



California Regional Water Quality Control Board
North Coast Region
William R. Massey, Chairman



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

July 11, 2006

Ms. J. Sharon Heywood
USDA Forest Service
3644 Avtech Parkway
Redding, CA 96002

Dear Ms. Heywood:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Trinity River Coarse Sediment Injection Project

File: USFS – Trinity River Coarse Sediment Injection
WDID No. 1A06041WNTR

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 for activities related to the Trinity River Coarse Sediment Injection project near Lewiston, Trinity County. On April 13, 2006, the Regional Water Board received your application and a \$500.00 processing fee. On June 13, 2006, 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 public comments on this project.

Project Description: The need for this project is primarily due to the long-term effects of controlled dam releases, the elimination of coarse sediment originating upstream of Lewiston Dam, and the reduced frequency and magnitude of high flows that would naturally manipulate the streambed and prevent encroachment of riparian vegetation. The purpose of this project is to restore aquatic habitat in the 1,800-foot section of the Trinity River immediately downstream of Lewiston Dam and directly adjacent to the Trinity River Fish Hatchery. The project will include the following activities:

- excavation and removal of approximately 5,600 cubic yards of river bank material to expand the wetted perimeter of the channel;
- spoiling excess material above the 100-year floodplain;

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- excavation of approximately 1,260 cubic yards of riverbed cobble and gravel from two shallow pools and redistribution of the excavated material over adjacent point bars;
- placement of up to approximately 5,100 cubic yards of washed coarse sediment ranging in size from one-quarter inch to five inches in diameter and originating from the Trinity River basin;
- placement of additional washed coarse sediment as needed in the future after flushing flows occur; and
- removal of a narrow strip of riparian vegetation along the right bank.

The project will be implemented when flows are the lowest after the high flow releases that occur during the spring. The project is scheduled to begin around July 20 and will be completed by no later than September 30. The project is expected to take three to six weeks to complete.

Receiving Waters:	Trinity River in the Douglas City Hydrologic Subarea No. 106.31.
Latitude/Longitude:	40.725N/122.783W
Filled or Excavated Area:	Area Temporarily Impacted: 5.56 acres of stream channel Area Permanently Impacted: none
Total Linear Impacts:	Length Temporarily Impacted: 1800 feet of stream channel Length Permanently Impacted: none
Federal Permit:	U.S. Army Corps of Engineers Nationwide Permit No. 27 (File No. 301410N)
Compensatory Mitigation:	Compensatory mitigation is required for removal of the narrow strip of riparian vegetation along the right bank. Mitigation will be addressed through implementation of the Riparian Revegetation Management Plan for the Trinity River Restoration Program.
Noncompensatory Mitigation:	Noncompensatory mitigation measures for this project include the use of Best Management Practices for heavy equipment use near a waterway and for sediment and turbidity control. Only coarse sediment washed to a cleanliness value of at least 85, using the Caltrans Test No. 227, will be placed in the river. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project.

CEQA Compliance: The Regional Water Board, as the lead agency for California Environmental Quality Act (CEQA) compliance, finds that the EA/FONSI complies with the applicable provisions of the CEQA guidelines and was appropriately circulated for public review. The EA/FONSI is being used in place of a negative declaration.

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 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) A copy of this permit must be provided to all contractors and subcontractors conducting work on this project, 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.

- 3) All activities and Best Management Practices shall be implemented according to the submitted application and the conditions in this Water Quality Certification.
- 4) Adequate Best Management Practices for sediment and turbidity control shall be implemented and in place during and after construction.
- 5) Visual observations for increased turbidity in the Trinity River shall be conducted whenever a project activity has the potential to increase turbidity. Field turbidity measurements shall be conducted 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 the 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, all necessary steps shall be taken to install, repair, and/or modify the BMPs, including stopping or slowing work on the project, in order to control the turbidity. The overall distance from the source of turbidity to the downstream extent of the increased turbidity (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.
- 6) All visual observation and all field turbidity measurements required by Additional Condition 5 shall be submitted in a report to the Regional Water Board within 120 days of project completion.
- 7) Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States. Fueling, lubrication, maintenance, storage and staging 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. If, at any time, an unauthorized discharge to surface waters occurs from fueling, lubrication, maintenance, storage or staging activities, the project shall cease immediately and Regional Water Board staff shall be notified promptly.

- 8) 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. If, at any time, an unauthorized discharge of 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 to surface waters occurs, or any water quality problem arises, the project shall cease immediately and Regional Water Board staff shall be notified promptly.
- 9) When operations are completed, any excess material or debris shall be removed from the work area and disposed of properly. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 10) Project activities shall comply with provisions in the North Coast Region Water Quality Control Plan (Basin Plan).
- 11) The project site may be visited and assessed by Regional Water Board staff to document compliance with this certification.
- 12) 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 River Coarse Sediment Injection Project, (Facility No. 1A06041WNTR) 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 September 30, 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 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