
North Coast Regional Water Quality Control Board

April 30, 2013

In the Matter of

Water Quality Certification

for the

**Siskiyou RCD – Scott River Riparian Restoration Project, Spencer Property
WDID No. 1A13032WNSI**

APPLICANT: Danielle Yokel, Siskiyou Resource Conservation District
RECEIVING WATER: Scott River
HYDROLOGIC UNIT: Scott Valley Hydrologic Subarea No. 105.42
COUNTY: Siskiyou
FILE NAME: Siskiyou RCD – Scott River Riparian Restoration, Spencer Property

BY THE EXECUTIVE OFFICER:

1. On February 25, 2013, the Siskiyou 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 streambank stabilization and riparian area restoration along the Scott River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 5, 2013, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project is located on property owned by John Spencer near the confluence of French Creek and Scott River, approximately 1.5 miles downstream of the bridge on Fay Lane over the Scott River. The purpose of the project is to arrest streambank erosion along an approximately 800-foot long reach of the Scott River that is adversely impacting existing riparian areas. The project area is within known coho salmon

habitat and continued loss of the streambank in the area could isolate some key pools in the Scott River and near the mouth of French Creek. Project activities involve planting riparian trees on the floodplain to enhance the riparian corridor of the Scott River and implementation of bioengineered streambank enhancement and riparian area restoration methods as described in *Streambank Bioengineering Field Guide for Low Precipitation Areas* (Hoag C., Fripp J. 2002). Enhancement of the riparian corridor will benefit in-stream habitat for coho salmon.

3. The project will use a variety of bioengineering techniques to restore the lost riparian vegetation using methods that are designed to resist further loss of bank material. Bioengineered streambank enhancement activities will include a variety of structure types including rock vanes, live willow siltation baffles, live willow brush mattresses, deep planted live willow clusters, and live woven willow walls. These techniques have proven successful in pilot projects along the Scott River. In-stream work will be conducted in a manner which minimizes or eliminates adverse impacts to aquatic habitat and water quality. Pole plantings and rooted stock will also be planted in areas outside of the active flowing channel.
4. A significant portion of the project reach can be treated without adversely affecting the low-flow stream channel; however, any surface water flow that is present during implementation will be diverted around disturbed project areas using sand bags and/or clean washed gravel to protect water quality. If aquatic species are observed in the area, they will be trapped for relocation and/or evaluated by Department of Fish and Wildlife staff. Delay of the project is an option if flows are high enough to threaten the aquatic habitat and water quality protection BMPs.
5. The project will result in temporary impacts to 480 linear feet and 1,344 square feet of streambank. The project will not result in any permanent impacts to waters of the United States. The primary purpose of the project is to restore and protect habitat in the Scott River. Compensatory mitigation is not required due to the nature of these stream and riparian area restoration activities. Non-compensatory mitigation measures include implementation during the summer when flows are low, and the use of Best Management Practices (BMPs) for materials staging and use of heavy equipment in a stream channel.
6. Streambank stabilization activities are scheduled to occur during the summer of 2013 and are expected to take approximately 45 working days to complete. The riparian planting phase will be implemented during the late winter or early spring.
7. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under an Individual Permit, 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 Wildlife.
8. On January 3, 2013, the Siskiyou Resource Conservation District approved a Mitigated Negative Declaration 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 describes avoidance and minimization measures, and mitigation measures for the project's impacts to biological resources, and hydrology and water quality. Monitoring will include annual documentation of project areas before and after implementation. Photo-point monitoring will be conducted annually to provide information on treatment success, and information for assessing environmental protection, changes in the Scott River riparian corridor, and the effectiveness of the riparian planting methods for implementation of future management actions.

9. The Scott River watershed has been listed as impaired for sediment (1992) and temperature (1998) in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Scott River are exceeded due to excessive sediment and temperature. The *Action Plan for the Scott River Sediment and Temperature Total Maximum Daily Loads* includes sediment and temperature total maximum daily loads (TMDLs) and describes the implementation actions necessary to achieve the TMDLs and attain water quality standards in the Scott River watershed within 40 years of United States Environmental Protection Agency approval (Sept. 8, 2006) of the Scott River TMDL Action Plan. 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 Scott River watershed pertain to cold freshwater habitat, primarily anadromous salmonid habitat. The purpose of the project is to prevent excessive streambank erosion that is adversely impacting riparian areas and to enhance the riparian corridor of the Scott River by planting riparian trees on floodplain areas. Project activities also include implementation of BMPs and impact avoidance measures as described above. Accordingly, this Order is consistent with, and implements portions of the Scott River TMDL.
10. 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.

11. 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

Receiving Water: Scott River in the Scott Valley Hydrologic Subarea No. 105.42

Filled or Excavated Area: Area Temporarily Impacted: 1,344 square feet of streambank
Area Permanently Impacted: None

Total Linear Impacts: Length Temporarily Impacted: 480 linear feet of streambank
Length Permanently Impacted: None

Dredge Volume: None

Latitude/Longitude: 41.4166 N/122.8452 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Siskiyou RCD - Scott River Riparian Restoration, Spencer Property (WDID No. 1A13032WNSI), 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 California Code of Regulations, title 23, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. 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 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. 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.
7. 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.
8. 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.
9. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
10. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
11. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

12. The Applicant shall implement the Mitigation Measures for Biological Resources and Hydrology/Water Quality as described in the Initial Study/Mitigated Negative Declaration.
13. The Applicant shall implement the Monitoring and Adaptive Management measures as described in the Initial Study/Mitigated Negative Declaration. Photo-point monitoring of streambank treatment areas shall be conducted annually to document changes in the treatment areas and the Scott River riparian corridor, and to collect information for assessing treatment success, environmental protection, and the effectiveness of riparian planting methods for implementation of future management actions. Annual monitoring reports containing photo-point locations and before-and-after photos of all project areas shall be submitted to the Regional Water Board by June 15 each year. The first monitoring report shall be submitted by June 15, 2014. A final monitoring report containing the annual photo-point monitoring photos and an assessment of the treatment success, environmental protection, changes in the Scott River riparian corridor, and the effectiveness of the riparian planting methods shall be submitted by June 15, 2017. All monitoring reports shall be submitted by paper copy and all future correspondence related to this matter shall include reference to the file name and WDID Number as shown above.
14. 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.
15. 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 shoreline. 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.
16. The Applicant shall comply with all applicable water quality standards as detailed in the Basin Plan.
17. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. 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).
18. 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.

19. 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.
20. 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.
21. 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.
22. 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).

23. The authorization of this certification for any dredge and fill activities expires on October 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.

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

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Electronic

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