



**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

May 6, 2008

In the Matter of

Water Quality Certification

for the

**BUREAU OF RECLAMATION – TRINITY RIVER RESTORATION PROGRAM
LEWISTON-DARK GULCH REHABILITATION PROJECT
WDID NO. 1A08029WNTR**

APPLICANT:	U.S. Bureau of Reclamation, Trinity River Restoration Program
RECEIVING WATER:	Trinity River
HYDROLOGIC UNIT:	Douglas City Hydrologic Subarea 106.31
COUNTY:	Trinity
FILE NAME:	Bureau of Reclamation, Trinity River Restoration Program – Lewiston/Dark Gulch Rehabilitation Project

BY THE EXECUTIVE OFFICER:

1. On February 25, 2008, the U.S. Bureau of Reclamation (Reclamation), Trinity River Restoration Program (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 Lewiston-Dark Gulch Rehabilitation Project on the mainstem Trinity River near Lewiston. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on March 14, 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 Lewiston-Dark Gulch Rehabilitation Project includes two project segments that are located within a 6.3-mile section of the Trinity River between the Lewiston Fish Hatchery and the Bucktail Bridge on Browns Mountain Road. The Lewiston segment begins downstream of the Lewiston Fish Hatchery and extends a short distance downstream of Lewiston. The Dark Gulch segment begins at the Salt Flat Road Bridge and extends downstream to the Bucktail Bridge. The primary purpose of the project is to increase the juvenile salmonid rearing habitat on the mainstem

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Trinity River and to improve rearing habitat complexity using the alluvial processes of the Trinity River. The project is part of a larger effort to restore the anadromous fishery of the Trinity River.

3. The project includes habitat rehabilitation activities on both sides of the river throughout the Lewiston and Dark Gulch segments. Rehabilitation activities are expected to eventually result in the development of point bars and floodplain habitat that is currently lacking within these project areas. Creation of these habitat features will be accomplished through the rescaling of the river channel and floodplain within several riverine rehabilitation areas, although there is an expectation that restoring natural alluvial processes in these areas may immediately affect a larger area. Modifications to specific river reaches, including removal of a portion of the weir below the Lewiston Fish Hatchery, would assist in reestablishing the alluvial processes at these locations.
4. In-channel or in-river activities in the Lewiston-Dark Gulch Rehabilitation Project include: re-contouring the channel bed and banks including vegetation removal, constructing floodplains at the 450 cubic feet per second (cfs) elevation, the 1,000 to 4,500 cfs elevation, and the 6,000 cfs elevation, constructing low-flow side channels at the 300 cfs elevation, constructing a medium-flow side channel at 1,000 cfs elevation, constructing alcove features (for juvenile fish and aquatic habitat) at the 450 cfs and 6,000 cfs elevations, partial removal and modification of an existing weir structure, installation of temporary low-flow road crossings over the river where needed to provide construction access, placement of coarse sediment into the river at select locations for fish habitat enhancement, and conducting spring high flow long-term coarse sediment injection by conveyor into the river at specific locations to initiate spawning gravel transport. Approximately 13,050 cubic yards (cy) of clean coarse sediment derived from local sources would be placed in the Lewiston-Dark Gulch reach of the Trinity River in May 2008 and 57,000 cy of alluvial material would be excavated from the river to construct the floodplains, side channels, point bars, and other stream rehabilitation features. Excavated material will be placed in upland disposal areas within the project reach.
5. Compensatory mitigation is not required for the project. The project has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the United States. Areas within the restored floodplain and along the river channel are expected to convert to riparian wetlands as the natural alluvial processes are restored to the river. Native vegetation is expected to naturally replace affected riparian vegetation. Noncompensatory mitigation for this project includes implementation of a mitigation monitoring and reporting program, revegetation of disturbed areas, as appropriate, and the use of Best Management Practices (BMPs) for heavy equipment use near a waterway. The project activities are scheduled to begin in May 2008.
6. Reclamation has obtained authorization (File No. 2008-0003 N) from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 27 pursuant to Clean Water Act, section 404.
7. On February 21, 2008, the Trinity County Resource Conservation District certified an Environmental Impact Report (SCH No. 2007042161) 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.

8. 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.

Receiving Water: Trinity River in the Douglas City Hydrologic Subarea 106.31

Filled or Excavated Area: Area Temporarily Impacted: 28.27 acres of stream channel and banks, and 1.43 acres of riparian wetlands
Area Permanently Impacted: none

Total Linear Impacts: Length Temporarily Impacted: 15,242 linear feet of stream channel
Length Permanently Impacted: none

Dredge Volume: 56,900 cubic yards

Latitude/Longitude: Upstream limit 40.72637 N/122.80344 W
Downstream limit 40.70481 N/122.84612 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity River Restoration Program – Lewiston/Dark Gulch Rehabilitation Project (WDID No. 1A08029WNTR), 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. Reclamation shall notify the Regional Water Board prior to the commencement of each coarse sediment injection event and prior to the commencement of any 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 Appendix 1 – Mitigation Monitoring and Reporting Program (MMRP) in the Final EIR are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, Reclamation shall comply with all mitigation measures identified in the MMRP. A monitoring report containing all water quality measurements shall be submitted in a tabular format to the Regional Water Board within 30 days of project completion. For the purpose of monitoring report submittal, coarse sediment injection activities are considered stand alone projects and a separate monitoring report shall be submitted within 30 days of completion of all coarse sediment injection projects.
6. This Order provides an allowable zone of turbidity dilution within which turbidity levels may be increased by more than 20 percent above naturally occurring background levels. For the purposes of this Order, the allowable zone of dilution is defined as the full width of the river channel within 2,000 linear feet of any project activity that increases naturally occurring background turbidity levels. Turbidity levels may be increased by more than 20 percent above naturally occurring background levels within the allowable zone of dilution provided that appropriate BMPs for sediment and turbidity control are also in place and downstream beneficial uses are fully protected. Turbidity levels may not be increased by more than 20 percent above naturally occurring background levels at any point across the river at a distance of more than 2,000 feet downstream of project activities.
7. At a minimum, Reclamation shall monitor for turbidity increases and shall collect field turbidity measurements in accordance with Mitigation Measure 3.5-1a and Mitigation Measure 3.5-1b in the MMRP. Reclamation shall include additional turbidity monitoring locations downstream and within 2,000 feet of project activities in order to demonstrate compliance with the turbidity objective immediately downstream of the allowable zone of turbidity dilution. If turbidity levels are found to be greater than 20 percent above background levels at a distance of 2,000 feet downstream from project activities, the distance to the downstream extent of the turbidity increase (greater than 20 percent above background) shall be determined. The Regional Water Board shall be notified promptly and in no case more than 24 hours after monitoring results indicate an unauthorized increase in turbidity.
8. 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.
9. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

10. Reclamation shall provide a copy of this Order and the application documents submitted for this certification to all contractors and subcontractors conducting the work, and shall require that a copy of the Order remain in their possession at the work site. Reclamation shall be responsible for work conducted by its contractors or subcontractors.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, Reclamation 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.
12. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
13. 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.
14. 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.
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 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 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.

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 May 6, 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. Doug Schleusner, Trinity River Restoration Program, 1313 South Main Street, 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