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

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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

June 19, 2008

In the Matter of

Water Quality Certification

for the

TRINITY COUNTY DOT - READING CREEK BANK PROTECTION PROJECT
WDID NO. 1A07104WNTR

APPLICANT:	Trinity County Department of Public Works
RECEIVING WATER:	Reading Creek
HYDROLOGIC UNIT:	Douglas City Hydrologic Subarea No. 106.31
COUNTY:	Trinity
FILE NAME:	Trinity Co. DOT – Reading Creek Bank Protection

BY THE EXECUTIVE OFFICER:

1. On July 2, 2007, the Trinity County Department of Transportation (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 Reading Creek Bank Protection Project near Douglas City, Trinity County. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 27, 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 primary purpose of the project is to stabilize and protect a section of streambank that is located below a failing section of Reading Creek Road to protect the road and to reduce discharges of fine sediment to Reading Creek. The project includes repairing the failing road section and installing a retaining wall on the steep slope between the road and Reading Creek. The original project involved placement of rock riprap along a 200 linear foot section of the streambank below the road. Due to the steepness of the slope, the proposed riprap would extend approximately 12 feet into the low flow channel and across the thalweg. That proposal would have required excavation of a new low-flow channel adjacent to the toe of the riprap.

3. The previously proposed continuous rock riprap bank protection was replaced with four boulder wing-deflectors (a.k.a. hard points or groins) that will be spaced along the 200 linear foot section of streambank to utilize existing bedrock and boulders that are present along the streambank. The primary purpose of the wing-deflectors is to direct erosive flows away from streambank and to protect the toe of the slope

from erosion during high flow events. Willows will be planted among the boulders to enhance the bank protection and riparian habitat. The boulder faces and the voids between the boulders provide the added benefit of invertebrate habitat and escape cover for juvenile salmonids.

4. The wing-deflectors will be constructed with 3 to 5-foot diameter boulders that will be imported from an offsite source. The boulders will be placed in the form of triangular or pyramid shaped structures that extend approximately 8 feet into the active flow channel. The deflectors will be approximately 9 feet wide at the base along the toe of the slope, 6 feet tall, and will taper to a point in the active flow channel. Boulders will be placed by an excavator operating from the dry gravel bar on the opposite bank. To avoid turbidity and other impacts associated with the installation and removal of a temporary stream diversion, the clean boulders will be placed directly into the channel during the low-flow season. The boulders will be placed slowly and carefully to allow aquatic life to move out of the area.

5. Immediately following construction of the boulder wing-deflectors, a 150-foot long side channel will be excavated in the gravel bar along the east bank, from the bend in the stream at the furthest upstream wing-deflector location, to slightly upstream of the existing pool at the downstream end of the project area. The middle reach of the side channel will be excavated first, followed by the downstream end. The upstream end will be opened last. The purpose of the side channel is to allow water that is displaced by the most upstream wing-deflector during high flows to flow through the side channel. Excavation of a side channel was requested by California Department of Fish and Game staff to remove some of the gravel bar material that could otherwise erode and be washed into the exiting downstream pool during high flows, which could compromise the habitat in the pool.

6. Access to the project area will be from an adjacent dirt road on the upstream end of the project area that extends from Reading Creek Road down to the creek. To reach the work area from the end of the access road, heavy equipment will have to cross the creek and travel through approximately 100 linear feet of riparian and upland vegetation consisting predominantly of poison oak and Himalaya blackberry. Up to six alders (1 to 3-inch diameter at breast height (dbh)), three willow clusters (8-30 shoots of 1-inch dbh), three live oak trees (2 to 4-inch dbh), one madrone tree (12-inch dbh), one fir tree (8-inch dbh), one maple tree (1-inch dbh), and one pine tree (4-inch dbh) will be cut, trimmed or topped to create the temporary access route. Alders and willows adjacent to the stream channel will not be disturbed to create the temporary access route.

7. A temporary bridge will be installed to create a creek crossing for heavy equipment including a dump truck to haul boulders to the bank protection area. Clean drain rock will be placed outside the low water channel and below the ordinary high water level to form abutments for the temporary bridge and to create smooth approaches to both ends of the bridge. The approximately 100-foot long access route will be graded with a 12-foot wide tractor blade. The access route will not be graded adjacent to the active stream channel. Heavy equipment will not be allowed to drive through the wet portion of the stream channel with the exception of a backhoe or excavator crossing to install and remove the temporary bridge. The drain rock used for the bridge abutments will be removed at the end of the project.

8. 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 state. Noncompensatory mitigation for the project includes the use of Best Management Practices (BMPs) for heavy equipment use in a waterway. No equipment will be fueled on site. An absorbent boom will be placed across the stream below the work area and spill containment materials will be kept onsite whenever any heavy equipment is onsite.

9. The Applicant has applied to the California Department of Fish and Game for a Lake or Streambed Alteration Agreement for the project.

10. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Number 13, pursuant to Clean Water Act, section 404.

11. On April 14, 2008, Trinity County adopted a mitigated negative declaration (State Clearinghouse number 2008022144) 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.

12. 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:	Reading Creek in the Douglas City Hydrologic Subarea No. 106.31
Filled or Excavated Area:	Area Temporarily Impacted: 3,156 square feet (0.07 acre) of streambed Area Permanently Impacted: 252 square feet (0.006 acre) of streambank and streambed
Total Linear Impacts:	Length Temporarily Impacted: 60 linear feet of streambank Length Permanently Impacted: 36 linear feet of streambank
Dredge Volume:	None
Latitude/Longitude:	40.61841 N/122.93616 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Reading Creek Bank Protection Project (WDID No. 1A07104WNTR), 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 mail a printed report to this office that contains photographs of the wing-deflectors, temporary stream crossing area, and the side channel area following completion of project activities including removal of the temporary stream crossing. The report shall be submitted within 60 days of completion of the project.

10. The Applicant shall visually monitor the wing-deflectors, willow plantings, side channel, and the deep pool located at the downstream end of the project area at least annually for a minimum period of three years. The Applicant shall monitor the wing-deflectors during and after the first storm event that cause flows in Reading Creek to reach the line of ordinary high water (or higher) in order to determine if any significant changes to the project area are occurring or likely to occur in the future as a result of high flows. The Applicant shall submit annual monitoring reports that

describe the conditions of the wing-deflectors, willow plantings, side channel, and the deep pool. The annual monitoring reports shall be submitted no later than June 30 each year. The final monitoring report shall contain adequate information and photos to demonstrate that the wing-deflectors and side channel are stable, and the willow plantings are surviving. If any problems are detected in the project area during the three year monitoring period, the Applicant shall submit a maintenance plan for Regional Water Board staff's approval.

11. 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.

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 June 19, 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.

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Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Carl Bonomini, Trinity County Department of Transportation, P.O. Box 2490, Weaverville, CA 96093

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398