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

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Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

October 13, 2010

In the Matter of

Water Quality Certification

for the

City of Fort Bragg
Otis R. Johnson Wilderness Park Enhancement Project
WDID No. 1B10085WNME

APPLICANT:	City of Fort Bragg
RECEIVING WATER:	Unnamed Tributaries to Pudding Creek
HYDROLOGIC AREA:	Mendocino Coast Hydrologic Unit No.113.00
COUNTY:	Mendocino
FILE NAME:	City of Fort Bragg – Otis R. Johnson Wilderness Park Enhancement Project

BY THE EXECUTIVE OFFICER:

1. On February 22, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Fort Bragg (applicant), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Otis R. Johnson Wilderness Park Enhancement Project. The proposed project will cause disturbances to Waters of the United States (U.S.) and Waters of the State associated with tributaries to Pudding Creek located within the Mendocino Coast Hydrologic Unit No.113.00. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on August 23, 2010, and posted information describing the project on the Regional Water Board's website. No comments were received.

2. The proposed project is located at the east end of Laurel Street in Fort Bragg, CA 95437, in Mendocino County within the Mendocino Coast Hydrologic Unit No.

113.00. The purpose of the proposed project is to re-establish and improve native habitat and improve water quality by restoring stream connectivity, upgrading one culvert to a bridge, replacing one collapsed footbridge, installing native material revetment where a debris jam has diverted the stream into a mountainside trail, removing invasive plant populations from riparian areas and replacing them with native plant communities propagated from local native plant populations, realigning the trail network to reduce surface erosion, replacing two retaining walls, and installing four interpretive panels. The California Department of Transportation (Caltrans) has funded the restoration components of this project as a means of achieving compensatory off-site mitigation for impacts to wetlands and waters of the State associated with the Ten Mile River Bridge Replacement project.

3. Based on the mapped areas of the proposed project, total estimated area of permanent impact within jurisdictional wetlands is 525 sq. ft. and 450 sq. ft. within Other Waters of the U.S. The City of Fort Bragg proposes to minimize the temporary impacts to waters of the U.S and State by implementing Best Management Practices (BMPs) to provide erosion control and pollution prevention throughout the project area during construction. The City of Fort Bragg has evaluated implementing post-construction storm water treatment at the site and determined that implementing it within the project area was not feasible. The two unnamed tributaries will be improved by: 1) installing a foot bridge along the trail to reduce foot traffic across the stream to prevent hikers from disturbing the adjacent vegetation that occurs along the banks; and 2) replacing an undersized culvert with a footbridge. Both stream restoration actions and the projects minimization measures will reduce sediment runoff.

4. The proposed project will be conducted from August 2010 to March 2012, with work instream limited to summer during low flow conditions between May 15th and October 15th. If flows are present during the proposed work window, stream diversions may be necessary to isolate the work site. Any dewatered aquatic organisms (most likely salamanders) will be relocated in clear waters beyond the worksite in the same stream. Either the coffer dam or the clear water diversion will be installed upstream of the work site. The completed temporary water diversion will be installed prior to the onset of construction and removed once construction is complete.

5. Construction activities that take place within jurisdictional waters of the U.S. and State will also require a California Department of Fish and Game 1600 Lake and Streambed Alteration Agreement, and a non-reporting U.S. Army Corps of Engineers Section 404 Nation Wide Permit No. 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities); Nation Wide Permit No. 14 (Linear Transportation Projects); Nation Wide Permit No. 3 (Maintenance) and; Nation Wide Permit 13 (Bank Stabilization). The City of Fort Bragg has determined that the project is exempt from the California Environmental Quality Act (CEQA)

pursuant to Sections 15302 (Replacement or Reconstruction), 15304 (Minor Alterations to Land), and 15333 (Small Habitat Restoration Projects) and has submitted a Notice of Exemption (NOE) to the; State Clearing House (Number 2009108156). In addition, Regional Water Board staff also determined that this project is categorically exempt from CEQA review (Class 33 Small Habitat Restoration Project Categorical Exemption) and anticipates filing a NOE.

6. The Pudding Creek watershed is listed on the Clean Water Act section 303(d) list as impaired for temperature. Activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. Mitigation measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving Total Daily Maximum Load (TMDL) compliance. The nature of the proposed project is the enhancement and restoration of streams and riparian areas adjacent to those streams, which demonstrates TMDL compliance.

7. 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, and does not otherwise authorize degradation of the waters affected by this project.

