
North Coast Regional Water Quality Control Board

August 9, 2013

In the Matter of

Water Quality Certification

for

Root Property – Riparian Planting and Stockwater Improvement Project WDID No. 1A13069WNSI

APPLICANT: Ms. Beth Root
RECEIVING WATER: Julian Creek and Shasta River
HYDROLOGIC AREA: Shasta Valley Hydrologic Area No. 105.50
COUNTY: Siskiyou
FILE NAME: Root Property – Riparian Planting and Stockwater Improvement Project

BY THE EXECUTIVE OFFICER:

1. On June 3, 2013, Ms. Beth Root (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 construction of a livestock watering lane and planting native riparian vegetation along Julian Creek and the Shasta River. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 17, 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 *Root Planting and Stockwater Project* (project) is a component of the larger Shasta River Riparian Protection and Enhancement Project (SRRPEP). The SRRPEP involves projects at six locations throughout the Shasta Valley Hydrologic Area. All components of the SRRPEP are located on existing active agricultural lands. The primary objective of the SRRPEP is to improve water quality in the Shasta River by decreasing temperatures and sediment loads through improved riparian vegetation. The SRRPEP aims to increase the amount of riparian vegetation along the Shasta River and its tributaries by installing riparian protection fencing along unfenced stream reaches, installing new livestock watering systems, and planting native riparian vegetation. By improving riparian vegetation these SRRPEP projects are expected to improve water quality and aquatic habitat in the Shasta River and its tributaries.

3. Project activities are located on a portion of the Root Ranch bound by the Shasta River to the north and northeast, Julian Creek to the southeast, and agricultural fields used for grazing and hay production to the south and west. Anticipated disturbance along Julian Creek and the Shasta River is primarily associated with clump planting of native riparian vegetation including but not limited to willow, chokecherry, and native plum species. Native riparian vegetation will be planted along approximately 2,200 feet of Julian Creek and approximately 150 feet of the Shasta River. Planting areas are primarily in upland pasture above the high water mark of Julian Creek and the Shasta River. Planting areas will be located behind existing or new riparian protection fencing to ensure higher propagation and survival rates.
4. The Applicant has already installed riparian protection fencing along portions of Julian Creek and the Shasta River, which created the need for installation of new livestock watering systems. The new watering systems will consist of two new cisterns to supply water to three new troughs. Solar pumps at each cistern will supply water to the troughs. A livestock watering access lane and a 150 linear foot section of additional riparian protection fencing will also be constructed along the Shasta River. Fencing will consist of T-posts and barbed wire set back approximately 35 feet from the Shasta River, consistent with the Shasta Valley Resource Conservation District's (SVRCD) riparian fencing specifications. The livestock watering access lane will consist of a 24-foot wide gap in the new riparian protection fencing to allow livestock to continue to water from the river at a specific area with constructed improvements for that purpose.
5. The livestock watering access lane will be constructed in an area with low banks and a solid river bottom. The streambank will be minimally graded to create a 5:1 or flatter slope and excavated approximately 12-inches deeper than final grade. Geotextile fabric will be installed over the excavated surface and covered with 12 inches of compacted rock to restore the grade, protect the streambed, and reduce erosion. The new barbed wire fencing will be tied to the edges of the watering access lane and temporary panels will be used to define the edges of the access lane.
6. Construction of the watering access lane will result in permanent impacts to approximately 870 square feet of Shasta River streambed. The project will not result in any temporary impacts to waters of the United States. The project will reduce livestock access to the river and riparian areas, and will limit livestock access to a specific watering location on the Shasta River that has been designed and constructed to minimize adverse impacts associated with ongoing livestock watering in a stream. The project is considered to be self-mitigating and has been designed to improve riparian vegetation and water quality in the Shasta River. Best Management Practices (BMPs) will be implemented during construction to prevent adverse impacts to the Shasta River and may include installation of silt screen and straw bales between areas of disturbance and the Shasta River for sediment and erosion control.
7. On December 14, 2012, the SVRCD approved a Mitigated Negative Declaration (SCH No. 2012102037) 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 biological resources, geology and soils, and hydrology/water quality.
8. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform this project under Nationwide Permit No. 23 pursuant to Clean

Water Act, section 404. The Applicant has also obtained a Lake and/or Streambed Alteration Agreement from the California Department of Fish and Game.

9. 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, 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 streambed, banks, 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. The project is designed to improve water quality in the Shasta River by decreasing temperatures and increasing dissolved oxygen through riparian vegetation improvement and improved agricultural practices. Accordingly, this Order is consistent with, and implements portions of the Shasta River TMDLs.
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, and does not otherwise authorize degradation of the waters affected by this project.
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 Waters:	Shasta Valley Hydrologic Area No. 105.50
Filled or Excavated Area:	Area Temporarily Impacted: None Area Permanently Impacted: 870 square feet of streambed
Total Linear Impacts:	Length Temporarily Impacted: None Length Permanently Impacted: 24 linear feet of streambank
Dredge Volume:	None
Latitude/Longitude:	41.66766 N/122.50448 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Root Property – Riparian Planting and Stockwater Improvement Project (WDID No.1A13069WNSI), 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. 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 more 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.
9. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
 10. The mitigation measures detailed in the Mitigated Negative Declaration (SCH No. 2012102037) 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 Negative Declaration that are within the Regional Water Board's jurisdiction.
 11. 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.
 12. 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.
 13. 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).
 14. 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.
 15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
 16. 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.

17. 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.

18. 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).
19. The authorization of this certification for any dredge and fill activities expires on August 9, 2018. 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

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

Original to: Ms. Beth Root, P.O. Box 28, Grenada, CA 96038

Copy to: Ms. Karen Mallory, Shasta Valley RCD, 215 Executive Court, Suite A, Yreka, CA 96067

Electronic
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Box 14, Eureka, CA 95501
U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398