



**California Regional Water Quality Control Board  
North Coast Region  
Geoffrey M. Hales, Chairman**



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

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**Arnold  
Schwarzenegger**  
Governor

August 26, 2010

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In the Matter of

**Water Quality Certification**

for the

**CITY OF YREKA – YREKA CREEK FLOODPLAIN RESTORATION AND  
GREENWAY TRAIL PROJECT  
WDID No. 1A09150WNSI**

APPLICANT: City of Yreka – Mr. Steve Baker, City Manager  
RECEIVING WATER: Yreka Creek  
HYDROLOGIC UNIT: Shasta Valley Hydrologic Area No. 105.50  
COUNTY: Siskiyou  
FILE NAME: Yreka, City of – Yreka Creek Floodplain Restoration and  
Greenway Trail Project

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BY THE EXECUTIVE OFFICER:

1. On December 31, 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 Yreka Creek Floodplain Restoration and Greenway Trail Project (project) in the City of Yreka (Yreka). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 29, 2010, 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 project is located in the northern portion of Yreka on approximately 6 acres along Yreka Creek that is designated for open space. The project area begins approximately 700 feet north of Highway 3 and extends approximately 1,700 feet north (downstream) between the City's existing wastewater treatment plant and maintenance yard on the west, and Dear Creek Way on the east. A portion of the project area was the site of the City's former wastewater treatment plant (WWTP) that was decommissioned in 1971 and some of the old WWTP structures still exist. The site has also been used for storage of excess construction materials including

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rubble and concrete riprap. Removal of excess fill along the creek and floodplain is a main component of the project.

3. Yreka Creek is a perennial stream that provides habitat for anadromous fish. The creek was heavily mined in the past and is currently restricted to the western edge of the project area. The creek is incised in some locations with limited access to its floodplain. The purpose of the project is to improve aquatic and riparian habitat along the creek through restoration of floodplain and riparian areas while reducing flooding effects on downtown Yreka and also improving the quality of storm water runoff that enters the creek. Project activities are intended to improve floodplain functions by increasing floodplain capacity and increasing the creek's access to the restored floodplain.
4. The project also implements several improvements recommended in the *Yreka Creek Greenway Master Plan* including a portion of the multi-purpose trail system. Project elements include: debris and fill removal for floodplain widening in order to increase floodwater storage; configuration of the floodplain to enhance riparian and aquatic habitat; revegetation of the expanded floodplain with native species; development of a multi-use non-motorized trail system on both sides of the creek; construction of two seasonal pedestrian bridges across the creek; construction of a trailhead off Deer Creek Road that will include a parking lot, restroom, and interpretive center; and several improvements at the existing Visitor's Center. The Visitor's Center improvements are located in upland areas. The project, in combination with future and previously completed projects, is part of a cumulative effort by the City to reduce flood related impacts, improve stream and riparian habitat, and create new open space recreation.
5. Floodplain restoration will involve excavation and removal of approximately 13,600 cubic yards of concrete and fill material along the east side of the creek. Approximately 8,800 cubic yards of the excavated material will be used to raise the elevation of adjacent upland areas and to create trail access and parking areas. The remaining excavated material will be hauled to the City's maintenance yard on North Main Street, the City's WWTP, or other appropriate disposal locations. Floodplain restoration includes floodplain widening, grading to configure the restored floodplain to enhance riparian habitat and provide space for a recreational trail system, and revegetation of the floodplain using native species. The restored floodplain is designed to provide an additional 11.3 acre-feet of storage capacity during a 100-year storm event.
6. Construction of two seasonal pedestrian bridges across the creek requires installation of permanent posts on both sides of Yreka Creek. Two posts will be installed at both ends of each bridge for the purpose of securing the seasonal bridges when the bridges are in use over the creek. The seasonal bridges will also have two mid-span support posts under each bridge that will only be placed in the Yreka Creek channel during the low flow season. The permanent support posts will result in 2 square feet of permanent impacts to riparian wetlands along the

streambanks. The mid-span support posts will temporarily impact 1 square foot of stream channel while the bridges are in use.

