



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

September 15, 2005

Mr. Bernardo Bustamante
U.S. Dept. of Transportation
Federal Highway Administration
12300 West Dakota Avenue
Lakewood, CO 80228-2583

Dear Mr. Bustamante:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Trinity Mountain Road Rehabilitation Project

File: USFS – Trinity Mountain Road Rehabilitation - WDID No. 1A05071WNTR

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 make roadway and drainage system improvements to Trinity Mountain Road near the northern end of Trinity Lake (a.k.a. Clair Engle Lake) in Trinity County. On May 27, 2005, the Regional Water Board received your application and a \$60 processing fee. On June 21, 2005, the Regional Water Board received an additional \$1925 to cover the remaining balance of the applicable fee. On August 11, 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 purpose of the project is to rehabilitate Trinity Mountain Road (a.k.a. California Forest Highway 116, County Road 106, and East Side Road) to extend the life of the road and improve user safety. The project includes replacement of pavement, replacement of culverts, installation of new culverts, installation of underdrains, installation of rocked rundowns, and pavement of the roadside ditch. The roadway profile will be raised and lowered in certain areas to achieve the required roadway width. Several roadbed fill failures will be repaired. The asphalt roadway will be pulverized and mixed with additional coarse material to prepare a compacted road base that will be overlain with new pavement. Underdrains will be installed at twelve locations where near-surface groundwater is present. The project includes work at twenty-five culvert locations. Twelve culverts requiring work are located on streams that are considered to be jurisdictional waters of the United States. Nine existing culverts will be removed and replaced, three existing culverts will be extended, two existing

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culverts will be lined with plastic liners, and one culvert will be repaired by lining the bottom with concrete. In addition, eight new drop inlets will be installed and one existing culvert will be cleaned. To minimize erosion at the culvert outlets, rock riprap aprons will be installed at the outlets of all new, replaced, extended and lined culverts. A new riprap apron will also be placed at the outlet of one culvert that does not require any other repair work.

Squirrel Gulch and an unnamed tributary to the East Fork Trinity River are the only two perennial streams affected by the project. Work at these locations requires installation of temporary sandbag cofferdams. Impounded water will be pumped across the roadway work area or through a temporary pipe suspended in the culvert. Culvert work will be conducted during the low flow period in late summer and early fall. The remainder of the culvert repair work will be conducted on ephemeral or intermittent streams and will only be conducted when the streams are dry.

Receiving Waters:	Squirrel Gulch, an unnamed tributary to the East Fork Trinity River, and unnamed tributaries to Trinity Lake in the Upper Trinity River Hydrologic Area No. 106.40
Filled or Excavated Area:	Area Temporarily Impacted: 0.1 acre Area Permanently Impacted: 0.07 acre
Total Linear Impacts:	Length temporarily impacted: 50 feet Length permanently impacted: 297 feet
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permits 3, 14 and 33 (296430N)
Compensatory Mitigation:	None
Noncompensatory Mitigation:	Noncompensatory mitigation measures include the use of Best Management Practices for erosion control. The applicant is required to obtain coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity and implement a Storm Water Pollution Prevention Plan.
CEQA Compliance:	Trinity County, as the lead California Environmental Quality Act (CEQA) agency, determined that this project will not have a significant impact on the environment and is categorically exempt from CEQA (Class 1, Section 15301(c) and filed a Notice of Exemption on April 14, 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 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) 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 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.
- 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 USFS – Trinity Mountain Road Rehabilitation Project, (Facility No. 1B05071WNHU) 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 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