



**California Regional Water Quality Control Board
North Coast Region
Bob Anderson, Chairman**



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Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

January 28, 2008

In the Matter of

Water Quality Certification

for the

**TRINITY PUBLIC UTILITIES DISTRICT – DIRECT INTERCONNECTION PROJECT
WDID NO. 1A07165WNTR**

APPLICANT: Western Area Power Administration
RECEIVING WATERS: Bear Gulch, Little Browns Creek, Muckawee Gulch, Rush Creek, Trinity River, and Unnamed Tributaries to the Trinity River
HYDROLOGIC UNIT: Middle Trinity River Hydrologic Area No. 106.30 and the Upper Trinity River Hydrologic Area No. 106.40
COUNTY: Trinity
FILE NAME: Trinity Public Utilities District – Direct Interconnection Project

BY THE EXECUTIVE OFFICER:

1. On November 5, 2007, the U.S. Department of Energy, Western Area Power Administration (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 access road improvements at various stream crossings for construction of new power lines and other structures associated with a project to establish a direct interconnection between the Trinity Public Utilities District and Western Power Administration's (Western) Central Valley Project transmission system. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 19, 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 purpose of the project is to enhance the reliability of energy service for customers of the Trinity Public Utilities District (PUD) by establishing a new direct

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interconnection with Western's Central Valley Project (CVP) transmission system. The project will provide a direct interconnection with the CVP transmission system and will deliver energy to Trinity County as authorized by the Trinity River Division Act.

3. A major component of the project is construction of an approximately sixteen-mile long 60-kV overhead transmission line called the Trinity County Direct Interconnection. The Trinity County Direct Interconnection will connect to Western's Trinity Substation at the Trinity Power Plant located below Trinity Dam. The overhead transmission line will cross the Trinity River below Trinity Dam, replacing the existing 12-kV crossing, and will cross again below the Trinity River Fish Hatchery at Lewiston Dam. A one-mile long tap line will be constructed from a three-way switch structure on the main transmission line to distribute power to Trinity PUD's Lewiston Substation. The new transmission line will continue west to a new Weaverville Switchyard that will be constructed at the southern terminus of the transmission line, approximately two-miles south of Weaverville on the east side of Highway 299. The project includes construction of approximately 4.4 miles of new access roads and maintenance of several miles of existing access roads. The project includes three main segments.
4. Segment-1 includes the removal of approximately 5.3 miles of existing 12-kV distribution line from the Trinity Power Plant at Trinity Dam to a tap point located about 0.75 mile west of Lewiston Dam and construction of a new 60-kV transmission line to replace the 12-kV line on an expansion of the existing right-of-way (ROW). New access roads, composed of several short spur roads extending from existing access roads, will be required to complete Segment-1.
5. Segment-2 includes construction of a tap structure with three-way switch equipment on the new 60-kV transmission line. Western will acquire an 80-foot wide ROW to build the approximately one-mile long 60-kV transmission line south to the existing Lewiston Substation. Segment-2 also includes construction of a radial 1.2-mile tap line south to the existing Lewiston Substation and parallel to an existing distribution line. The new three-way switch will accommodate the incoming line from Trinity Substation, the tap line down to the Lewiston Substation, and a new line to the Weaverville Switchyard. New spur roads will be constructed from the existing access roads to the new power lines.
6. Segment-3 includes construction of a new 60-kV transmission line from the new tap point to a new Weaverville Switchyard located approximately 8.5 miles to the west. Western will acquire an 80-foot ROW to construct this segment of new 60-kV transmission line. Approximately one mile of Segment-3 will parallel the existing PG&E Cottonwood-Humboldt 115-kV line. Existing access roads will be used and new spur roads will be constructed to complete this segment.
7. All the streams and wetlands in the project area will be spanned by the power lines. No power poles will be placed in streams or wetlands. The project requires

