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**North Coast Regional Water Quality Control Board**

June 22, 2012

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In the Matter of

**Water Quality Certification**

for the

**TRINITY COUNTY RCD – ROAD DECOMMISSIONING IN THE SOUTH FORK  
TRINITY RIVER WATERSHED  
WDID No. 1A12016WNTR**

APPLICANT: Trinity County Resource Conservation District  
RECEIVING WATER: Goods Creek, Hayfork Creek, and unnamed tributaries to Hayfork Creek, Dubakella Creek, Flume Gulch, Glade Creek, Post Creek, Rattlesnake Creek, Little Rattlesnake Creek, North Fork Rattlesnake Creek, and South Fork Trinity River  
HYDROLOGIC AREA: South Fork Trinity River Hydrologic Area No. 106.20  
COUNTY: Trinity  
FILE NAME: Trinity County RCD – Road Decommissioning, South Fork Trinity River Watershed

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BY THE EXECUTIVE OFFICER:

1. On March 14, 2012, the Trinity County Resource Conservation District (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 road decommissioning on federal lands within the South Fork Trinity River watershed. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on

May 29, 2012, 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 purpose of the project is to implement the United States Forest Service Aquatic Conservation Strategy of the Northwest Forest Plan by improving water quality and reducing existing negative environmental conditions on the Shasta-Trinity National Forest. Project activities involve decommissioning roads that currently pose risks to water quality and watershed resources, and are no longer necessary for public or administrative access. The project focuses on removal of engineered fills from stream crossings and restoration of the stream channels and adjacent riparian habitat. The project will decommission approximately 13.3 miles of forest roads and restore stream channels at 54 water crossings. The project is expected to result in approximately 20,800 cubic yards of sediment savings.
3. Channel restoration at each stream crossing includes excavation of fill materials and grading of the stream bottom and banks to match or approximate the original site topography. The upper banks will be graded to match adjacent slopes or to achieve stable slopes. Scour control, bank protection, and slope stabilization structures will be used as necessary. Rock and large woody debris that are available onsite will be used as much as possible for streambed and streambank stabilization. Excavated fill materials will be disposed of within stable locations outside waters of the United States. Disturbed areas will be revegetated with native plant species. The project will occur in the late summer or fall when the streams are at seasonal low flow.
4. The majority of the stream crossings are located on intermittent and ephemeral stream channels. Two stream crossings (Roads U29N83C and U29N35A) are located on perennial streams that will require flow diversion and de-watering of the project area. A diversion dam will be installed upstream of the excavation area and stream flows will be routed around the disturbed area in a flexible drain pipe before discharging back to the stream channel downstream. An energy dissipater will be installed below the bypass discharge pipe outlet to prevent scour. After the crossing site is fully excavated the diversion structure will be removed slowly and flows will be returned to the channel.
5. Restoration activities will temporarily impact a total of 4 acres and 4,685 linear feet of stream channel. All of the project activities are intended to reduce sediment discharge and restore stream and wetland functions. Compensatory mitigation is not required for the project. Noncompensatory mitigation includes the use of Best Management Practices (BMPs) for sediment and turbidity control and for operation of heavy equipment in a stream channel.

6. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Nationwide Permit No. 27 (File No. 2012-00094N), pursuant to Clean Water Act section 404. A Lake and/or Streambed Alteration Agreement from the California Department of Fish and Game is not required for this project on federal land. Project activities are scheduled to begin in August 2012 and be completed by October 2017.
7. On October 10, 2011, the California Department of Parks and Recreation – Off-Highway Motor Vehicle Recreation Division approved a Mitigated Negative Declaration (SCH No. 2011082081) for the project in order to comply with CEQA. BMPs to avoid significant adverse impacts to the environment have been incorporated into the project description. The Regional Water Board has considered the environmental document, BMPs, and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment.
8. The South Fork Trinity River Total Maximum Daily Loads (TMDL) for temperature and sediment was established in 1998 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 South Fork Trinity River are exceeded due to excessive temperature and sediment. 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 South Fork Trinity River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. The project involves decommissioning of roads and removal of stream crossings that currently pose risks to water quality. In addition, authorized activities will require implementation of BMPs for sediment and erosion control. Accordingly, this Order is consistent with, and implements portions of the South Fork Trinity River TMDL.
9. 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.

10. 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.  
[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf).

Receiving Waters: Goods Creek, Hayfork Creek, and unnamed tributaries to Hayfork Creek, Dubakella Creek, Flume Gulch, Glade Creek, Post Creek, Rattlesnake Creek, Little Rattlesnake Creek, North Fork Rattlesnake Creek, and South Fork Trinity River in the South Fork Trinity River Hydrologic Area No. 106.20

Filled or Excavated Area: Area Temporarily Impacted: 4 acres of streambed to reduce sediment discharge and restore stream and wetland functions  
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 4,685 linear feet of streambed to reduce sediment discharge and restore stream and wetland functions  
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude :	<u>Road Segment I.D. No.</u>	<u>Approximate Latitude/Longitude</u>
	1S28C	40.4125 N/123.2629 W
	1S37	40.3919 N/123.3151 W
	1S39A	40.3793 N/123.2924 W
	29N58H	40.3630 N/123.2960 W
	29N58K	40.3686 N/123.2977 W
	29N68A	40.3783 N/123.1691 W
	29N68B	40.3760 N/123.1619 W
	30N50A	40.4206 N/123.2406 W
	30N53A	40.3789 N/123.1750 W
	30N53B	40.3739 N/123.1672 W
	30N57A	40.3974 N/123.2359 W
	U1S29	40.3860 N/123.2961 W
	29N46C	40.3639 N/123.1295 W
	29N73D	40.3613 N/123.1607 W
	29N86	40.3371 N/123.1035 W
	29N86A	40.3396 N/123.0942 W
	U29N33B	40.3392 N/123.1124 W
	U29N83C	40.3792 N/123.0350 W

U29N86B	40.3447 N/123.1029 W
U29N86BA	40.3427 N/123.0980 W
29N35A	40.3262 N/123.1168 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity County Resource Conservation District – Road Decommissioning, South Fork Trinity River Watershed (WDID No.1A12016WNTR), 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. 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.
10. 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.
11. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
12. This Water Quality Certification does not authorize the Applicant to draft surface waters.
13. 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.

14. 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.
15. The mitigation measures detailed in the Mitigated Negative Declaration are hereby incorporated by reference and are conditions of approval of this certification. Notwithstanding any more specific conditions in this certification, the Applicant shall comply with all mitigation measures identified in the Mitigation, Monitoring and Reporting Plan that are within the Regional Water Board's jurisdiction.
16. The Applicant shall submit annually a paper copy of each annual monitoring report to the Regional Water Board. The Applicant shall also submit a paper copy of the final monitoring report to the Regional Water Board. Please reference the file name and WDID Number on all future correspondence related to this certification.
17. 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.
18. Spill kits are required at each fueling location and at each location 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 cleanup 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).
19. 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.

20. 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.
21. 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.
22. 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.

23. 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).
24. The authorization of this certification for any dredge and fill activities expires on June 22, 2017. 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.

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Matthais St. John  
Executive Officer

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Weblink: 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](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original to: Mr. James Fitzgerald, P.O. Box 831, Mount Shasta, CA 96067

cc: Trinity County RCD, P.O. Box 1450, Weaverville, CA 96093

Electronic

Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive,  
Box 14, Eureka, CA 95501  
U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398