



**Linda S. Adams**  
Secretary for  
Environmental Protection

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

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**Arnold Schwarzenegger**  
Governor

August 5, 2008

In the Matter of

**Water Quality Certification**

for the

**MATTOLE SALMON GROUP – EAST MILL CREEK, FISH MIGRATION BARRIER  
REMOVAL PROJECT  
WDID NO. 1B08076WNHU**

APPLICANT: Mattole Salmon Group  
RECEIVING WATER: East Mill Creek  
HYDROLOGIC UNIT: Mattole River Hydrologic Area No. 112.30  
COUNTY: Humboldt  
FILE NAME: Mattole Salmon Group - East Mill Creek, Fish Migration  
Barrier Removal

BY THE EXECUTIVE OFFICER:

1. On May 2, 2008, the Mattole Salmon Group (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 replacing culverts with bridges at two road crossings over East Mill Creek, and removing a small concrete dam that is located between the crossings. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 10, 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 remove three in-stream structures that are barriers to fish migration. The migration barriers include a temporal barrier referred to as the Barber culvert, a complete barrier upstream of the Barber culvert referred to as Lacief Daniels' dam, and a shotgun culvert on Richard Cogswell's property that is also a complete barrier. East Mill Creek will not contain any man-made migration barriers following implementation of the project.
3. The most downstream barrier is the 6-foot diameter and 40-foot long Barber culvert. This culvert was determined to be a temporal barrier to fish migration because the

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invert is steep and the outlet is slightly elevated above the outlet pool. The existing roadway fill will be removed and placed in an old road cut where the material originated. The culvert crossing will be replaced with a 40-foot long and 16-foot wide railcar bridge or a pre-fabricated steel-reinforced concrete bridge.

4. A 14-foot tall and 20-foot wide concrete dam is located upstream of the Barber culvert. The dam was constructed in the 1950s, most likely for recreational purposes. The dam is a complete barrier to fish migration. The current landowner observes steelhead spawning below the dam every year and supports removal of the dam. The dam has a large steel gate valve and a 2-foot by 3-foot opening at the bottom that is plugged with debris. An estimated 1,800 cubic yards of sediment has accumulated in the stream channel upstream of the dam. Excess sediment and the dam structure will be removed using heavy equipment that will access the channel at the dam site using an existing access road. The dam will be demolished and removed without the use of explosives. Sediment will be removed from the channel for a distance of approximately 500 feet upstream of the dam. The removed sediment will be deposited and stabilized in nearby areas that are above the 100-year flood elevation. Disturbed areas around the dam and along 500 feet of the channel upstream of the dam will be replanted with native vegetation.
5. The most upstream barrier consists of two 4-foot diameter and 38-foot long culverts that are side-by-side under a road crossing on the Cogswell's property, approximately one-quarter mile upstream of the dam. The culverts create a fish barrier because the outlets are elevated well above the water surface of the outlet pool. The existing fill will be removed from the crossing and placed in nearby upland areas. Due to the angle of the roadway approaches and the long vehicles that use this crossing, the culverts will be replaced with a 60-foot long and 20-foot wide pre-fabricated steel-reinforced concrete bridge.
6. East Mill Creek typically dries up by late summer during a dry year. If necessary, a temporary coffer dam will be installed upstream of project activities at each barrier site using straw bales and pond liner. A pump with a float-activated switch and pipes will be used to divert flows around the construction activities.
7. Culvert and road fill removal activities will result in restoration of approximately 80 linear feet of streambed and 160 linear feet of streambank. Dam and sediment removal activities will temporarily impact approximately 500 linear feet of streambed and 1000 linear feet of streambank. Temporary impacts from the dam and sediment removal activities are associated with removal of an estimated 1,800 cubic yards of excess sediment from the channel, and restoration of the streambed gradient and streambanks where sediment is removed. Cofferdam and stream diversion activities will temporarily impact up to approximately 60 square feet and 20 linear feet of stream channel. The bridge structures will span the entire channel and will not result in any permanent impacts to the stream.
8. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices for sediment and turbidity control and for operation of heavy equipment in a stream channel. Noncompensatory mitigation also includes revegetation and mulching of disturbed areas. The project is scheduled for construction between August 1, 2008 and October 1, 2008.

9. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under an individual permit, pursuant to Clean Water Act, section 404. The applicant has also applied to the California Department of Fish and Game (CDF&G) for a Lake or Streambed Alteration Agreement.
10. The CDF&G adopted a mitigated negative declaration (SCH No. 2008052026) for their 2008 Fisheries Restoration Grant Program in order to comply with CEQA and filed a Notice of Determination on June 12, 2008. The mitigated negative declaration document covers this project and a variety of activities and projects that are designed to restore salmon and steelhead habitat in various coastal streams. 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.
11. 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: East Mill Creek in the Mattole River Hydrologic Area No. 112.30

Filled or Excavated Area: Area Temporarily Impacted: 3000 square feet of stream channel  
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 500 linear feet of stream channel  
Length Permanently Impacted: 40 linear feet of ephemeral stream channel

Anticipated Restoration: Length Restored: 80 linear feet of streambed and 160 linear feet of streambank  
Area Restored: 480 square feet of streambed and 800 square feet streambank

Latitude/Longitude: Barber Culvert: 40.32310 N/124.27355 W  
Daniels Dam: 40.32315 N/124.26844 W  
Cogswell Culvert: 40.32325 N/124.25943 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the East Mill Creek Fish Migration Barrier Removal Project (WDID No.1B08076WNHU), 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.

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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. 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.
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 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 5, 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 Kuhlman  
Executive Officer

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Original to: Mr. Tom Campbell, Mattole Salmon Group, P.O. Box 188, Petrolia, CA 95558

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