
North Coast Regional Water Quality Control Board

May 3, 2013

In the Matter of

Water Quality Certification

for the

**USDI, Bureau of Land Management – Mattole River Estuary Habitat Improvement
WDID No. 1B13004WNHU**

APPLICANT: Linda Roush, USDI - Bureau of Land Management
RECEIVING WATER: Mattole River
HYDROLOGIC UNIT: Mattole River Hydrologic Area No. 112.30
COUNTY: Humboldt
FILE NAME: USDI, BLM – Mattole Estuary Habitat Improvement Project

BY THE EXECUTIVE OFFICER:

1. On January 14, 2013, the United States Bureau of Land Management (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 the Mattole River Estuary Habitat Improvement Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 8, 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 Applicant and the Mattole Salmon Group (MSG) will build up to 40 complex large log habitat structures, up to 15 small wood habitat structures, and stabilize up to 1,000 linear feet of streambank using natural materials in the Mattole River estuary area. The Mattole River estuary area is managed by the Applicant as part of the King Range National Conservation Area.

3. The primary objective of the project is to improve and restore aquatic habitat in the Mattole River for salmonids. Wood habitat structures will be constructed in a manner that mimics naturally-formed wood jams that occur in estuaries and the lower portions of rivers. The project will use techniques and materials described in the California Department of Fish and Wildlife's California Salmonid Stream Habitat Restoration Manual (manual) in addition to habitat improvement techniques developed by MSG in coordination with U.S. Fish and Wildlife and National Marine Fisheries Service.
4. Constructed habitat structures will include logs, root wads, and boulder combinations as described in the manual. Large boulders will be incorporated into these structures as ballast on a site-specific basis and the structures will be securely anchored in place using standard cabling and pinning techniques. Constructed habitat structures will also include unanchored wood structures consisting of whole trees with attached root wads. Trees will be placed in various configurations on the edges of the river and along the edges of mid-channel islands to promote channel stability and provide salmonid habitat.
5. Trenched baffles will be installed on islands and along terrace margins where topography permits excavation to the water table. Baffles are also proposed on lower elevation surfaces where they will be associated with wood structures or other isolated topographic features on the gravel bar. Trenched baffles will be installed by excavating a trench to below the depth of the water surface. A combination of large rocks, wood, organic matter, and cottonwood and/or willow cuttings, will be placed along the bottom of the trench and then buried under the previously excavated material. Tree cuttings will be obtained from local sources.
6. Habitat structures will be installed using a large excavator positioned on the river bar. The wetted portion of the work area will be isolated by a silt fence or turbidity curtain. All logs, root wads, and trees will be transported to the river bar from an offsite location using heavy equipment or helicopter. Access to the project area will be via BLM land and may require annual installation and removal of a temporary bridge or culvert crossing in order for heavy equipment to cross the Mattole River. Exact locations of any crossings will be selected based on the low flow channel configuration and how best to minimize potential adverse impacts to the river channel. Fill material used to construct temporary crossings will consist of native river-run aggregate scraped from a borrow area located on the adjacent dry gravel bar. When a crossing is removed, the aggregate fill material will be returned to the borrow area and the disturbed area will be restored.
7. The project will result in temporary impacts to 40 linear feet of streambank and 425 square feet of stream channel. The project will permanently impact 1,440 linear feet and 0.8 acre of stream channel. Permanent impacts include 1,000 linear feet of bioengineered streambank stabilization and 440 linear feet of habitat improvement structures. Compensatory mitigation is not required for these permanent impacts due to the nature of these habitat improvement activities. Non-compensatory mitigation measures include implementation during the summer when flows are low, and the use of Best Management Practices (BMPs) for staging of materials and use of heavy equipment in a stream channel.

8. Project activities will occur during the summer months (June through September) during low flows and dry weather. The project is scheduled to begin in 2013 and is expected to be completed by the end of September 2017.
9. The applicant has applied for authorization from the U.S. Army Corps of Engineers to perform the project under Nationwide Permit No. 27, pursuant to Clean Water Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife is not required.
10. Regional Water Board staff has determined that this project is categorically exempt from CEQA review (Section 15333 – small habitat restoration).
11. 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, this Order is consistent with, and implements portions of the Mattole River TMDL.
12. 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.
13. 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: Mattole River in the Mattole River Hydrologic Area No. 112.30

Filled or Excavated Area: Area Temporarily Impacted: 425 square feet of stream channel
Area Permanently Impacted: 0.8 acre of stream channel

Total Linear Impacts: Length Temporarily Impacted: 40 linear feet of streambank
Length Permanently Impacted: 1,440 linear feet of stream channel

Dredge Volume: None

Latitude/Longitude: Upstream: 40.30041 N/124.31871 W
Downstream: 40.29498 N/124.35442 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the USDI, BLM - Mattole River Estuary Habitat Improvement Project (WDID No. 1B13004WNHU), 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 Monitoring Plan submitted on March 26, 2013. Monitoring of project areas shall be conducted annually to document changes in the treatment areas over time. Pre- and post-project three dimensional mapping shall be conducted to determine changes to the quantity and depth of pools in the project area, the amount of cover, and the amount of vegetated streambank. Monitoring shall be conducted annually beginning the year following the year of initial treatment activities

and continuing for a minimum of three years following completion of all project activities. Annual monitoring reports containing an assessment of pre-and post-project pool depths, cover area, and length of vegetated streambanks shall be submitted to the Regional Water Board on or before December 31 each year. The first monitoring report shall be submitted on or before December 31, 2014. A final monitoring report containing an assessment of the project's attainment of the performance standards described in the Monitoring Plan shall be submitted by December 31, 2020. If monitoring results indicate that the performance standards have not been achieved, a plan describing additional activities to achieve the performance standards shall be included with the final monitoring report. All monitoring reports shall be submitted to this office by paper copy and all future correspondence related to this matter shall include reference to the file name and WDID Number as shown above.

13. 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.
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 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.
15. The Applicant shall comply with all applicable water quality standards as detailed in the Basin Plan.
16. 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).
17. 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.
18. 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.

19. 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.

20. 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.

21. 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).

22. 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

130503_USDI_BLM_Mattole_River_Estuary_401Cert

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

Original to: Ms. Linda Roush, USDI Bureau of Land Management, 1695 Heindon Road, Arcata, CA 95521

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