



California Regional Water Quality Control Board
North Coast Region
John W. Corbett, Chairman



Linda S. Adams
*Secretary for
Environmental Protection*

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**Arnold
Schwarzenegger**
Governor

May 29, 2007

In the Matter of

Water Quality Certification

for the

**LITTLE BROWNS CREEK AT ROUNDY ROAD - CULVERT REMOVAL FOR FISH
PASSAGE PROJECT
WDID NO. 1A07036WNTR**

APPLICANT: Trinity County Planning Department
RECEIVING WATER: Little Browns Creek
HYDROLOGIC UNIT: Weaver Creek Hydrologic Subarea No. 106.32
COUNTY: Trinity
FILE NAME: Trinity County Planning Dept. - Little Browns Creek at
Roundy Road, Culvert Removal for Fish Passage

BY THE EXECUTIVE OFFICER:

1. On April 2, 2007, the Trinity County Planning Department filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with a fish passage restoration project that involves removal of three existing culverts and installation of a bridge on Roundy Road at Little Browns Creek near Weaverville, Trinity County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 1, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The existing stream crossing at Roundy Road over Little Browns Creek consists of three culverts and an earthen roadway fill prism that are a complete barrier to migrating fish including adult and juvenile salmon and steelhead. The existing undersized culverts are perched above the stream bed elevation and have resulted in significant sedimentation and widening of the channel upstream of the crossing. There is an 8-foot drop from the culvert outlets to the stream channel.
3. The primary purpose of the project is to restore fish passage at the stream crossing by replacing the existing culverts with a bridge. Approximately 600 cubic yards of fill

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material and the existing culverts will be removed from the roadway to reopen the stream channel and to allow for construction of the new bridge. The culverts will be replaced with a 30 foot long, two-lane, cast-in-place concrete slab bridge set on pile-supported concrete abutments that will provide full passage of all salmonids and 100-year storm flows.

4. The project also involves grading in the stream channel to remove the accumulated sediment and to restore habitat to approximately 325 feet of the stream channel immediately upstream of Roundy Road. Approximately 1,400 cubic yards of accumulated sediment will be excavated upstream of the Roundy Road crossing to restore the stream channel. The channel restoration is designed to create a roughened channel based on the form and functions of naturally steep channels. The roughened channel design is comprised of large rock structures and engineered streambed material intended to allow for passage of peak flows and associated sediment and debris, as well as migration of aquatic organisms. The steep sections of the roughened channel design will contain boulder cascades to dissipate energy and form complex flow patterns with large variations in flow velocities to provide fish with a variety of migration pathways. The channel restoration design includes installation of approximately ten rock weirs within the 325 foot reach of Little Browns Creek upstream of Roundy Road. The rock weirs will be composed of several one-ton rocks that are buried two layers deep in a trench that is roughly perpendicular to the streambank. A layer of appropriately sized and graded streambed material will be placed at a minimum thickness of two feet in the areas between the rock weirs to create the streambed. Willow brush mattresses, willow poles, seed and mulch, and other tree plantings will be used along the streambanks in lieu of rock armoring to provide for stream stabilization and habitat. Rock slope protection will be installed upstream, downstream and adjacent to the new bridge abutments.
5. A temporary traffic detour will be installed approximately 30 feet upstream of the existing road crossing using clean imported fill and/or suitable native material. A 24-inch diameter plastic culvert will be installed in the detour fill material to pass stream flows under the detour during bridge construction activities. The temporary traffic detour will result in 0.07 acre of temporary impact to the stream channel. Temporary impacts are located in the same area as the permanent impacts from channel restoration activities.
6. A diversion structure will be installed upstream of the project area to divert stream flows around the construction area and to dewater the work area. The diversion structure will consist of a shallow excavation and plastic sheeting to collect and divert the stream into a pipe. Block nets will be placed upstream and downstream of the work area and the diversion structure to prevent aquatic life from entering the work area. All intake structures for the temporary stream diversion and the traffic detour will be screened according to the NOAA Fisheries guidelines. Fish and other aquatic species that are found within the work area will be relocated by a qualified fish biologist prior to dewatering and excavation activities.
7. All excavation work within or adjacent to the stream channel will be conducted during the low flow season between June and November. The project is scheduled for the summer 2007 or 2008. Construction and revegetation activities are expected to take approximately eighty days to complete.

8. The project will result in 0.09 acre of permanent impact to the stream channel from bridge construction activities and grading activities that will be conducted for the purpose of restoring the stream channel. Permanent impacts to the stream channel are intended to restore impacted beneficial uses of Little Browns Creek by removing an existing barrier to fish migration and by restoring approximately 325 feet of the stream channel and associated habitat.
9. Compensatory mitigation is not required for the project. Noncompensatory mitigation for this project includes revegetation of all disturbed areas and also includes the use of Best Management Practices for heavy equipment and concrete use near a waterway.
10. The applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
11. The applicant has applied to the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 27, pursuant to Clean Water Act, section 404.
12. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15333 – Small Habitat Restoration Projects and section 15301 – Existing Facilities, pursuant to CEQA.

Receiving Water: Little Browns Creek in the Weaver Creek Hydrologic Subarea No. 106.32.

Filled or Excavated Area: Area Temporarily Impacted: 0.07 acre of stream channel
Area Permanently Impacted: 0.09 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: 325 feet of stream channel restored

Dredge Volume: 2,000 cubic yards

Latitude/Longitude: 40.78053 N/122.89334 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Little Browns Creek at Roundy Road culvert removal and bridge construction activities (WDID No. 1A07036WNTR), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Trinity County Planning Department complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 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 title 23, California Code of Regulations, section 3855, subdivision (b) 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 title 23, California Code of Regulations, section 2200, and owed by the applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. 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 Order, 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.
6. All concrete wastes and any water that contacts fresh concrete must be fully contained and disposed of properly in order to prevent any discharge to surface water or ground water.
7. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
10. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.

12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. 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.
14. The Trinity River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for temperature. Total Maximum Daily Load (TMDL) analyses have been completed for the Trinity River watershed temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. At present, there are no watershed-specific implementation plans for this TMDL. If a TMDL implementation plan is adopted prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
15. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
16. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
17. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

18. In the event of any change in control of ownership of land presently owned or controlled by Trinity County Planning Department, Trinity County Planning Department 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, and the 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.

19. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

20. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine E. Kuhlman
Executive Officer

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Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,
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1455 Market Street, San Francisco, CA 94103-1398