

October 11, 2005

Mr. Bill Taggart  
P.O. Box 2490  
Weaverville, CA 96093

Dear Mr. Taggart:

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Trinity County DOT, County Bridge 5C-037 Repair, Butter Creek

**File:** Trinity County DOT, County Bridge 5C-037 Repair, Butter Creek  
WDID No. 1A05103WNTR

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 for the Trinity County Department of Transportation project to repair County Bridge (5C-037) crossing Butter Creek on Saint John Loop Road (County Road 316) east of Waldorff Flat, Trinity County. The Regional Water Board received your application and \$500 processing fee on July 19, 2005. Regional Water Board staff deemed your application complete on August 19, 2005, upon our receipt of documentation demonstrating that the project is in compliance with the California Environmental Quality Act. On September 12, 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 purpose of the proposed project is to reinforce and prevent scour damage to the northern abutment of the County Bridge (5C-037), which crosses Butter Creek on Saint John Loop Road (County Road 316). The applicant proposes to place three to six rocks, approximately 27 cubic feet total volume, at the base of the northern abutment, on the north bank of Butter Creek. Butter Creek crossing is approximately 500 feet upstream of Butter Creek's confluence with the South Fork Trinity River. The project site is not visible from the South Fork Trinity River. An existing access road on the north side of the creek is located on the downstream side of the northern abutment and will provide access to the project site. Using a backhoe or an excavator bucket, the applicant will reposition large native rocks in the project area. Alternatively, if the access site is under water, the applicant may drop rocks into place from the upstream side of the bridge and then position the rock using heavy equipment. The rock will be placed on a bar within the ordinary high water channel. The work will be conducted during the low flow period, not in the wetted channel. Equipment will gain access to the bar via the existing access road, and will be used to relocate rocks from the bar either by pushing the rock or by lifting and placing individual rocks into place at the upstream end of the abutment. The project will take approximately

two days to complete, and the work will be conducted sometime between August 29 and October 15, 2005.

- Receiving Water: Butter Creek, Hyampom Hydrologic Subarea No. 106.22.
- Filled or Excavated Area: Total area impacted: 0.0006 to 0.0012 acre  
Temporarily Impacted: none  
Permanently Impacted: 0.0006 acre to 0.0012 acre
- Federal Permit: U.S. Army Corps of Engineers Nationwide Permit No. 18 (Minor Discharges)
- Compensatory Mitigation: None required for this project.
- Noncompensatory Mitigation: Noncompensatory mitigation measures include the use of Best Management Practices (BMPs) for heavy equipment use and sediment and turbidity control. All work shall be done during the dry season, August 29 to October 15. The project will not involve grading or vegetation removal. The applicant proposes to use an oil-absorbing boom downstream of the work area. The applicant has a Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game.
- CEQA Compliance: The Trinity County Department of Transportation, as the lead California Environmental Quality Act (CEQA) agency, certified the project as Categorically Exempt, Class 1-C, Section 15301 on June 16, 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 Regional Water Board staff prior to the commencement of the project, with details regarding the project schedule, in order to allow staff to be present onsite during implementation, 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 surface water.
- 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) BMPs for heavy equipment use and sediment and turbidity control shall be implemented and in place prior to and during construction.
- 5) 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.
- 6) 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.
- 7) 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 Trinity County DOT, County Bridge 5C-037Repair, Butter Creek Project (Facility No. 1A05103WNTR) 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 5, 2010 or upon completion of the project, whichever occurs first. 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 Diana Henriouille of our staff at (707) 576-2350 prior to commencement of the portion of the project that is subject to this Water Quality Certification (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: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka, CA 95502  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 333 Market Street,  
San Francisco, CA 94599  
Mr. Oscar Balaguer, 401 Program Manager, Water Quality Certification Unit, SWRCB