

# Memorandum

**Date:** December 19, 2024

**To:** Laurel Osborn

North Region Environmental–District 1

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Eureka, CA 95501

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**From:** Susan Stewart, Environmental Scientist / Caltrans Liaison

**Subject: Culvert Rehabilitation and Fish Passage Project (SCH# 2024110567)**

Dear Laurel Osborn,

On November 20, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Draft Initial Study/Negative Declaration (Draft IS/ND) from the California Department of Transportation (Caltrans) for the Culvert Rehabilitation and Fish Passage Project (Project), located on State Route 128 from post mile (PM) 0.0 to 50.5 in Mendocino County, California. This project proposes to rehabilitate 116 drainage facilities at 103 locations and includes the replacement of one culvert with a bridge to remediate a fish passage barrier. The Draft IS/ND notes that comments must be submitted no later than December 20, 2024. The Regional Water Board hereby submits the following comments.

## **Regional Water Board Permitting**

The proposed Project will require a Water Quality Certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) for activities related to Project construction within or affecting waters of the U.S. and waters of the State.

## **Regional Water Board Comments**

**Wetlands and Other Waters Page 115** – “Total wetland impacts (Table 10) include temporary impacts of 0.046 acre and permanent impacts of 0.015 acre.”

RWB Comment 1): Permanent impacts to aquatic resources of the State require compensatory mitigation. Please explain how wetland impacts will be avoided and minimized. Describe a plan for restoring temporary wetland impacts and for mitigating permanent wetland impacts.

**Wetlands and Other Waters Page 116** – “*Total waters impacts (Table 11 below) include temporary impacts to jurisdictional waters of 7,629 linear feet or 0.506 acre and permanent impacts of 2,387 linear feet, or 0.055 acre. However, total water credits to jurisdictional waters (Table 12 below) include 1,108 linear feet, or 0.130 acre. The water credits are calculated when culverts that convey jurisdictional waters are upsized or daylighted. Water credits are used to offset potential permanent impacts to waters. There are currently 27 jurisdictional locations proposed to be upsized via the cut and*

*cover method. One double barrel CSP and one RCB will be replaced with larger RCBs. Additionally, the existing culvert at PM 7.27 will be removed and replaced with a bridge.”*

RWB Comment 2): Permanent impacts to aquatic resources of the State require compensatory mitigation. Increasing the diameter of a culvert (upsizing) may be used only as an offset for an equal amount of compensatory mitigation required due to permanent impacts to streams.

RWB Comment 3): The calculation for credit is equal to half of the culvert length (linear feet) multiplied by the increase in diameter (sq. ft.) and this is converted to acres for area. Upsizing is considered as Enhancement and may be used only to offset to compensatory mitigation.

RWB Comment 4): Calculations for upsizing are not to be subtracted from the permanent impacts or total impacts for a project. The total impacts must be entered in the 401 Fee Calculator to determine the fees.

### **Wetlands and Other Waters, Table 12., Page 120**

RWB Comment 5): – The information provided for these calculations is not adequate for verification. When submitting the Application for 401 Certification to the Regional Water Board please include a spreadsheet with calculations, layouts, and drainage profiles. The spreadsheet and plans should include the dimensions of the existing and new facilities for each drainage system.

**Wetlands and Other Waters, Page 121** - Page 121 states that, *“Given the above, it was determined the project would have a “Less Than Significant Impact” in response to CEQA Environmental Checklist Question 2.4 c). Based on the determinations made in the CEQA Environmental Checklist, no mitigation measures are proposed.”*

RWB Comment 6): When a wetland, watercourse (ephemeral, intermittent and/or perennial), or vegetation within the riparian area will be permanently impacted by the proposed project, mitigation will be necessary to preserve the function and beneficial uses of the site. A draft Compensatory Mitigation Plan must be submitted with a 401 application to address permanent impacts. Temporal loss of functions may also require mitigation. Temporary impacts will require submittal of a Temporary Impact Draft Restoration Plan with the 401 application. The Application for 401 Certification includes the following language:

- Temporary impacts – Project impacts to aquatic resources and functions that will be restored through active and/or passive restoration methods. Temporal loss of functions may require mitigation. Temporary impacts require a Temporary Impact draft Restoration Plan (see below).
- Permanent impacts – Impacts to aquatic resources and functions that result in loss of area (filled) and/or long-term ecological function degradation within the aquatic resource. Mitigation is required to offset these impacts and must meet no

net loss policy (W-59-93). Permanent impacts require a draft Compensatory Mitigation Plan.

RWB Comment 7): Page 162 of the Draft IS/ND discusses the potential for violating water quality standards due to turbidity impacts from construction-related activities. Turbidity due to construction should be minimized by use of best management practices (BMPs), which may include a temporary water diversion system or dewatering system for any work within an active stream channel, and a water quality monitoring plan to avoid exceedances by slowing or stopping construction activities that may result in a violation of water quality standards.

Thank you for providing the Regional Water Board an opportunity to comment on this draft IS/MND. If you have any questions or comments or would like to discuss these recommendations, please contact Environmental Scientist, Susan Stewart at (707) 576-2657 or by email at [Susan.Stewart@waterboards.ca.gov](mailto:Susan.Stewart@waterboards.ca.gov).

Best regards,

Susan Stewart

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