



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



**Arnold
Schwarzenegger
Governor**

Alan C. Lloyd, Ph.D.
Agency Secretary

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July 14, 2005

Ms. Mary Ellen Grigsby
U.S. Forest Service
P.O. Box 1190
Weaverville, CA 96093

Dear Ms. Grigsby:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Fairview Boat Ramp Project

File: USFS – Fairview Boat Ramp, Trinity Lake: WDID No. 1A05042WNTR

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, on behalf of the United States Forest Service (applicant), for Water Quality Certification to repair and update a boat ramp and associated facilities on Trinity Lake. The Regional Water Board received your application and \$1050 processing fee on April 13, 2004. We deemed your application complete on May 25, 2005. Information describing the proposed project was noticed for public comment for a 21-day period starting on May 25, 2005, on the Regional Water Board's web site. No comments were received.

Project Description: The project involves adding a concrete overlay to the existing boat ramp and widening the top of the boat ramp. The project also involves placing additional riprap along the shoreline adjacent to the east side of the boat ramp. Approximately 800 cubic yards of fill and 150 cubic yards of concrete will be used to widen the top of the boat ramp adding approximately 1,580 square feet to the top of the boat ramp. The applicant will place approximately 750 cubic yards of additional riprap along the shoreline to prevent additional erosion. The additional riprap will cover approximately 6,140 square feet. The portions of this project (entrance and parking lot grading and paving) that are above ordinary high water are scheduled to begin in July 2005. The boat ramp and riprap work is schedule to start in September 2005, provided that water levels in Trinity Lake are low enough. All work is to be completed by December 2005.

Receiving Water: Trinity Lake in the Upper Trinity River Hydrologic Area No. 106.40

California Environmental Protection Agency

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- Filled or Excavated Area: Area Temporarily Impacted: <0.01 acre
Area Permanently Impacted: 0.18 acre
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permits 3 and 13(293600N)
- Total Linear Impacts: Length Temporarily Impacted: 0 feet
Length Permanently Impacted: 110 feet
- Compensatory Mitigation: None
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices (BMPs) to prevent impacts to water quality from heavy equipment operations and pouring concrete near water, as well as BMPs to minimize sedimentation and turbidity. Excess fill and excavated materials will be removed to appropriate locations above the maximum pool of Trinity Lake.
- CEQA Compliance: The North Coast Regional Water Quality Control Board, as the lead California Environmental Quality Act agency, has determined that this project will have no significant effect on the environment and is categorically exempt from CEQA (Class 1, Section 15301 – repair, maintenance and minor alteration of an existing facility involving negligible expansion of use).
- 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 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) 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.

- 9) 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 Fairview Boat Ramp Project (Facility No. 1A05042WNTR) 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, 2006. 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

DLP:clh/071405_DLP_USFSfairview401cert

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