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**California Regional Water Quality Control Board
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Edmund G. Brown Jr.
Governor

August 4, 2011

In the Matter of

Water Quality Certification

for the

**MATTOLE RESTORATION COUNCIL – RANCLANDS SEDIMENT REDUCTION
PROJECT**

WDID No. 1B11057WNHU

APPLICANT: Mattole Restoration Council
RECEIVING WATER: North Fork Mattole River and tributaries to the North Fork
Mattole River and Mattole River
HYDROLOGIC AREA: Mattole River Hydrologic Area No. 112.30
COUNTY: Humboldt
FILE NAME: Mattole Restoration Council – Ranchlands Sediment
Reduction Project

BY THE EXECUTIVE OFFICER:

1. On April 26, 2011, the Mattole Restoration Council (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 various stream restoration and sediment control projects within the Mattole River watershed. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 23, 2011, 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 primary goals of the project are to maintain and restore the natural watershed processes that create habitat characteristics favorable to salmonids. The project will use grant funds, as well as in-kind and cash contributions from landowners to initiate activities that are designed to restore salmon and steelhead habitat. Years

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of poor land management combined with natural events has altered native habitats and limited the ability of fish to survive and successfully reproduce in coastal streams that historically produced large populations of salmon and steelhead. This project is designed to increase populations of wild anadromous fish by restoring their habitat.

3. The project objective is to improve spawning success for adult salmon and steelhead as well as to increase survival for eggs, embryos, rearing juveniles, and downstream migrants. Streambank erosion treatments and riparian enhancements will improve spawning conditions and embryo survival by reducing sediment yield to streams. The installation of instream habitat structures will recruit and sort spawning gravel for adult salmonids, and create summer rearing pools and overwintering habitat for juveniles. Upslope road repair activities will also help to address these widespread problems.
4. Project activities will occur in sub-watersheds to the Mattole River that have been subjected to significant levels of logging, road building, grazing, and other activities that have reduced the quality and quantity of stream habitat available for native anadromous fish. These watersheds were previously dominated by mature Douglas fir forest and perennial grasslands. The watersheds currently contain extensive road and skid trail systems from tractor logging and annual grasses from decades of overgrazing. These human impacts have destabilized much of the steep terrain throughout the project area. Restoration projects will be implemented within the stream course to improve fish habitat, increase riparian vegetation, and stabilize streambanks. Upslope restoration actions will be implemented to improve fish habitat by reducing the input of fine sediment to the stream environment. All projects are designed to reduce the rate of erosion in the watershed. Although the project may have the potential to cause minor short-term impacts on soil, vegetation, wildlife, water quality, and aquatic life, the mitigation measures that will be incorporated into the projects will reduce impacts to a less than significant level.
5. Streambank stabilization activities include the use of boulder and cobble armoring or willow siltation baffles. Revegetation of riparian habitat will normally involve the use of willow sprigs, or willow or alder seedlings or transplants, to stabilize banks and slopes, promote long-term shade and channel stability, and enhance large-wood recruitment. Indigenous stocks will be used for all planting projects. Upslope earthmoving and culvert replacement activities require large size rock and increased volumes to be moved by heavy equipment and, in so doing, involve certain limited construction activities. The techniques that will be used for these action items have proven successful on many north coast streams and are detailed in the current version of California Department of Fish and Game's *California Salmonid Stream Habitat Restoration Manual (Manual)*. The Manual describes in detail how the work will be performed in the field.

6. Stream habitat restoration activities will typically use dump trucks to deliver logs, root wads, or quarry rock to staging areas, and front-end loaders to deliver material to restoration sites. Existing stream crossings will be used to access the streams in most cases. If stream crossings do not exist, the least damaging access point shall be selected based upon the size, type, and density of riparian vegetation. Where use of such access points is necessary, riparian vegetation can be affected, particularly the upper part of plants may be damaged, with the roots and lower parts receiving minimal damage. Plants damaged in this way will usually re-sprout and recover. Access routes to restoration activity sites have been identified and will not create bank erosion or cause the removal of riparian trees. Staging areas at the activity sites will be set up on dry streambanks where there will be a minimum impact to existing vegetation. Disturbed or bare mineral soils resulting from work activities and subject to surface erosion shall be seeded and straw mulched.
7. Excavators or backhoes may be used to excavate trenches or keyways in streambanks to anchor logs or boulder structures. Excavators are used to place materials, construct instream structures, and stabilize streambanks with boulders and logs. Willow cuttings are usually placed into the keyway trenches around the logs or boulders and then the trench is backfilled with cobble and native soil. This procedure anchors the structure into the streambank, accelerates the establishment of willows around the structure, and prevents the stream from scouring around the newly placed structure.
8. Project activities that are designed to stabilize streambanks or small stream-side landslides will armor and buttress the landslide or streambank using boulders, logs, root wads, and loose rock revetment. Revetments are designed with logs, root wads, and boulders that extend into the stream to provide instream cover and velocity breaks for salmonids. Smooth riprap, however, which accelerates water velocities along the streambank, is not allowed. When practical, the streambank will be sloped back to a minimum 1.5 to 1 slope. A toe trench will be excavated at the toe of the landslide or eroding streambank. The excavated toe trench will be backfilled with boulders at least three feet in diameter and will extend up to the high-water mark. Rock placed in the bottom of toe trench up to the high-water mark will be of a minimum size capable of withstanding normal high flows. Revetments will extend upstream and downstream of the unstable reach and will be keyed into the stable streambanks.
9. Runoff from above the landslide or eroding banks will be diverted away from the area being stabilized. The slide face will be revegetated using indigenous plants. Willow cuttings will be placed in the toe trenches. Browse protectors shall be used on seedlings to prevent predation by browsing animals.

