) District 1, requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Highway 101 Rattlesnake Creek Fish Passage project (project). The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State associated with Rattlesnake creek which lies within the Eel River Hydrologic Unit No.111.00 and the Benbow Hydrologic Sub-Area 111.32.

The proposed project is located along Highway 101 at post mile (PM) 81.43, in Mendocino County, along Rattlesnake Creek a tributary to the Eel River. The purpose of the proposed project is to replace and upgrade a degraded fish ladder on the outlet side of the concrete arch culvert at the Rattlesnake Creek Bridge. The fish ladder and concrete apron have been damaged and are on the verge of complete failure and appear to be hindering fish passage. Caltrans proposes to remove the existing fish ladder and construct a new weir system designed to improve fish passage. In addition, the proposed project would include lengthening the wing walls on the arch culvert and installing rock slope protection (RSP) to stabilize the culvert walls and hill slope opposite the outfall. Additionally, willow plantings will be incorporated into the proposed project, along the RSP and stream banks. The proposed project will require the construction of an access road on the southern bank of the creek, west of the culvert outfall. The access road will require the removal of the riparian vegetation including seven mature trees; however, the impacts will be temporary and the road will be constructed so that several trees remain to provide the creek with shade. Subsequent to the completion of the project the access road will be stabilized and revegetated.

The proposed project will result in 2,726 feet² of permanent impacts to waters of the U.S and waters of the State. The permanent impacts are associated with the installation of the RSP and the weirs, which are ultimately designed to improve the habitat and upstream mobility of multiple species of fish, primarily salmon and steelhead. The proposed project will require a water diversion and dewatering to conduct the repair/replacement activities. Caltrans will utilize Best Management Practices (BMPs) for all in stream work, erosion control and pollution prevention during construction.

The applicant has applied for authorization from the U.S. Army Corps of Engineers (USACE) to perform the project under their Nationwide Permits No. 27 (aquatic habitat restoration, establishment or enhancement) pursuant to Clean Water Act, section 404. Caltrans has determined that this project is categorically exempt from California Environmental Quality Act (CEQA) review (Class 2 Categorical Exemption). In addition,

Regional Water Board staff also determined that this project is categorically exempt from CEQA review (Class 2 Categorical Exemption) and anticipate filing a Notice of Exemption. Caltrans has also requested a biological opinion from the National Oceanic and Atmospheric Administration. Caltrans has also applied for a Streambed Alteration Agreement and a Consistency Determination from the California Department of Fish and Game. The proposed project activity is scheduled to be conducted from June 15th to October 15th 2009. Construction work in all drainages will only be conducted during dry weather.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the CWA (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 letter 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 Jeremiah Puget at (707) 576-2835 or jpuget@waterboards.ca.gov within 21 days of the posting of this notice.

The information contained in this public notice is only a summary of the applicant's proposed road construction activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The related documents and 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.