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

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Arnold
Schwarzenegger
Governor

August 24, 2009

In the Matter of

Water Quality Certification

for the

**BUREAU OF RECLAMATION – TRINITY RIVER RESTORATION PROGRAM
SAWMILL REHABILITATION PROJECT
WDID NO. 1A09062WNTR**

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 – Sawmill Rehabilitation Project

BY THE EXECUTIVE OFFICER:

1. On May 18, 2009, 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 Sawmill Rehabilitation Project on the mainstem Trinity River near Lewiston.
2. The Sawmill Rehabilitation Project is part of a comprehensive mechanical channel rehabilitation and sediment management project (project) that will modify the mainstem Trinity River at 29 sites along a 40-mile stretch between Lewiston Dam and Helena, Trinity County, California. Channel rehabilitation is part of a larger effort by the Trinity River Restoration Program (TRRP) to restore the anadromous fishery of the Trinity River, as described in the Secretary of Interior's 2000 Trinity River Record of Decision (ROD). The Regional Water Board conducted environmental review pursuant to the California Environmental Quality Act (CEQA) for all components of the channel rehabilitation and sediment management projects. By the end of 2009, the Regional Water Board intends to develop and issue a general

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water quality certification for TRRP class of activities that contains enrollment procedures for individual TRRP projects (Cal. Code of Regs., tit. 23, section 3861).

3. The Regional Water Board provided public notice of the Sawmill Rehabilitation Project application pursuant to title 23, California Code of Regulations, section 3858 on July 9, 2009, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
4. The Sawmill Rehabilitation Project is located within a one-mile section of the Trinity River in the vicinity of Cemetery hole, approximately one-half mile downstream from the Old Lewiston Bridge. The primary purpose of the project is to increase salmonid habitat for all life-stages. The project will improve juvenile rearing habitat on the mainstem Trinity River and in its side channels, and is designed to use alluvial processes of the Trinity River to maintain and increase rearing habitat and complexity over time.
5. The project includes habitat rehabilitation activities on both sides of the river, as well as work within an existing side channel, and construction of high flow chutes to be inundated by flows from 1,500 cubic feet per second (cfs) to 8,000 cfs. Channel rehabilitation activities are expected to immediately restore point bars and floodplain habitat. Creation of aquatic 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 this river section, including addition of point bars downstream of cemetery hole, are expected to work synergistically with past Trinity River Restoration Program projects to re-establish dynamic alluvial processes through the reach.
6. Habitat rehabilitation activities in the Sawmill Rehabilitation Project include: re-contouring the channel bed and banks including vegetation removal, constructing channel meander bends on the mainstem, enhancing and opening new portions of a presently cut-off low flow (300 cfs) side channel, creating a medium flow (>1,500 cfs) side channel, general lowering of the floodplain to inundate at flows between 1,500 cfs and 8,500 cfs, placement of gravel bars and large wood, and removal of up to six grade control structures in the mainstem Trinity River. Temporary low-flow crossings (i.e. fords) will be placed in the mainstem Trinity River to provide access for removal of grade control structures and for placement of coarse sediment into the river at select habitat enhancement locations. Two temporary bridge crossings will be placed across the existing side channel to provide access for removal of excavated materials from the Sawmill islands.
7. A total of 10,700 cubic yards of clean coarse sediment derived from local sources will be placed in the Sawmill Channel Rehabilitation site to complete the full restoration design; however, it is expected that only 5,700 cubic yards will be added during the summer 2009 construction season (between August 1 and September 15). Project designs include excavation of 76,300 cubic yards of alluvial material from the river and floodplain in order to construct mainstem meanders, side channels, point bars, and other stream rehabilitation features. Excavated material will be placed in upland disposal areas within the project reach. The project is expected to result in 6.8 acres of temporary impacts to the river channel and banks.

The project will not result in any permanent impacts to waters of the United States. Impacts to riparian wetlands have been avoided.

