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## North Coast Regional Water Quality Control Board

November 15, 2012

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In the Matter of

**Water Quality Certification**

for the

**Freeman Ranch – Stockwater Pump Installation**  
**WDID No. 1A12161WNSI**

APPLICANT: Mr. Tom Freeman  
RECEIVING WATER: Wetlands on Irrigated Agriculture Land  
HYDROLOGIC AREA: Shasta Valley Hydrologic Area No. 105.50  
COUNTY: Siskiyou  
FILE NAME: Freeman, Tom – Stockwater Pump Installation Project

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BY THE EXECUTIVE OFFICER:

1. On August 16, 2012, Mr. Tom Freeman (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 installation of a submersible pump in a water diversion ditch containing wetlands. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 4, 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 project is a component of the larger Shasta River Tailwater Reduction Project (SRTRP). The SRTRP involves projects at seven locations on six separate ranches throughout the Shasta Valley Hydrologic Area. All components of the SRTRP are located on existing active agricultural lands. The objective of the SRTRP is to improve water quality in the Shasta River by decreasing temperatures and increasing dissolved oxygen through improved agricultural irrigation management. The SRTRP aims to achieve these objectives by reducing the amount of warm tailwater returned to the Shasta River and allowing more cold water to remain in the river by reducing agricultural irrigation diversions.
3. The project is part of the *Freeman Gated Pipe and Tailwater Re-Use* component of the SRTRP which involves installation of approximately 2,700 linear feet of gated pipe within existing irrigation ditches to improve flood irrigation efficiency and installation

of an additional 1,700 linear feet of underground PVC pipe to connect the existing pump facility to two new segments of gated pipe. The new underground PVC pipe will replace approximately 750 feet of existing underground water transmission line and the additional 950 feet of PVC pipe will be a new underground transmission line.

4. Installation of the submersible pump within the existing water diversion ditch will result in permanent impacts to 1 square foot of wetland. The proposed project will not result in any temporary impacts to waters of the United States. Best Management Practices (BMPs) will be implemented during installation of the pump. BMPs will include installation of silt screen and straw bales between the area of disturbance and the Shasta River for sediment and erosion control. Post-construction BMPs will include utilization of a vegetated buffer between the project area and Shasta River. The vegetated buffer will consist of grass, meadow, and/or forest plant material. The vegetated buffer will be approximately 50-foot wide and run parallel to the river for approximately 50 linear feet.
5. On March 30, 2011, the Shasta Valley Resource Conservation District approved a Mitigated Negative Declaration (SCH No. 2011022041) for the project in order to comply with CEQA. 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. The environmental document includes mitigation measures for the project's impacts to hydrology and water quality.
6. The Applicant has applied for authorization from the United States Army Corps of Engineers to implement the project, pursuant to Clean Water Act, section 404. The Applicant has also applied for a Lake and/or Streambed Alteration Agreement from the California Department of Fish and Game.
7. The Shasta River watershed is listed on the Clean Water Act section 303(d) list as impaired for temperature and organic enrichment/low dissolved oxygen. On June 28, 2006, the Regional Water Board adopted a resolution approving amendments to the Water Quality Control Plan for the North Coast Region (Basin Plan) to establish an Action Plan for the Shasta River Total Maximum Daily Loads (TMDLs) addressing temperature and dissolved oxygen impairments in the Shasta River. Activities that impact the streambed, streambanks, and floodplains and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. Such projects may involve removal of vegetation and/or channel alteration, and also have potential to increase sediment loads. A focus on measures to reduce sediment discharges to surface waters from roads in the watershed, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. This project is designed to improve water quality in the Shasta River by decreasing temperatures and increasing dissolved oxygen through improved agricultural irrigation management. Accordingly, this Order is consistent with, and implements portions of the Shasta River TMDLs.
8. 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.

9. 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: Shasta Valley Hydrologic Area No. 105.50

Filled or Excavated Area: Area Temporarily Impacted: None  
Area Permanently Impacted: 1 square foot of wetland within existing water diversion ditch

Total Linear Impacts: Length Temporarily Impacted: None  
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 41.68019 N/122.51558 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Freeman Ranch – Stockwater Pump Installation Project (WDID No.1A12161WNSI), 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 of 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. 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. 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.
6. 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.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification. 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 water.
8. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
9. The mitigation measures, and monitoring and reporting requirements detailed in the Mitigated Negative Declaration (SCH No. 2011022041) 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 Plan and Mitigated Negative Declaration that are within the Regional Water Board’s jurisdiction.
10. 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.
11. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the United States. At no time shall the Applicant use any vehicle or equipment, which leaks any substance that may impact water quality.
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. 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).

13. 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.
14. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
15. 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.
16. 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.

17. 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).
18. The authorization of this certification for any dredge and fill activities expires on November 15, 2017. 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.

Original Signed By Luis Rivera For

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Matthias 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)

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