10. Upslope action items in this section will upgrade or decommission roads by implementing all or part of the following tasks: road ripping or decompaction; installing or maintaining rolling dips (critical dips); installing or maintaining waterbars and crossroad drains; replacing, maintaining, or cleaning culverts; outsloping roadbeds; revegetation of work sites; and excavating stream crossings with excavation spoils stored on site or end-hauled. Sites which are expected to erode and deliver sediment to streams are the only locations where work will be authorized under this category. Work is not authorized to improve aesthetic values only.
11. Removal of roads and skid trails shall include retrieving unstable material sidecast during road construction and excavation of stream crossings and other watercourse fills. Stream crossings will be excavated to original width, depth, and slope to expose natural channel morphology and armor. Side slopes will generally match original contours above and below the road. Culverts that are replaced in fish bearing reaches of streams will be done in a manner that allows unimpeded upstream and downstream fish passage.
12. When fill material is placed on road benches for permanent storage, the road bench will be ripped or decompacted first. The fill will then be placed against the cutbank and shaped to blend with the surrounding topography that existed prior to road construction. Outsloping of the roadbed will occur as needed to reduce potential sediment delivery to the stream where there is insufficient fill available to recontour the site or where there is evidence that the overall long-term stability of the site does not justify a full recontour treatment. Where practical, fill material will be compacted to the top of the cut to reduce the potential for fill cut failure. Spoil material will be stored in stable locations where it will not erode. If stable spoils storage sites are not available within the project area, spoils will be hauled to a stable storage site outside of the project area. Areas chosen for this purpose will be devoid of tree and shrub vegetation. Upon completion of each site, woody debris shall be scattered over the surface of the restored area as mulch.
13. Culvert replacement requires diverting stream flow around the project site and excavating the existing culvert with heavy equipment. If appropriate, grade control structures are incorporated into the project area to prevent excessive down-cutting of the stream. All work concerning culvert replacement will be consistent with current California Department of Fish and Game (CDFG) and National Marine Fisheries Service criteria concerning fish passage.
14. The proposed Toews Bridge over the Upper North Fork Mattole River has been removed from the project description. Construction of the Toews Bridge is not authorized by this certification.

15. The project is expected to result in 21,000 square feet and 1,250 linear feet of permanent impacts to the North Fork Mattole River channel and banks. The project is expected to result in 3,500 square feet and 1,200 linear feet of permanent impacts to the channel and banks of tributaries to the North Fork Mattole River. The project has been designed to avoid and minimize adverse impacts to waters of the United States. Due to project design and the nature of the authorized restoration activities, all permanent impacts are intended to benefit water quality and beneficial uses. Compensatory mitigation is not required for the project. Noncompensatory mitigation for this project includes revegetation of disturbed areas, as appropriate, and the use of Best Management Practices (BMPs) for heavy equipment use in waterways.
16. All work, except for some revegetation activities, will take place during the summer and fall low flow period and shall be completed before the first significant seasonal rainfall. Planting of seedlings will take place after December 1 or when sufficient rainfall has occurred to ensure the best chance of survival of the seedlings. All habitat improvements will be done in accordance with techniques described in the Manual.
17. The Applicant has applied (File Nos. 2010-00437, 2010-00438, 2010-00439) for authorization from the U.S. Army Corps of Engineers to perform the project pursuant to Clean Water Act, section 404. The Applicant has also applied (File No. 1600-2011-0049-R1) for a Lake or Streambed Alteration Agreement from the California Department of Fish and Game.
18. On August 2, 2011, Humboldt County approved a Mitigated Negative Declaration (SCH No. 2011062035) for the project in order to comply with CEQA. 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. The Applicant is required to implement a Mitigation Monitoring and Reporting Program.
19. The Mattole River Technical Total Maximum Daily Loads (TMDL) for sediment and temperature was established in 2002 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Mattole River are exceeded due to excessive sediment and temperature. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Mattole River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Activities authorized by this certification are designed to increase riparian vegetation and reduce sediment discharges from ranchlands. Authorized

activities require implementation of BMPs for sediment and turbidity control, and implementation of impact avoidance measures as described above. Accordingly, the project is consistent with and implements portions of the Mattole River TMDL.

20. 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.
21. 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. Order No. 2003-0017-DWQ can be found at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf.

