



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

March 17, 2009

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In the Matter of

**Water Quality Certification**

for the

**EVANS FAMILY PROPERTY – QUARRY BERM SLOPE PROTECTION ON WILLOW  
CREEK  
WDID NO. 1A08009WNSI**

APPLICANT: Albert Beltramo/Evans Family Properties, LLC  
RECEIVING WATER: Willow Creek  
HYDROLOGIC UNIT: Shasta Valley Hydrologic Area No. 105.50  
COUNTY: Siskiyou County  
FILE NAME: Evans Family Property – Quarry Berm Slope Protection

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BY THE EXECUTIVE OFFICER:

1. On January 22, 2008, Albert Beltramo/Evans Family Properties, LLC (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 related to installation of riprap for streambank protection on an ephemeral stream near Gazelle, Siskiyou County. On February 11, 2008, Regional Water Board staff sent a letter to the applicant stating that the application was not complete and requesting additional information to complete the application. The Regional Water Board did not receive a response to the letter and the request for certification was denied without prejudice on October 28, 2008. The applicant submitted the additional requested information on December 10, 2008 and the application was deemed complete.
2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on February 11, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

**California Environmental Protection Agency**

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3. The purpose of the project is to stabilize an eroding section of the Willow Creek streambank that is adjacent to an existing quarry pond at the Yreka Transit Mix Quarry (quarry). The project was initiated to meet outstanding liabilities for mine reclamation and requirements from the Department of Conservation to prevent additional migration of the eroding streambank towards a narrow berm that separates an existing quarry pond from Willow Creek. The project involves the placement of 35 cubic yards of one-foot to three-foot diameter rock riprap along a 60-foot long section of eroded streambank. The riprap will be placed by an excavator operating from the top of the streambank and no equipment will be operated in the streambed. The base of the riprap will be placed in a shallow toe trench.
4. The project will result in permanent impacts to 270 square feet and 60 linear feet of streambank. The project will not result in any temporary impacts. Willow Creek is an ephemeral stream with sparse riparian vegetation and there are no trees or riparian vegetation in the project area. Riparian vegetation will not be impacted by the project.
5. Compensatory mitigation is not required. Noncompensatory mitigation includes the use of Best Management Practices for erosion control and for operation of heavy equipment near a stream channel. The project is scheduled to be completed between July 1 and October 15, 2009, and is expected to take approximately 5 days to complete.
6. The applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under nationwide permit, pursuant to Clean Water Act. The Applicant has obtained a Lake or Streambed Alteration Agreement from the California Department of Fish and Game (Notification No. R1-08-0020).
7. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, section 15304 – minor alterations to land, pursuant to CEQA.
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: Willow Creek in the Shasta Valley Hydrologic Area  
No. 105.50.

Filled or Excavated Area: Area Temporarily Impacted: None  
Area Permanently Impacted: 270 square feet of  
streambank



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 March 17, 2014. 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. Albert Beltramo, 22830 Gazelle Callahan Road, Gazelle, CA 96034

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Mr. Tim Louie, 5714 E. Louie Road, Montague, CA 96064  
Mr. Chuck Schlumpberger, 624 S. Mt. Shasta Boulevard, Mt. Shasta, CA  
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