



**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

August 20, 2008

In the Matter of

Water Quality Certification

For the

**Pacific Gas & Electric
FULLER GROVE DAY USE AREA AND BOAT LUANCH EROSION CONTROL AT
LAKE PILLSBURY
WDID NO. 1B08061WNLA**

APPLICANT: Pacific Gas & Electric
RECEIVING WATER: Lake Pillsbury
HYDROLOGIC AREA: Eel River Hydrologic Unit 111.00
Lake Pillsbury Hydrologic Sub Area: 111.63
COUNTY: Lake County
FILE NAME: Fuller Day Use and Boat Launch Erosion Control

BY THE EXECUTIVE OFFICER

1. On April 7, 2008, Melissa Brosnan on behalf of Pacific Gas and Electric filed an application for water quality 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 Fuller Grove Day Use Area and Boat Launch Erosion Control Project. A fee of \$1361.50 was received that same day. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858, on July 2, 2008, by posting information describing the project on the Regional Water Board's website. No comments were received.
2. The proposed project is located at the Fuller Grove boat ramp on Lake Pillsbury, Lake County, California, (APN No. 001-033-03). The latitude and longitude is 39.4399 °N and 122.9651 °W.

California Environmental Protection Agency

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The project consists of the removal of approximately 150 feet of eroded overburden at the toe of the exposed shore line. A non-woven filter cloth will be placed by hand along the shoreline and anchored with one layer (about 1 ton) of 6-8 inch rock. Approximately 1,500 tons of rip-rap rock varying in size will be placed on top of the filter cloth along the shore line for a distance of 150 feet. This band of rip-rap would be approximately 4 feet wide and tapering up to a height of approximately 15 feet. The rock will be delivered from a local supplier in Ukiah and stockpiled on site at an unpaved area adjacent to the entrance to Fuller Grove Day Use Area and Boat Launch entrance. The rock will be hauled to the job site from the lay down area using a 10 yard dump truck. The rock will be placed on site using a 10,000 pound tracked excavator. All work will be performed above the water level in the dry. If deemed unavoidable, approximately 40-50 feet of Manzanita, Deer Brush and grasses along with 7 Gray pines with a diameter of less than 12 inches may be removed to access the site for construction. Following completion of construction activities, the site and staging areas will be cleaned of all construction debris and restored to pre-existing condition. Construction waste will be hauled off site and disposed of at an authorized disposal center.

3. 0.05 acres of Waters of the State are expected to be impacted by this bank stabilization project.
4. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. When possible, vegetation should be trimmed rather than removed. Removal of vegetation shall occur only where specifically mentioned in the application and in the supporting electronic documents submitted to the Regional Water Board. No native trees with a trunk diameter at breast height in excess of four (4) inches shall be removed or damaged without prior consultation and approval from a Region Water Board representative.
5. If willows within the project site must be removed rather than trimmed they shall be relocated or replanted with willow cuttings at a ratio of 3:1
6. Construction shall be carried out according to the plans and specifications described in the application and supporting documents, incorporating all project modifications, mitigation measures, and provisions as described in this Order.
7. Erosion control measures will be available and implemented by using best management practices to minimize turbidity/siltation. Such measures may include but are not limited to silt fences, coir logs, coir rolls, straw bale dikes, or other siltation barriers as deemed necessary to protect water quality.
8. All construction shall take place during the dry season (May 15-October 15) when there is no water present in the construction area.

9. The applicant has received permission for construction under a Lake of Streambed Alteration agreement from the California Department of Fish and Game. Notification No. 1600-2008-0096-R2
10. The Applicant has requested authorization for construction from the U.S Army Corps of Engineers under section 404 (Clean Water Act).
11. The California Department of Fish and Game, acting as the lead agency under the California Environmental Quality Act (CEQA), has determined that this project qualifies for a Categorical Exemption, 15301(d) – Existing Facilities.

Receiving Water: Eel River Hydrologic Unit 111.00
Lake Pillsbury Hydrologic Sub unit: 111.63

Latitude/Longitude: 39.4399 °N and 122.9651 °W.

Fill or Excavated Area: Permanent Impacts: 0.05 acres to waters of the State

Expiration: October 15, 2012

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE FULLER GROVE DAY USE AREA AND BOAT LAUNCH EROSION CONTROL PROJECT (WDID NO. 1B08061WNLA), 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 Applicant complies with the following terms and conditions:

1. This Order 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 Order 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 Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. 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 certification (Enclosed).

5. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Basin Plan.
6. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
7. Any change to the operation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
8. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Order.
9. Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
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. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete 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.
12. If construction dewatering is found to be necessary, the applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the applicant shall apply for coverage under the General Construction Dewatering Permit and receive notification of coverage prior to discharge to surface waters.
13. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication,

maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the applicant use any vehicle or equipment which leaks any substance that may impact water quality.

14. All conditions required by this Order shall be included in the Plans and Specifications prepared by applicant for the Contractor. In addition, applicant shall require compliance with all conditions included in this Order in the bid contract for this project.
15. All mitigation activities shall be completed as proposed in the application.
16. In the event of any violation or threatened violation of the conditions of this Order, 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 for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order 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 Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
17. 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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
18. This Order is not transferable. 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. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:
 - a. requesting entity's full legal name
 - b. the state of incorporation, if a corporation
 - c. address and phone number of contact person

- d. description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.

19. The authorization of this Order for any dredge and fill activities expire on October 15, 2012. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Ms. Melissa Brosnan, Pacific Gas & Electric, 77 Beale Street,
Mail-code N10A, San Francisco, CA 94105

Copies sent to: Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act
Section 401 Certification and Wetlands Unit Program

Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel

Mr. Peck Ha, U.S. Army Corps of Engineers, Project Manager,
1325 J Street, Sacramento, CA 95814

Ms. Kelly Barker, CA Department of Fish and Game,
1701 Nimbus Road, Rancho Cordova, CA 95670