Receiving Water:	Unnamed Tributaries to Pudding Creek Wetlands Mendocino Coast Hydrologic Unit No.113.00
Filled or Excavated Area:	Temporary - streams (waters of U.S.) 100 feet^2 Permanent – streams (waters of U.S.) 350 feet^2 Permanent – wetlands (waters of U.S.) 525 feet^2 Temporary – riparian (waters of State) 1,000 feet^2
Total Linear Impacts:	Temporary - streams (waters of U.S.) 10 linear feet Permanent – streams (waters of U.S.) 76 linear feet Permanent – wetlands (waters of U.S.) 100 linear feet Temporary – riparian (waters of State) 1,000 linear feet

Dredge Volume:	None
Fill Volume:	Permanent – streams (waters of U.S.) 219 cubic yards
Latitude/Longitude:	N 39.4461 / W 123.7945
Expiration:	October 13, 2015

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT the City of Fort Bragg – Otis R. Johnson Wilderness Park Enhancement Project, WDID No. 1B10085WNME 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. All conditions of this order apply to the applicant (and all its employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project (including the off-site mitigation lands) as related to this Water Quality Certification.

2. 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.

3. 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.

4. The validity this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the application.

5. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited, and all proposed revegetation and mitigation being completed, in strict compliance with the applicant's project description, as approved herein, and b) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Basin Plan, and amendments thereto.

6. All conditions required by this Order shall be included in the Plans and Specifications prepared by the applicant for the Contractor. In addition, the applicant shall require compliance with all conditions included in this Order in the bid contract for this project.

7. The applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality requirements and Water Quality Standards as detailed in the Basin Plan.

8. Any change in the design or implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review, consideration, and concurrence.

9. The applicant shall provide a copy of this Order, associated attachments, and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to the contractor, all subcontractors, and all utility companies 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 employees, contractors, subcontractors, and utility companies.

10. The Regional Water Board shall be notified in writing each year at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, major concrete pours, dewatering activities, or water diversion activities with details regarding the construction schedule, in order to allow Regional Water Board staff to be present on-site during installation and removal activities, and to answer any public inquiries that may arise regarding the project. The applicant shall provide Regional Water Board staff access to the project site to document compliance with this order.

11. The Resident Engineer (or appropriately authorized agent) shall hold on-site water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on how to avoid violations and procedures for reporting violations. The meetings shall be held at least every other week, before forecasted storm events, and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, as well as any inspectors or monitors assigned to the project, shall be present at the meetings. The applicant shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to the Regional Water Board on request.

12. All activities and best management practices (BMPs) shall be implemented according to the submitted application and the conditions in this Order. BMPs for erosion, sediment, turbidity and pollutant control shall be implemented and in place

at commencement of, during, and after any ground clearing activities, construction activities, or any other project activities that could result in erosion, sediment, or other pollutant discharges to waters of the State. In addition, BMPs for erosion and sediment control shall be utilized year round, regardless of season or time of year. The applicant shall stage erosion and sediment control materials at the work site. All BMPs shall be installed properly and in accordance with the manufacturer's specifications. If the project Resident Engineer elects to install alternative BMPs for use on the project, the applicant shall submit a proposal to Regional Water Board staff for review and concurrence.

13. The applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If The applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the United States or waters of the State at any time. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.

14. Work in flowing or standing surface waters, unless otherwise proposed in the project description and approved by the Regional Water Board, is prohibited. If construction dewatering of groundwater 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 Low Threat Discharge Permit or an individual National Pollutant Discharge Elimination System (NPDES) Permit and receive notification of coverage to discharge to surface waters, prior to the discharge.

15. The applicant shall submit, subject to approval by the Regional Water Board staff, a dewatering and/or diversion plan that appropriately describe the dewatered or diverted areas and how those areas will be handled during construction. The diversion/dewatering plans shall be submitted no later than 30 days prior to conducting the proposed activity. Information submitted shall include the area or work to be diverted or dewatered and method of the proposed activity. All diversion or dewatering activities shall be designed to minimize the impact to waters of the State and maintain natural flows upstream and downstream. All dewatering or diversion structures shall be installed in a manner that does not cause sedimentation, siltation or erosion upstream or downstream. All dewatering or diversion structures shall be removed immediately upon completion of project activities.

16. Surface water monitoring shall be conducted whenever a project activity is conducted within waters of the State (e.g. installing and operating stream diversions, RSP placement, discharges from project activities). Surface water monitoring shall be conducted when any project activity has, or has the potential to, mobilize sediment and/or alter background conditions within waters of the State. In order to demonstrate compliance with receiving water limitations and applicable water quality standards, field measurements shall be collected whenever a project activity may alter background conditions.

17. The applicant shall establish effluent, upstream (background) and downstream monitoring locations to demonstrate compliance with all applicable water quality objectives as detailed in the Basin Plan. The downstream location shall be no more than 50 feet from the effluent location. Field measurements shall be taken from each location four times daily for flow, pH, temperature, dissolved oxygen, total dissolved solids, turbidity and specific conductance. In addition, visual observations shall be made four times daily and include the appearance of the discharge including color, turbidity, floating or suspended matter or debris, appearance of the receiving water at the point of discharge (occurrence of erosion and scouring, turbidity, solids deposition, unusual aquatic growth, etc), and observations about the receiving water, such as the presence of aquatic life. Measurements shall be collected from each sampling location four times daily while work is being conducted within waters of the State.