Receiving Waters: North Fork Mattole River and tributaries to the North Fork Mattole River and Mattole River in the Mattole River Hydrologic Area No. 112.30

Filled or Excavated Area: Area Temporarily Impacted: None
Area Permanently Impacted: 24,500 square feet of stream channel for restoration purposes

Total Linear Impacts: Length Temporarily Impacted: None
Length Permanently Impacted: 2,450 linear feet of stream channel for restoration purposes

Dredge Volume: None

Latitude/Longitude: Scarpulla: 40.2580 N/124.1967 W
Toews: 40.2778 N/124.1059 W
Schmidt/Etter: 40.2632 N/124.1260 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Mattole Restoration Council – Ranchlands Sediment Reduction Project (WDID No. 1B11057WNHU), 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:

All conditions of this order apply to the Applicant (and all their 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 as related to this Water Quality Certification.

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. 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 Applicant.
4. The Regional Water Board staff 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. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
6. 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. 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 action(s).

7. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.
8. 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 standards as detailed in the Basin Plan.
9. The Applicant shall not construct the proposed Toes Bridge prior to obtaining authorization under a separate certification.
10. 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 waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
11. 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 materials within waters of the United States or waters of the State at any time. 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 request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
12. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
13. The mitigation measures that are detailed in the Mitigated Negative Declaration and Mitigation Measures, Monitoring, and Reporting Plan are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall implement and comply with all mitigation measures identified in the Mitigated Negative Declaration that are within the Regional Water Board's jurisdiction.

14. This Water Quality Certification does not authorize the Applicant to draft surface waters.
15. 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 Order No. R1-2009-0045, Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region or individual National Pollutant Discharge Elimination System Permit and shall receive notification of coverage to discharge to surface waters prior to initiating any groundwater dewatering discharge to surface waters.
16. 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.
17. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or threatened discharge to any waters of the State including dry portions of the streambank and streambed. At no time shall the Applicant or its contractors allow use of any vehicle or equipment, which leaks any substance that may impact water quality. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be at least 150 linear feet from waters of the State and the U.S. with the exception of stationary equipment which shall only be refueled using a certified refueling company when not located at least 150 linear feet away from waters of the United States. Proper certification and documentation of fueling (field logs) shall be provided to the Regional Water Board upon request.
18. 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 including stopping work. 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.
19. Spill kits are required at each fueling location and at each location that where power equipment will be working within waters of the State. In the event of an unauthorized release of fuel (spill or leak) to waters of the State, the Applicant shall immediately stop work and conduct the following measures:

- a) notify the appropriate agencies including the Regional Water Board, CDFG, and the Office of Emergency Services (OES) at 1(800) 852-7550;
 - b) utilize the appropriate spill kits for containment and clean up of the release;
 - c) collect samples within the immediate area of release, 50 feet downstream, and downstream to the full extent of the release if the release reaches surface waters; and,
 - d) analyze required surface water samples for all appropriate constituents including but not limited to total petroleum hydrocarbons as diesel (TPH-D), total petroleum hydrocarbons as gasoline (TPH-G), and benzene, toluene, ethylbenzene, total xylenes (BTEX).
20. Any potentially hazardous waste(s) (solids, liquids, or slurries) derived or encountered during this project shall undergo the appropriate characterization to demonstrate compliance with all applicable waste disposal laws and regulations.
21. 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 this threshold, the Applicant shall monitor turbidity levels upstream within 50 feet of project activities (i.e. natural background) and 500 feet (or less) downstream of the in-river construction activities that increase turbidity. At a minimum, field turbidity measurements shall be collected whenever a visible increase in turbidity is observable. Turbidity shall be measured in Nephelometric Turbidity Units (NTU) using a calibrated meter. Measurements shall be taken where turbidity levels appear to be the highest based on visual observation. 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 causing the turbidity, remedial actions shall be implemented to reduce and maintain turbidity levels at or below 20 NTU immediately downstream of the 500 linear foot zone of dilution. Potential remedial actions shall 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 any monitoring results indicate an unauthorized increase in turbidity. A monitoring report containing all turbidity measurements shall be submitted in a tabular format to the Regional Water Board within 30 days of completion of the in-river construction activities that increased turbidity. The monitoring report shall be written in a manner that clearly demonstrates compliance with all water quality monitoring requirements.

22. Rainy Day Reports: The Applicant shall take photos of all areas disturbed by project activities, including all materials disposal areas, after rainfall events that generate visible runoff from these areas in order to demonstrate that erosion control and revegetation measures are present and have been installed appropriately and successfully. A brief report containing these photos shall be submitted within 30 days of the first rainfall event that generated runoff from the disturbed areas. Once the site has demonstrated appropriate and effective erosion and sediment control, the Applicant may request a reprieve from this condition from the Regional Water Board.
23. 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.
24. 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.
25. 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.

26. 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).
27. The authorization of this certification for any dredge and fill activities expires on August 4, 2016. 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.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

Catherine Kuhlman
Executive Officer

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