8. Compensatory mitigation is not required for the project activities. 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 August 2009.
9. The Water Quality Control Plan for the North Coast Region (Basin Plan) contains the following water quality objective for turbidity: "Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof." The Regional Water Board has determined that an allowable zone of turbidity dilution is appropriate for this project due to the nature of the proposed restoration activities and the clarity of the Trinity River during low flow conditions. The zone of turbidity dilution within which higher percentages will be tolerated is defined as the full width of the river channel within 500 linear feet downstream of any project activity that increases naturally occurring background levels, provided that all other required controls and appropriate BMPs are in place and downstream beneficial uses are also fully protected. When naturally occurring background levels are less than or equal to 20 NTUs, turbidity levels immediately downstream of the allowable zone of turbidity dilution shall not exceed 20 NTUs. When naturally occurring background levels are greater than 20 NTUs, turbidity levels downstream of the 500 linear foot zone of dilution shall not be increased by more than 20 percent above the naturally occurring background level.
10. Reclamation has applied for authorization (File No. 2008-00031 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. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project.
11. The Regional Water Board, as lead agency under the California Environmental Quality Act (CEQA), submitted a Joint Environmental Document including a Draft Master Environmental Impact Report (MEIR) and Environmental Assessment/Draft EIR (EA/DEIR) (SCH# 2008032110) for the project to the State Clearinghouse on June 5, 2009 for a 45-day review and comment period. The Regional Water Board has reviewed and considered all the information contained in the Draft MEIR and EA/DEIR, including public comments from interested parties and the Basin Plan, prior to deciding whether to issue water quality certification for Project. The Regional Water Board issued the Final MEIR/EIR on August 24, 2009. The Final MEIR and EIR have been completed in compliance with CEQA, and reflect the Regional Water Board's independent judgment and analysis. Detailed CEQA

findings are attached in Attachment 1. The Regional Water Board will file a Notice of Determination within five days from the issuance of this order.

12. The Sawmill Rehabilitation Project is part of a larger project to restore the anadromous fishery of the Trinity River. The larger project encompasses a 40-mile stretch of the Trinity River from Lewiston to the North Fork Trinity River. This entire stretch is federally designated under the Wild and Scenic System to preserve its Outstandingly Remarkable Values (ORVs), which include the river's free-flowing condition, anadromous and resident fisheries, outstanding geologic resource values, scenic values, recreational values, cultural and historic values, and the values associated with water quality. This segment of the Trinity River is also classified as a Recreational River by the Bureau of Land Management (BLM) and the Shasta-Trinity National Forest. Implementation of the project would not affect the free-flowing condition of this segment of the Trinity River, would not affect the river's water quality, and would not have any effects on the ORVs for which the river is designated. The Regional Water Board has notified the California Natural Resources Agency of its intent to approve Trinity River Restoration Program projects.
13. 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: 6.8 acres of stream channel
Area Permanently Impacted: none

Total Linear Impacts: Length Temporarily Impacted: 5,017 linear feet of streambank
Length Permanently Impacted: none

Dredge Volume: none

Latitude/Longitude: Upstream limit: 40.70837 N/122.81296 W
Downstream limit: 40.71558 N/122.81767 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity River Restoration Program – Sawmill Rehabilitation Project (WDID No. 1A09062WNTR), 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 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 mitigation measures detailed in Attachment 1 of this Order and monitoring and reporting requirements detailed in Appendix A in the MEIR and EA/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 applicable 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. The monitoring report shall be written in a manner that clearly demonstrates compliance with all water quality monitoring requirements.
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. To ensure that turbidity levels do not exceed the thresholds described above during in-river project construction activities, Reclamation shall monitor turbidity levels upstream within 50 feet of project activities (i.e. natural background) and 500 feet downstream of the in-river construction activities that could increase turbidity. Reclamation shall monitor for turbidity increases and shall collect field turbidity measurements in accordance with Mitigation Measure 4.5 -1a and Mitigation Measure 4.5-1b in the MMRP. At a minimum, field turbidity measurements shall be collected whenever a visible increase in turbidity is observed. Monitoring frequency shall be a minimum of every two hours during in-river work periods and when activities commence that are likely to increase turbidity levels above any previously monitored levels. If grab sample results indicate that turbidity levels exceed 20 NTU at 500 feet downstream from construction activities, remedial actions will be implemented to reduce and maintain turbidity at or below 20 NTU immediately downstream of the 500 linear foot zone of dilution. Potential remedial actions include halting or slowing construction activities and implementation of additional BMPs until turbidity levels are at or below 20 NTU. If naturally occurring background levels are greater than 20 NTUs, turbidity levels downstream of the 500 linear foot zone of dilution shall not be increased by more than 20 percent above the naturally occurring background level. 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.

7. 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.
8. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
9. 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.
10. 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.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. 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. Implementation of such change in the project prior to Regional Water Board notification and approval is a violation of this Order subject to enforcement action under the Water Code.
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. This certification does not authorize any act which results in the "taking" of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531 - 1544). If a "take" will result from any act authorized under this certification, the Applicant shall obtain authorization for the take prior to any construction or operation of the Project. The Applicant shall be responsible for meeting all requirements of the applicable Endangered Species Act for the Project authorized under this certification.

17. 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.

18. This certification is contingent on compliance with all applicable requirements of the North Coast Water Quality Control Plan, except as may be modified by the specific conditions of the certification.

19. The authorization of this certification for any dredge and fill activities expires on August 24, 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.

Catherine Kuhlman
Executive Officer

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Attachment 1: CEQA Findings of Fact

Original to: Mr. Mike Hamman, Trinity River Restoration Program, 1313 South Main Street, 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