18. Whenever, as a result of project activities, downstream measurements exceed the following water quality objectives, appropriate measurements shall be collected from all monitoring locations every hour during the period of increase, and shall continue until measurements demonstrate compliance with receiving water limitations and the water quality parameters are no longer increasing as a result of project activities.

pH	<6.5 or >8.5 (any changes >0.5 units)
temperature	>0.5^{o}F above background
dissolved oxygen	<7 milligrams per liter (mg/L)
total dissolved solids	20% above natural background
turbidity	20% above natural background
specific conductance	>300 micromhos @ 77°F

If any measurements are beyond the water quality objectives 50 feet downstream of the source(s), all necessary steps shall be taken to install, repair, and/or modify BMPs to control the source(s). In addition, the overall distance from the source(s) to the downstream extent of the exceedance shall be measured.

Monitoring results shall be reported to appropriate Regional Water Board staff person by telephone within one hour of taking any measurements that exceed the limits detailed above (turbidity only if it is higher than 20 NTU as well). Upstream and downstream pictures within the working and/or disturbed area shall be taken and submitted to the appropriate Regional Water Board staff via e-mail or fax within 24 hours of the incident. All other monitoring data shall be reported on a monthly basis and is due to the Regional Water Board by the 15th of the following month.

19. The applicant is prohibited from discharging waste to waters of the State, unless explicitly authorized by this Order. For example, no debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, 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 waters of the State. In addition, none of the materials listed above shall be placed within 150 linear feet of waters of the State or where the materials may be washed by rainfall into waters of the State.

20. Herbicides and pesticides shall not be used on the project. If the applicant has a compelling case as to why herbicides and pesticides should be used, they may submit a request along with a BMP plan to the Executive Officer of the Regional Water Board for review, consideration, and concurrence.

21. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the U.S. 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 U.S.. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

22. 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.

23. The applicant shall implement appropriate BMPs to prevent the discharge of equipment fluids to the stream channel. The minimum requirements will include: storing hazardous materials at least 150 linear feet outside of the stream banks; checking equipment for leaks; and preventing the use of equipment with leaks in a manner that does not result in a discharge to waters of the State.

24. The applicant and their contractor are not authorized to discharge wastewater (e.g., water that has contacted uncured concrete or cement, or asphalt) to surface

waters, ground waters, or land. Wastewater may only be disposed of to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly-licensed disposal or reuse facility. If the applicant or their contractor proposes an alternate disposal method, the applicant or their contractor shall apply for a permit from the Regional Water Board. Plans to reuse or recycle wastewater require written approval from Regional Water Board staff.

25. All imported fill material shall be clean and free of pollutants. All fill material shall be imported from a source that has the appropriate environmental clearances and permits. The reuse of low-level contaminated solids as fill on-site shall be performed in accordance with all State and Federal policies and established guidelines and must be submitted to the Regional Water Board for review and concurrence.

26. Only clean washed spawning gravel (0.5" – 4") with a cleanliness value of at least 85, using the Cleanness Value Test Method for California Test No. 227 will be placed in the streams. Gravel bag fabric shall be nonwoven polypropylene geotextile (or comparable polymer) and shall conform to the following requirements:
    - Mass per unit area, grams per square meter, min ASTM Designation: D 5261 – 270
    - Grab tensile strength (25-mm grip), kilonewtons, min. ASTM Designation: D4632* 0.89
    - Ultraviolet stability, percent tensile strength retained after 500 hours, ASTM Designation: D4355, xenon arc lamp method 70 or appropriate test method for specific polymer
    - Gravel bags shall be between 600 mm and 800 mm in length, and between 400 mm and 500 mm in width.
    - Yarn used in construction of the gravel bags shall be as recommended by the manufacturer or bag supplier and shall be of a contrasting color. Gravel shall be between 0.5" – 4" in diameter, and shall be clean and free from clay balls, organic matter, and other deleterious materials. The opening of gravel-filled bags shall be secured to prevent gravel from escaping. Gravel-filled bags shall be between 13 kg and 22 kg in mass.

27. 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 certification,

the State 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 State 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.

28. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, and 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.

29. 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 Officer 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.

30. The authorization of this certification for any dredge and fill activities expires on October 13, 2015. 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.

31. Please contact our staff Environmental Specialist Jeremiah Puget of at (707) 576-2835 or jpuget@waterboards.ca.gov if you have any questions.

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Catherine Kuhlman
Executive Officer

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Web link: 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 can be found at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Original sent to: Ms. Teri Jo Barber, City of Fort Bragg, 416 N. Franklin Street, Fort Bragg, CA 95437

Copies sent to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box 14, Eureka, CA 95501

Ms. Linda Ruffing, City of Fort Bragg, 416 N. Franklin Street, Fort Bragg, CA 95437

Mr. Dana York, Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

Ms. Kelley Garrett, Caltrans, P.O. Box 3700, Eureka, CA 95501-3700

ECopies sent to: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398