



California Regional Water Quality Control Board North Coast Region

William R. Massey, Chairman

Linda S. Adams
Secretary for
Environmental Protection

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

September 28, 2006

Mr. Rob Dickerson
Trout Unlimited
1120 College Avenue
Santa Rosa, CA 95404

Dear Mr. Dickerson:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for Hedgepeth Dam Removal Project, Sonoma County

File: Hedgepeth Dam Removal Project Sonoma County,
WDID No. 1B06111WNSO

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). On August 8, 2006 the Regional Water Board received an application from Mr. Rob Dickerson, on behalf of Trout Unlimited (TU) and National Oceanic and Atmospheric Administration Fisheries Restoration Center (NOAA Restoration Center), acting in the interest of the Soper-Wheeler Company, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Hedgepeth Dam Removal Project located at 22331 Skaggs Springs Road, Annapolis, Sonoma County. The Regional Water Board received an application and processing fee in the amount of \$500.00 on August 8, 2006. On DATE, the Regional Water Board received all required information and the Project application was deemed complete. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The project will impact Waters of the United States including House Creek, a tributary to the Wheatfield fork of the Gualala River, Mendocino Coast Hydrologic Unit No. 113.84.

Project Description: Heavy equipment (excavator and ram arm) will be used to break up and remove the dams and gravel sediment and to haul the debris away. An excavator will create a temporary access road into the stream channel near each dam. Small amounts of concrete dust will be generated by the destruction of the dams. Stream flow will be diverted around each construction site to prevent discharge to the flowing

California Environmental Protection Agency

Recycled Paper

water. All concrete and other project debris will be temporarily stored in a construction staging area near each dam site, then hauled to an offsite disposal area.

Before construction, all fish and amphibians in the project areas will be relocated by a qualified biologist and a temporary screened water diversion will be installed to divert stream flow around each construction site. The temporary water diversion dams will be created upstream of each construction site to divert stream flow around the construction areas. Temporary diversion dams will be made of clean gravel and covered with Visqueen to minimize water seepage into the construction area. The Visqueen will be firmly anchored to the streambed to prevent water seepage. Water diversion screens will be cleaned of debris twice per day, to prevent clogging. The cofferdams remain in place and fully functional until the construction is complete.

The work areas will need to be periodically pumped dry of seepage. Water seepage will be pumped upslope to a flat area away from the stream channel and spread across the field with sprinklers. Refueling will take place away from the stream channel and fuel absorbent mats will be placed under the pump during refueling.

When construction is completed at each site, the flow diversion structures will be removed as soon as possible in a manner that will allow flow to resume with the least disturbance to the substrate.

The existing farm roads will be used for staging, however, limited encroachment into riparian areas will be needed to provide access to the work sites. No riparian trees will be removed or disturbed as a result of the project construction. Approximately 200 feet of stream channel will be disturbed at each site.

After each dam has been removed, gravel and sediment likely to mobilize during winter storms will be excavated and hauled offsite to an appropriate disposal location where there will be no possibility of re-entering Waters of the State. Approximately 500 cubic yards of material will be excavated from the lower dam site and 200 cubic yards of material will be excavated from the upper dam site. Removing the above quantities of sediment and gravel from behind each dam will restore the sites to a more natural geomorphology to

improve stream flow. In addition, sediment excavation will minimize turbidity related to stream channel adjustment immediately after construction and during winter storm events.

Receiving Water: House Creek, a tributary to the Wheatfield fork of the Gualala River, Mendocino Coast Hydrologic Unit No. 113.84

Federal Permit: An application for a U.S. Army Corps of Engineers Nationwide Permit 3 was submitted in August 2006. Status is still pending.

State and Local Approvals: An application for a Lake and Streambed Alteration Agreement was submitted to California Department of Fish and Game in June 2006. Notification Number 1600-2006-0451-3.

NOAA Restoration Center is a lead agency for this project and has thus provided consultation throughout the projects planning.

Filled or Excavated Area: Total Linear Impacts: 2000.0 linear feet impacted
Length Temporarily Impacted (Restored to Natural Habitat): 2000.0 linear feet
Length Permanently Impacted (Not Restored): 0.00 linear feet

Compensatory Mitigation: Compensatory mitigation will include the revegetation of disturbed areas along House Creek. Native grass seed will be spread across all disturbed areas. Willow cuttings will be harvested on-site and placed in the wetted bank at a density of one cutting per one-foot where disturbance has occurred, such as along the banks where equipment enters and leaves the stream channel and adjacent to the channel where sediment is removed. No woody vegetation will be removed during project construction and minimal disturbance to stream banks will occur. Plants and seeds will be installed no later than 7 days after completion of construction activities. Willow planting location and numbers will be mapped to monitor planting survival rates. Planting survival will be monitored two weeks after construction, during the spring of 2007, during the fall of 2007 and during the summer of 2008 and 2009. Willow cutting survival data will be recorded to assess planting success at the sites. If significant mortality (greater than 50%) of the plantings

occurs, willows will be re-planted to the same density during the spring of 2007.

Channel morphology after dam removal will be monitored by creating an as-built longitudinal profile and upstream and downstream channel cross sections immediately after construction and before winter rains. In addition, as built pebble count data will be collected throughout the dam removal sites to monitor changes in streambed characteristics over the three year monitoring period. The number of fish relocated from each project site will be recorded to compare to past and future fish datasets. These data (channel cross sections, longitudinal profiles and pebble counts) will be collected during the following summers of 2007, 2008 and 2009 to assess channel changes, fish passage and fish utilization through the project reaches.

Non-compensatory
Mitigation:

Non-compensatory mitigation measures have been incorporated into the project to reduce the potential impacts to water quality from the project. Mitigation measures include the use of construction storm water erosion control Best Management Practices (BMPs). All bare and/or exposed soils will be treated with permanent erosion control measures.

CEQA Compliance:

The Department of Fish and Game, as the lead California Environmental Quality Act (CEQA) agency, adopted a Negative Declaration on September 21, 2006 pursuant to CEQA. State Clearinghouse # 2006082113

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 article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.

- 2) This certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

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 in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, 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, Waters of the State or Waters of the United States.
- 3) BMPs for erosion, sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.
- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all

imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.

- 5) A copy of this Order shall be provided to the contractor and all subcontractors conducting the work, and shall be in their possession at the work site.
- 6) If, at any time, a 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) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project. The disturbed portions of any Waters of the State or Waters of the United States shall be restored to as near their original condition as possible.
- 8) All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
- 10) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.
- 11) 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 shall send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request shall 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 shall 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.

- 12) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Hedgepeth Dam Removal Project (WDID No. 1B06111WNSO) 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 (Enclosed).

Except insofar 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, 2011. 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 John Caleb Sarsfield of our staff at (707) 576-6728 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

092806_jos_HedgepethDamRemoval_401Cert.doc

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: Mr. Oscar Balaguer, SWRCB, 401 Program Manager

Ms. Corine Gray, California Department of Fish and Game, Region 3,
P.O. Box 47, Yountville, CA 94599

Mr. Peter Straub, U.S. Army Corps of Engineers, Regulatory Branch,
333 Market Street, San Francisco, CA 94105

Ms. Leah Mahan, NOAA Fisheries, 777 Sonoma Avenue, Suite 325,
Santa Rosa, CA 95404