



Linda S. Adams
Secretary for
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**California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Acting Chairman**

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Arnold
Schwarzenegger
Governor

December 2, 2009

In the Matter of

Water Quality Certification

for the

**CITY OF YREKA – GREENHORN CREEK FLOODPLAIN RESTORATION PROJECT
WDID NO. 1A09061WNSI**

APPLICANT: City of Yreka
RECEIVING WATER: Greenhorn Creek
HYDROLOGIC UNIT: Shasta Valley Hydrologic Area No. 105.50
COUNTY: Siskiyou
FILE NAME: Yreka, City of – Greenhorn Creek Floodplain Restoration Project

BY THE EXECUTIVE OFFICER:

1. On May 18, 2009, the City of Yreka (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 Greenhorn Creek Floodplain Restoration Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 1, 2009, 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 Greenhorn Creek Floodplain Restoration Project is floodplain and stream restoration. The project involves restoration of historic floodplain along one mile of Greenhorn Creek located immediately upstream of Greenhorn Reservoir. Floodplain restoration activities include removal of dredger tailings piles and pulling back the creek bank in strategic places to allow the creek to access its floodplain. Existing riparian vegetation will be retained where possible and a revegetation plan will be implemented following floodplain restoration. The project also includes restoration of footings on an existing footbridge that crosses Greenhorn Creek, and

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enhancement and creation of a trail system that will comply with the Americans with Disability Act.

3. Project activities are designed to: attenuate peak storm water runoff in an effort of reduce flooding effects along Greenhorn Creek, Yreka Creek, and downtown Yreka; remove non-native and/or invasive plant species along Greenhorn Creek; revegetate the restored floodplain with native vegetation; restore the floodplain to enhance riparian vegetation and aquatic habitat; remove concrete riprap, abandoned vehicles, and other garbage from the floodplain; and allow room for a recreational trail.
4. The project will result in: restoration of approximately 2,100 linear feet of creek channel; creation of 22 acres of additional floodplain and associated riparian habitat; creation of approximately three acres of pond and wet meadow habitat; improvement and expansion of over two miles of trails and over one mile of maintenance roads that will also be used as trails; paving a loop trail around the reservoir; installation of two break-away trail bridges; replacement of one bridge; installation of a new armored dip over Greenhorn Creek; installation of eight new culvert crossings over miscellaneous drainage channels and swales; installation of eight new floodplain overflow culverts; restoration of a gravel "borrow pit"; and installation of various signs, interpretive panels, and benches.
5. 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. The project will result in the loss of approximately 1.2 acres of existing riparian habitat that will be mitigated by creation of approximately 14.4 acres of aquatic, wetland and riparian habitat. Noncompensatory mitigation for this project includes revegetation of disturbed areas, as appropriate, and the use of Best Management Practices for heavy equipment use near a waterway.
6. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit Numbers 27 and 33, pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
7. On June 7, 2007, the City of Yreka approved a Mitigated Negative Declaration (State Clearinghouse No. 2007032159) 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.
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: Greenhorn Creek in the Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: 56 square feet of stream channel
Area Permanently Impacted: 12,842 square feet of stream channel and 18,238 square feet of floodplain

Total Linear Impacts: Length Temporarily Impacted: 38 linear feet of stream channel
Length Permanently Impacted: 1,721 linear feet of stream channel

Habitat Created/Restored: Area Created/Restored: 17.45 acres of floodplain created/restored, 21.75 acres of floodplain area replanted with riparian vegetation, 12,018 square feet of stream channel created, 2.6 acres of wetland created, 0.7 acre of pond enlargement/enhancement
Length Created/Restored: 3,446 linear feet of stream channel created

Dredge Volume: None

Latitude/Longitude: Upstream limit: 41.72058 N/122.68503 W
Downstream limit: 41.71329 N/122.81767 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Yreka – Greenhorn Creek Floodplain Restoration Project (WDID No. 1A09061WNSI), 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. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
7. The Applicant shall implement the mitigation measures for Biological Resources as described in the Mitigated Negative Declaration (State Clearinghouse No. 2007032159).
8. The Applicant shall revegetate all disturbed areas within the planting areas illustrated on Planting Plans L-1.4, L-2.4, and L-3.4.
9. All wet meadow planting areas shall be inspected at least once per year following revegetation activities in order to document any changes in species composition and quantities over time. Wet meadow revegetation will be considered successful and complete after all wet meadow planting areas have at least 70 percent ground cover by native wetland plants and at least three years has passed since wet meadow revegetation activities were completed. The Applicant shall submit annual reports to this office that contain the results of all wet meadow monitoring activities including the percentage of cover by native wetland plants. Annual monitoring reports shall be submitted by June 1 of each year until the success criteria for wet meadow revegetation has been met. If wet meadow revegetation is not successful three years after revegetation activities were completed, the Applicant shall investigate the cause for the lack of success and shall submit a revegetation plan for Regional Water Board approval that contains additional plans to revegetate the disturbed areas.
10. Prior to conducting any activity that will result in the disturbance of a riparian area, the Applicant shall conduct a riparian tree and shrub survey (survey) to determine and document the species composition, location, and quantities of riparian tree and shrub specimens that are over 6-inches diameter at breast height that will be

removed or disturbed within any phase of the project. For the purpose of this condition, any native riparian tree or shrub specimen that does not survive project activities is considered to be removed or disturbed. Any disturbed native riparian tree or shrub that is over 6-inches diameter at breast height shall be replaced with three specimens of the same native species. Within one-year of initiating any activity that will result in disturbance or removal of native riparian trees or shrubs, and within 90 days of completing revegetation activities, the Applicant shall submit a report to this office containing the results of the tree and shrub survey including a map of the disturbed area, and the species composition and quantities of each planted tree and shrub. The purpose of this monitoring and reporting requirement is to document: 1) the numbers and locations of riparian trees and shrubs that were removed or disturbed by project activities; 2) the locations and number of native trees and shrubs that were planted to replace all removed or disturbed native trees and shrubs, and 3) to document that a minimum of three riparian tree or shrub specimens were planted to replace each riparian tree or shrub specimen that was removed or disturbed by project activities.

11. The Applicant shall monitor all riparian plantings for a period of three years. The purpose of monitoring the riparian plantings is to document the survival rate of planted trees and shrubs. If less than eighty-five percent of all planted specimens have not survived for three years from the date they were planted, additional specimens shall be planted and the survival of those specimens shall continue to be monitored for at least three years. Monitoring and reporting activities shall continue until the Applicant can document that at least eighty-five percent of all planted specimens have survived for at least three years from the time they were planted.
12. The Applicant 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. The Applicant shall be responsible for work conducted by its contractors or subcontractors.
13. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the Applicant 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.
14. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
15. 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.

16. 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.
17. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
18. 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.
19. 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.

20. 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.

21. The authorization of this certification for any dredge and fill activities expires on December 2, 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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Original to: Mr. Brian Meek, City of Yreka, 701 Fourth Street, Yreka, CA 96097

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