



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



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

Arnold
Schwarzenegger
Governor

August 9, 2005

Mr. Scott Waite
305 Butte Street
Yreka, CA 96097

Dear Mr. Waite:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Cottonwood Creek Bridge Replacement

File: Siskiyou County DPW Front Street at Cottonwood Creek Bridge
WDID No. 1A05025WNSI

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 for Water Quality Certification to implement a bridge replacement project on Front Street Road over Cottonwood Creek. The Regional Water Board received your application and \$500 processing fee on March 7, 2005. Regional Water Board staff deemed your application complete on June 6, 2005. On June 22, 2005, we posted a notice and information describing your project on our website for a 21-day public comment period. We did not receive any public comments regarding your project.

Project Description: The bridge replacement project is located on Front Street (Road No. 9K05) at Cottonwood Creek, east of the intersection of Front Street and Hornbrook Road, in the community of Hornbrook, Siskiyou County. The project involves replacing the existing narrow, steel truss, timber superstructure that is functionally and structurally deficient. The new bridge will be constructed with an overall increase in elevation sufficient to pass flows from a 50-year or greater storm event without inundation. You are proposing to remove the existing bridge over an approximately three-week period. Foundation, substructure construction, and superstructure erection are expected to take several more weeks. All work associated with these steps will be conducted between June 15 and October 31.

California Environmental Protection Agency

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The new two-lane, two-span concrete slab structure will be 113-foot long and 24-foot wide and will be placed in the same alignment as the existing bridge. The applicant proposes to build a 125-foot long retaining wall along the south side of the easterly approach. You have indicated that you will construct a 4-foot wide sidewalk along the westbound lane (north side) of the bridge. Spread footings founded on rock will support two concrete abutments and one intermediate pier. The pier will be constructed within the creek channel, but outside the reach of the low flow channel, in order to minimize impacts of sediment accumulation and channel constriction. Falsework, consisting of walls and formwork on braces, may be required in the channel for the footing, pier and abutment construction. Falsework placement is expected to be on the edge of the low flow channel utilizing clean gravel pads. Slope protection consisting of boulders or rocks imported from offsite will be placed at the east abutment, outside the ordinary high water line.

A temporary work trestle located upstream from the construction site may be required to provide construction access. The trestle will be placed on clean gravel work pads outside the active stream. Air tools will be used for all excavation; blasting is not permitted. You may divert creek flows around the work area using diking or sump pump methods, depending on the amount of water present. Dewatering may require pumping, and sediment will be removed using settling basins or tanks. You have proposed to either return the desilted waters to Cottonwood Creek or to apply the water to the ground outside the creek channel, to allow it to percolate into the ground. You have indicated that methods used for dewatering would require submission of dewatering and water pollution prevention plans by the construction contractor, and would meet applicable requirements of the permits issued by various agencies including the Regional Water Board. Construction activities will be confined to the period between June 15 and October 31 to minimize or avoid potential impacts to salmonids.

Receiving Water:	Cottonwood Creek in the Hornbrook Hydrologic Subarea No. 105.36
Filled or Excavated Area:	Area Temporarily Impacted: 0.07-acre Area Permanently Impacted: 0.004-acre existing riparian habitat
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit 14 (27483N)

- Total Linear Impacts: Length temporarily impacted: 119 feet
Length permanently impacted: 125 feet
- Compensatory Mitigation: The project includes the replanting of native species riparian vegetation at a ratio of 3-to-1 to mitigate for the loss of shaded riparian habitat. Replacement of permanently lost riparian habitat shall occur within the disturbed areas during construction. Revegetation of temporary impacted areas shall occur within the construction area upon completion of the project. A monitoring plan shall be in place for 3 years to ensure the plantings are established.
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices for heavy equipment use and sediment and turbidity control. Catch basins will be placed below all construction activity areas to prevent suspended sediments from reaching the creek. All disturbed areas will be hydroseeded with a native seed mix to enhance revegetation upon completion of construction activities.
- CEQA Compliance: The County of Siskiyou Department of Public Works, as the lead California Environmental Quality Act agency (CEQA), approved a Mitigated Negative Declaration for the project on March 17, 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 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) 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) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 7) 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.

- 8) Prior to discharging any groundwater from construction and subsurface seepage dewatering activities into Cottonwood Creek or other surface water(s), the applicant and/or the Contractor shall apply for and take appropriate steps to comply with the North Coast Regional Water Board Order No. 93-61 (NPDES Permit No. CA0024902), pertaining to the discharges of groundwater to surface water. We have enclosed a copy of that permit for your reference.
- 9) 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.
- 10) 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 Cottonwood Creek Bridge Replacement project (Facility No. 1A05025WNSI) 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, 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"

State Water Resources Control Board Order No. 93-61 (NPDES Permit No. CA0024902) General National Pollutant Discharge Elimination System Permit Waste Discharge Requirements for Discharges of Groundwater to Surface Water Related to Construction and Subsurface Seepage Dewatering Activities in the North Coast

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