7. Portions of the project area are currently vegetated with mature cottonwood, willow, and other riparian vegetation. Much of the existing riparian vegetation will be avoided and retained. Approximately 1.26 acres of riparian vegetation, including 47 mature trees (larger than 6-inches diameter at breast height), will be removed during construction. Mitigation for impacts to riparian vegetation includes revegetation of 1.8 acres of floodplain and riparian area. The applicant has prepared a Revegetation Plan Monitoring and Reporting Program (Plan). The Plan specifies planting 316 native riparian trees of various species and monitoring revegetation success (80 percent survival) for a period of three years.
8. Compensatory mitigation is not required for the project. The project involves aquatic, riparian, and floodplain restoration and has been designed to avoid and minimize adverse impacts and permanent impacts to waters of the United States. Noncompensatory mitigation for this project includes revegetation of disturbed areas, as appropriate, and the use of Best Management Practices for sediment and turbidity control, and for heavy equipment use near a waterway
9. The applicant has obtained authorization from the United States Army Corps of Engineers (File No. 2008-00172) to perform the project under Nationwide Permit Numbers 27 and 33, pursuant to Clean Water Act, section 404. The applicant has applied to CDF&G for a Lake or Streambed Alteration Agreement.
10. On February 4, 2010, the City of Yreka approved a Mitigated Negative Declaration (State Clearinghouse No. 2009122039) 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.
11. The Shasta River Total Maximum Daily Loads (TMDLs) for temperature and dissolved oxygen were established in 2006 by the Regional Water Board in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Shasta River are not being achieved due to elevated water temperature and low dissolved oxygen concentrations. Increased solar heating, changes in riparian cover, changes in streamside microclimates, changes in surface flow, changes in spring and groundwater inputs, and changes in channel geometry are identified as sources contributing to the temperature impairment. Factors contributing to changes in dissolved oxygen concentrations include: photosynthesis and respiration of aquatic plants; respiration of aerobic organisms including bacteria that decompose organic material; concentrations of oxygen-consuming constituents; and flow, velocity, and water temperature. The primary adverse impacts associated with increased water temperatures and low dissolved oxygen levels in the Shasta River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Actions authorized by

this Order include aquatic, riparian, and floodplain restoration activities intended to enhance water quality and riparian habitat along Yreka Creek for salmonids and other aquatic species. Accordingly, this Order is consistent with, and implements portions of the Shasta River TMDL.

12. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.
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: Yreka Creek in the Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: 1 square foot of stream channel  
Area Permanently Impacted: 2 square feet of stream channel

Total Linear Impacts: Length Temporarily Impacted: 1 linear foot  
Length Permanently Impacted: 2 linear feet

Dredge Volume: None

Latitude/Longitude: Southern End: 41.74235 N/122.62922 W  
Northern End: 41.74626 N/122.62697 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Yreka – Yreka Creek Floodplain Restoration and Greenway Trail Project (WDID No. 1A09150WNSI), 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 California Code of Regulations, title 23, 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 California Code of Regulations, title 23, section 2200, and owed by the Applicant.
4. The Regional Water Board shall be notified 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, 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.
6. Best Management Practices (BMPs) for sediment and turbidity control shall be implemented and in place at commencement of, during and after any project activities that could result in 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. The Applicant shall implement the mitigation measures to reduce potential impacts to biological resources as described in the Biological Resources Mitigation Program contained in the Initial Study/Mitigated Negative Declaration.
10. The Applicant shall implement the Revegetation Plan Monitoring and Reporting Program submitted on May 25, 2010. Monitoring reports containing photos and monitoring data shall be submitted to the Regional Water Board annually for a

minimum of three years. The first annual report shall be submitted to this office within one year of initiating any work on this project that causes any disturbance to mature (larger than 6-inches diameter at breast height) riparian vegetation.

11. 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.
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.
13. 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.
14. 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.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. 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.
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. 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).
19. The authorization of this certification for any dredge and fill activities expires on August 26, 2015. 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. Steve Baker, City of Yreka, 701 Fourth Street, Yreka, CA 96097

cc: Ms. Karen Mallory, Shasta Valley RCD, 215 Executive Court, Suite A,  
Yreka, CA 96097

Electronic

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