



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



**Arnold
Schwarzenegger**
Governor

Alan C. Lloyd, Ph.D.
Agency Secretary

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

May 17, 2005

Mr. Doug Schleusner
Trinity River Restoration Program
1313 South Main Street
Weaverville, CA 96093

Dear Mr. Schleusner:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Trinity River Restoration Project, Hocker Flat Rehabilitation Site

File: Bureau of Reclamation, Trinity River Restoration Program – Hocker Flat
WDID No. 1A04171WNTR

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). The Order is being issued in response to your request, on behalf of the United States Department of the Interior, Bureau of Reclamation (applicant), for a Clean Water Act, Section 401, Water Quality Certification to implement the Hocker Flat Rehabilitation Project. The Regional Water Board received an application and processing fee in the amount of \$500 on December 23, 2004. The application was deemed complete on March 29, 2005, following submittal of a report documenting the expected environmental effects of mercury resulting from the proposed project. Information describing the proposed project was noticed for public comment for a 21-day period starting on April 22, 2005, on the Regional Water Board's web site. No comments were received.

Project Description: The proposed project is part of a larger restoration effort intended to restore the anadromous fishery of the Trinity River. The Hocker Flat Rehabilitation Project is located approximately one mile west of Junction City and directly downstream of the confluence of Canyon Creek and the Trinity River (Trinity River Mile 78-79). The purpose of this project is to restore alluvial processes to the Trinity River in the Hocker Flat area to provide additional and improved fish habitat.

California Environmental Protection Agency

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The project involves implementation of several restoration activities including vegetation removal, riparian berm removal, floodplain construction, revegetation, monitoring, and material transportation, stockpiling and disposal. Approximately 97,000 cubic yards of material will be graded and/or excavated during project implementation. Disposal of excess excavated material will occur at adjacent upland areas. Implementation of the proposed restoration activities is expected to result in the development of point bars and additional floodplain habitat along the river and increase the suitability and availability of habitat for salmonids and other native fish and wildlife.

Receiving Water:	Trinity River in the Helena Hydrologic Subarea No. 106.15
Filled or Excavated Area:	Area Temporarily Impacted: 4.15 acres Area Permanently Impacted: 5.68 acres
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit 27 (280830N)
Total Linear Impacts:	Length Temporarily Impacted: 1.1 mile Length Permanently Impacted: 0 feet
Latitude/Longitude:	40 ⁰ 44'26''N/123 ⁰ 03'47''W
Compensatory Mitigation:	None
Noncompensatory Mitigation:	Noncompensatory mitigation measures include the use of Best Management Practices for sediment and turbidity control. A Mitigation Monitoring and Reporting Program was prepared for this project to provide monitoring of construction activities, identification and resolution of problems, and to ensure effective implementation and enforcement of mitigation measures and permit conditions.
CEQA Compliance:	The California Department of Water Resources, as the lead California Environmental Quality Act agency, certified an Environmental Impact Report for the project on December 1, 2004.
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 Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the schedule of operations, to allow staff the opportunity to be present on-site and to answer any public inquiries that may arise regarding the project.
- 2) 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. 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.
- 3) Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment 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. Staging and storage areas for vehicles and equipment shall be located outside of waters of the United States.

- 4) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 5) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place prior to and during construction.
- 6) Visual observations for increased turbidity shall be conducted whenever a project activity has the potential to increase turbidity in the Trinity River. Field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Field turbidity measurements and observations shall be recorded. Field turbidity measurements shall be collected upstream (within 50 feet) of project activities and downstream (within 500 feet) of the source of turbidity where turbidity appears to be highest across the river. If turbidity levels are greater than 20 percent above background levels 500 feet downstream of the project area, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined and promptly reported to Regional Water Board staff. The monitoring frequency shall be a minimum of every two hours during periods of increased turbidity or until turbidity levels are no longer increasing as a result of project activities.
- 7) A report of visual observations for increased turbidity and field turbidity measurements shall be submitted to the Regional Water Board within 120 days of project completion.
- 8) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification
- 9) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 10) If, at any time, an unauthorized discharge to surface waters occurs, or any water quality problem arises, the project

shall cease immediately and the Regional Water Board shall be notified promptly.

- 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 Hocker Flat Rehabilitation Project (Facility No. 1A04171WNTR) 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 May 17, 2010. 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 E. 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