vehicles and construction equipment to drive across several streams that flow across the existing access roads. No access road improvements will take place in wetlands and no new stream crossings will be constructed. Most of the existing stream crossings are located on small ephemeral drainages that flow over rocky substrate. Several of the streams are culverted under the access roads but the majority of the existing stream crossings are low-water crossings through small ephemeral drainages. Access road improvement activities at seven of the culverted stream crossings will only consist of graveling the existing road to keep the road safe during precipitation events and to prevent sedimentation of those streams. Fifteen streams will be directly impacted by access road maintenance activities at culverts and low-water crossings. Road and stream crossing maintenance activities include grading, removal and replacement of existing deteriorated culverts, placement of clean rock on the road surface, and excavation to create gently sloping stream banks at the low-water stream crossings. Clean rock will be placed over the streambeds and stream banks at each low-water crossing. Access road improvement activities at one stream crossing involve replacing the existing culvert and returning the stream channel to its natural course. After the project is completed, the access road and stream crossings will continue to be used for routine inspection and maintenance activities.

8. The stream crossing activities are not expected to result in any temporary impacts to waters of the United States. Permanent impacts to waters of the United States will occur in areas that are already impacted by existing culverts and low-flow stream crossings. Road maintenance and stream crossing activities are expected to reduce erosion of the existing access road and reduce sedimentation of nearby streams.
9. Compensatory mitigation is not required. Noncompensatory mitigation for this project includes revegetation of all disturbed areas with a mixture of native vegetation. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and erosion control and for the operation of heavy equipment in streams. The project is expected to take approximately two years to complete.
10. A Lake or Streambed Alteration Agreement from the California Department of Fish & Game is not required for this project because the project is a federal action.
11. The Applicant intends to perform the project under non-reporting provisions of the United States Army Corps of Engineers Nationwide Permit Number 12, pursuant to Clean Water Act, section 404.
12. The U.S Department of Energy, Western Area Power Administration prepared an Environmental Impact Statement (EIS) for the proposed project in accordance with the National Environmental Policy Act (NEPA). The Draft EIS was submitted to the State Clearinghouse (SCH No. 2007022066) on February 13, 2007 for a 45-day review and comment period. On November 30, 2007, the U.S. Department of

Energy certified the Final EIS. The Regional Water Board has considered the Final EIS and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The EIS has already been circulated as broadly as state law requires and also contains the separate discussions of growth inducing impacts and mitigation measures that are required before an EIS can be used as an Environmental Impact Report (EIR). The Regional Water Board is using the FEIS in place of an EIR. The EIS indicates that vegetation removal, grading, excavation and other soil-disturbing activities could result in a significant effect on the environment due to increased soil erosion and sediment discharge into nearby streams. Implementation of an erosion control plan and a storm water pollution prevention plan are required and are expected to reduce potential sedimentation impacts to less-than-significant levels. Mitigation measures in the EIS are incorporated into this Water Quality Certification.

Receiving Water: Bear Gulch, Little Browns Creek, Muckawee Gulch, Rush Creek, Trinity River, and Unnamed Tributaries to the Trinity River in the Middle Trinity River Hydrologic Area No. 106.30 and the Upper Trinity River Hydrologic Area No. 106.40

Filled or Excavated Area: Area Temporarily Impacted: none
Area Permanently Impacted: 0.07 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: none
Length Permanently Impacted: 1,248 linear feet of streambank

Dredge Volume: None

Latitude/Longitude: 40.80196 N/122.75344 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity Public Utilities District – Direct Interconnection Project (WDID No. 1A07165WNTR), 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 Applicant 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. 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.
7. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
8. All project activities and BMPs shall be implemented and conducted as described in this Order and in the application for certification 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.
9. The mitigation measures for Biological Resources (3.2), Geology and Soils (3.4), Land Use (3.5), and Water Resources (3.12) that are detailed in Table 2-2 in the Final EIS 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 measures identified in Table 2-2 that are within the Regional Water Board's jurisdiction.
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. 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 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 January 28, 2013. 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

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Original to: Mr. Steve Tuggle, Western Area Power Administration,
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Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863,
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