



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

August 21, 2007

In the Matter of

Water Quality Certification

for the

**CITY OF YREKA - YREKA CREEK FLOODPLAIN RESTORATION PROJECT
WDID NO. 1A07052WNSI**

APPLICANT:	City of Yreka
RECEIVING WATER:	Yreka Creek
HYDROLOGIC UNIT:	Shasta Valley Hydrologic Area No. 105.50.
COUNTY:	Siskiyou
FILE NAME:	Yreka, City of – Yreka Creek Floodplain Restoration Project

BY THE EXECUTIVE OFFICER:

1. On May 2, 2007, the City of Yreka (Applicant) 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 the Yreka Creek Floodplain Restoration Project (project) on Yreka Creek, Siskiyou County. The purpose of the project is to restore floodplain and riparian areas along Yreka Creek to reduce flooding effects on downtown Yreka and improve the quality of storm water runoff that enters the creek. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 13, 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. Yreka Creek is a perennial stream that provides habitat for anadromous fish. The purpose of the project is to restore floodplain and riparian areas along Yreka Creek to reduce flooding effects on downtown Yreka and improve the quality of storm water runoff that enters the creek. The project involves removing dredger tailings and fill materials from the historic floodplain to increase storm water storage adjacent to the creek channel and revegetation of the created floodplain to increase riparian habitat along the creek. Project activities will be conducted in northern and southern project areas.
3. The northern project area is located on both sides of Yreka Creek between Oberlin Road and the creek crossing under Interstate-5 approximately 1,600 feet

California Environmental Protection Agency

Recycled Paper

downstream. The northern project area is approximately five acres of City owned property that is adjacent to Yreka Creek. Floodplain restoration activities in the northern project area include: (1) floodplain excavation and widening to increase storm water storage; (2) removal and disposal of garbage, concrete rip-rap, and old bridge abutments from the creek channel; (3) revegetation of the created floodplain with native plants; (4) configuration of the floodplain to enhance riparian and aquatic habitat; (5) installation of in-stream structures such as vortex rock weirs to enhance aquatic habitat; and (6) provision for additional space along the creek for future construction of a recreational trail that is consistent with the Yreka Creek Master Plan. A temporary stream crossing will be used to provide access to the northern project areas.

4. The southern project area extends from the crossing over Yreka Creek at Sharps Road to approximately 1,470 feet downstream. Floodplain restoration activities at the southern project area include: (1) floodplain excavation and widening to increase storm water storage; (2) removal and disposal of concrete and rip-rap, abandoned vehicles, and other debris from the creek; (3) clearing existing non-native invasive plant species along the creek; (4) installation of in-stream structures such as vortex rock weirs to enhance aquatic habitat; and (5) provision for additional space along the creek for future construction of a recreational trail that is consistent with the Yreka Creek Master Plan.
5. The northern and southern projects are scheduled to begin in late summer 2007 and are expected to take approximately 1 year to complete. All in-stream work will occur during the dry season (May 1 through October 15).
6. The federal Clean Water Act (33 U.S.C. §§ 1251-1387) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) Section 401 of the Clean Water Act (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the Clean Water Act and with any other appropriate requirement of state law. Section 401 further provides that state certification conditions shall become conditions of any federal license or permit for the project.
7. 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.
8. The project is expected to result in 0.016 acre and 40 linear feet of temporary impacts to the stream channel. Impacts to waters of the United States are considered temporary because the project does not include installation of any permanent structures or fill in waters of the United States. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the United States. Mitigation measures to avoid significant environmental effects are incorporated as conditions of this permit.

9. Compensatory mitigation is not required for the project. The project is expected to create approximately 6.6 acres of riparian vegetation and aquatic habitat along the creek and to restore approximately 3.5 additional acres of riparian habitat. Non-compensatory mitigation measures also include timing construction activities with low flows and the use of Best Management Practices for erosion control and heavy equipment use near a waterway.
10. The applicant has applied to the United States Army Corps of Engineers for authorization to perform the project under Nationwide Permit Numbers 27 and 33, pursuant to Clean Water Act, section 404.
11. The applicant has applied to California Department of Fish & Game for a Lake or Streambed Alteration Agreement.
12. On June 13, 2007, the City of Yreka certified a mitigated negative declaration (SCH No.2007032159) for the project in order to comply with the California Environmental Quality Act. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The mitigated negative declaration (MND) indicates that grading, dredging, construction, and restoration activities associated with this project could potentially impact special-status plant and animal species including coho salmon. Mitigation measure MM 4.1 contained in the MND includes mitigation measures designed to reduce potentially significant impacts to biological resources. The project is expected to have less than significant impacts on biological resources with the implementation of mitigation measure MM 4.1.

Receiving Water: Yreka Creek in the Shasta Valley Hydrologic Area No. 105.50.

Filled or Excavated Area: Area Temporarily Impacted: 0.016 acre of stream channel
Area Permanently Impacted: none

Total Linear Impacts: Length Temporarily Impacted: 40 linear feet of stream channel
Length Permanently Impacted: none

Dredge Volume: none

Latitude/Longitude: 41.71323 N/122.63698 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Yreka Creek Floodplain Restoration Project (WDID No. 1A07052WNSI), 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 City of Yreka 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 Applicant shall notify the Regional Water Board 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 the opportunity to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. The conditions and monitoring and reporting requirements detailed in the MND are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation and monitoring measures identified in the MND.
6. 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.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. The Applicant shall provide a copy of this Order to all contractors and all subcontractors conducting the work, and require that a copy of the Order remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractors or subcontractors.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the Applicant shall cease the associated project activities 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.

10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. 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.
12. 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.
13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.
16. 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, 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.

17. 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).

18. The authorization of this certification for any dredge and fill activities expires on August 20, 2012. 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.

Robert R. Klamt
Interim Executive Officer

082107_DLP_yrekacreek_floodplain_401cert.doc

Original to: Mr. Brian Meek, City of Yreka, 701 Fourth Street, Yreka, CA 96097

Copies to: 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,
1455 Market Street, San Francisco, CA 94103-1398