



California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson



Alan C. Lloyd, Ph.D.
Agency Secretary

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Arnold
Schwarzenegger
Governor

January 23, 2006

Mr. Barry Leeder
P.O. Box 1084
Weaverville, CA 96093-1084

Dear Mr. Leeder:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Leeder Property Drainage Fill and Realignment Project

File: Leeder Property – Drainage Fill Project
WDID No. 1B05141WNTR

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 (applicant) for Water Quality Certification to fill and realign a drainage channel on your residential lot in Weaverville, Trinity County. On October 18, 2005, the Regional Water Board received your application and a \$500.00 processing fee. On December 22, 2005, 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.

Project Description: The project is located between Forest Avenue and Hanover Street in the Valley View Subdivision area of Weaverville. The purpose of this project is to modify two small drainages that flow across a residential lot in order for the applicant to build a home on the lot. These drainages are referred to as the north drainage and the south drainage. Both drainages convey storm water runoff. The north drainage also receives overflow and leakage from an unlined irrigation ditch that flows across the upstream portion of the north drainage. Immediately after exiting the applicant's property, both drainages enter the landscaped yard of an adjacent parcel and flow into a subsurface storm drain system. The seasonal drainages are typically dry when there is no storm water runoff and the leaky irrigation ditch is not being used.

The project involves installation of a 24-inch culvert to divert flow from a portion of the north drainage into the south drainage. This portion of the project was implemented prior to issuance of appropriate permit authorization including a Lake or Streambed Alteration Agreement from the California Department of Fish and Game or a dredge and fill permit from the United States Army

California Environmental Protection Agency

Corps of Engineers (USACOE), pursuant to Federal Clean Water Act, Section 404. The applicant was informed of the need to obtain permits for the drainage modifications and has applied for after-the-fact authorizations to leave the diversion culvert in-place. The applicant has also applied for additional authorization to install a subsurface drain system in the diverted section of the north drainage and to install a barrier in the vicinity of the diversion culvert inlet to prevent runoff from flowing past the new culvert inlet. The project includes installation of approximately 150-feet of subsurface drain between the diversion culvert inlet and the existing storm drain inlet located in the adjacent neighbor's yard.

Approximately 0.01-acre and 150 linear feet of seasonal drainage channel will be permanently impacted by the proposed project. Compensatory mitigation is required for the anticipated loss of 0.01-acre of waters of the United States as a result of filling a section of the north drainage channel. Compensatory mitigation will consist of expanding the size of an existing 2,500 square foot wetland seep that is located on an adjacent parcel of land that is also owned by the applicant. The applicant plans to conduct the project as soon as possible after obtaining the necessary permits and anticipates that it will take two days to complete the drainage work.

Receiving Waters: Unnamed tributaries to Sydney Gulch in the Weaver Creek Hydrologic Subarea No. 106.32.

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 0.01 acre of stream channel

Total Linear Impacts: Length temporarily impacted: none
Length permanently impacted: 150 feet of stream channel

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 29 (297540N)

Compensatory Mitigation: Compensatory mitigation is required for the permanent loss of a portion of a drainage channel. The compensatory mitigation project involves creation of an additional 600 square feet of wetland by expanding the existing 2,500 square foot wetland seep that is located on an adjacent parcel.

Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control and for heavy equipment use near stream channels and wetlands. The applicant has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish

and Game.

CEQA Compliance: The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project will have no significant effect on the environment and that it is categorically exempt from CEQA (Class 4, Section 15304).

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 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) 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.

- 3) Adequate Best Management Practices 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.
- 4) 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.
- 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 permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
- 6) 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.
- 7) At no time shall the applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
- 8) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 9) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 10) All activities, Best Management Practices, and associated mitigation will be conducted as described in this Permit and the application submitted for this project.
- 11) 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 Leeder Property Drainage Project, (Facility No. 1B05141WNTR) 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 October 15, 2007 or upon completion of the project. 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