



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



Linda S. Adams
Secretary for
Environmental Protection

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**Arnold
Schwarzenegger**
Governor

April 7, 2008

In the Matter of

Water Quality Certification

for the

**TRINITY CO. BUILDING AND DEVELOPMENT SERVICES – HAYFORK AIRPORT
SAFETY AND SECURITY REFENCING PROJECT
WDID NO. 1A07172WNTR**

APPLICANT: Trinity Co. Building & Development Services
RECEIVING WATER: Kingsbury Gulch
HYDROLOGIC UNIT: Hayfork Valley Hydrologic Subarea No. 106.25
COUNTY: Trinity
FILE NAME: Trinity Co. Building & Development - Hayfork Airport Safety
and Security Refencing Project

BY THE EXECUTIVE OFFICER:

1. On November 26, 2007, Trinity County Building and Development Services (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 installation of a security fence at the Hayfork Airport in Hayfork. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 13, 2008 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 create a safer and more secure airport facility by preventing obstructions to approaching and departing aircraft. The project involves installation of an eight foot high chain-link fence around the perimeter of the approximately 92 acre airport property. The fence will be an upgrade to the existing fence and will encompass additional unfenced areas.
3. The new fence will cross Kingsbury Gulch just south of the northern airport property line. The purpose of locating the fence away from the property line at the Kingsbury Gulch crossing is to reduce project costs, avoid the need to remove vegetation along the property line, and to reduce impacts to riparian vegetation and the stream

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channel. The project includes installation of two concrete fence post piers in Kingsbury Gulch when the channel is dry.

4. Two fence post piers will be installed in the dry stream channel by excavating two holes approximately 12 feet apart and 7 feet deep, constructing forms in the holes, and filling the forms with concrete. Each pier will be 3 feet wide by 6.5 feet long with a pointed face on the upstream end to reduce potential impacts associated with obstructing stream flows. The concrete piers will extend above the streambed to approximately the same elevation as the bottoms of the adjacent end posts that will be installed above the banks on each side of the channel to complete the span of fencing across Kingsbury Gulch. Steel posts will be embedded in the center of each pier and the posts will extend 8 feet above the tops of the concrete piers. The end posts will be installed by excavating 24-inch diameter and 5-foot deep holes and filling the holes with steel poles embedded in concrete. Chain-link fencing will be attached to the steel posts. Additional fencing will be added between the bottom of the elevated section of chain link fence and the stream channel so that the bottom of the upper chain link fence will act as a linear hinge and the bottom section of fence can swing open in the downstream direction to minimize obstruction of high flows and to allow debris to pass under the fence.
5. Compensatory mitigation is not required for the proposed project. Noncompensatory mitigation for this project includes the use of Best Management Practices for use of concrete in a stream channel, sediment and turbidity control, and the operation of heavy equipment near a stream. The proposed project will be conducted when the stream channel is dry. Construction activities are expected to take 14 working days to complete.
6. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.
7. The applicant plans to perform the project under the non-reporting provision of Nationwide Permit Number 25, pursuant to Clean Water Act, section 404.
8. On September 17, 2007, Trinity County Planning Commission adopted a mitigated negative declaration (SCH# 2007062057) for the project in order to comply with CEQA. 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.

Receiving Water: Kingsbury Gulch in the Hayfork Valley Hydrologic Subarea No. 106.25

Filled or Excavated Area: Area Temporarily Impacted: 300 square feet of streambed
Area Permanently Impacted: 35 square feet of streambed

Total Linear Impacts: Length Temporarily Impacted: 40 linear feet of streambed
Length Permanently Impacted: 10 linear feet of streambed

Dredge Volume: None

Latitude/Longitude: 40.54981 N/123.18188 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Hayfork Airport Safety and Security Project (WDID No. 1A07172WNTR), 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. 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.

9. The Applicant shall implement the mitigation measures for Biologic Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality as described in the mitigated negative declaration.
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 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.

17. 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.

18. 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).

19. The authorization of this certification for any dredge and fill activities expires on April 7, 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.

Catherine Kuhlman
Executive Officer

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Original to: Mr. Wyatt Paxton, Trinity County Building and Development Services,
Airport Division, P.O. Box 476, Weaverville, CA 96093

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

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