
North Coast Regional Water Quality Control Board

December 19, 2013

In the Matter of

Water Quality Certification

for

Trinity County DOT – East Connector Roadway Project WDID No. 1A13090WNTR

APPLICANT: Trinity County Department of Transportation
RECEIVING WATER: East Weaver Creek, Lance Gulch and wetlands
HYDROLOGIC UNIT: Trinity River Hydrologic Unit, Weaver Creek Hydrologic
Subarea No. 106.32
COUNTY: Trinity
FILE NAME: Trinity County DOT – East Connector Roadway Project

BY THE EXECUTIVE OFFICER:

1. On July 15, 2013, Trinity County Department of Transportation (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 Trinity County DOT – East Connector Roadway Project (Project). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on October 3, 2013, and posted information describing the Project on the Regional Water Board's website. We did not receive any public comments on the Project. The Project is located approximately at 40.731545°N, longitude 122.926541°W. The Project will result in permanent impacts to approximately 4,182 square feet / 0.096 acres of seasonal wetlands, waters of the US. The project will also permanently impact approximately 15,136 square feet and 2,316 linear feet of streambed, and temporarily impact approximately 4,252 square feet and 122 linear feet of streambed, waters of the US, associated with East Weaver Creek and

Lance Gulch, Trinity River Hydrologic Unit, Weaver Creek Hydrologic Subarea No. 106.32.

2. The primary purpose of the Project is roadway congestion relief. Weaverville's traffic issues are associated with the large volumes of traffic using Highway 299 and Highway 3. The current street pattern of predominantly dead-end streets requires most local trips to travel on the state highways, thereby increasing turning movements and congestion on the highways. The large volume of traffic on the highways results in increased delays for local traffic attempting to enter the highways from side streets. The lack of alternate routes to the highways creates congestion and can inhibit emergency response efforts.
3. The Project involves construction of approximately 1.25 miles of new two-lane arterial roadway with 12-foot wide lanes and 6 to 8-foot wide shoulders that will include bike lanes. The new roadway will connect Highway 299 in southeast Weaverville to Highway 3 in northern Weaverville. The new road will cross East Weaver Creek, a perennial tributary to Weaver Creek, on a new bridge. The new bridge will have three spans with two piers in the stream channel. The piers will be cast-in-place concrete on spread footings. Rock slope protection will be installed around the bridge abutments for scour protection. Temporary falsework for bridge construction will be installed outside the low flow channel. Bridge construction activities will result in temporary impacts to waters of the United States; however, all permanent piers and abutments will be located above the elevation of ordinary high water.

A temporary stream crossing over East Weaver Creek may be installed during bridge construction activities. The temporary crossing will consist of a flat railcar or similar bridge placed on temporary approaches located outside the active stream channel. Bridge construction activities will be conducted during the dry season. Temporary falsework and temporary crossing structures will be installed after June 15 and will be removed by October 15.

The proposed new roadway will cross Lance Gulch, an ephemeral tributary to Weaver Creek, at two locations. Lance Gulch is not a fish bearing stream within the Project area due to the numerous barriers downstream. Box culverts sized to accommodate a 100-year storm event will be installed at both Lance Gulch crossing locations. The box culverts will be cast-in-place or pre-cast concrete with concrete bottoms. Temporary diversion of Lance Gulch may be necessary during culvert construction. A coffer dam may be installed upstream of the project area and flexible pipe will be used to temporarily convey stream flows around the active work area.

4. The Project is planned to take place May – November 2014 and May – November 2015. Work is proposed to last approximately 14 months.

5. Compensatory mitigation is required for the proposed impacts to waters of the United States. Proposed mitigation includes: in-kind establishment of 0.491 acres of seasonal wetlands onsite within four wetland complexes and preservation of 0.126 acres seasonal wetlands; in-kind establishment of 0.107 acres of streams and preservation of 0.730 acres of streams onsite; in-kind establishment of 0.433 acres, enhancement of 1.702 acres and preservation of 2.679 acres of riparian habitat onsite. Additionally, the Project will include restoration of all temporary impact areas. Riparian enhancement activities along East Weaver Creek include invasive vegetation management and native vegetation plantings. Mitigation in Lance Gulch includes creation of a meander bend within an existing artificially channelized section, creation of riparian wetland benches and berms as well as planting native riparian grasses, shrubs and trees. Two new 24-inch diameter plastic culverts will also be installed to convey overflow from the constructed wetland mitigation complexes under the new roadway.
6. The Project will cause an increase of impervious surface by approximately 9.2 acres. Project designs include installation of bioswales sized to capture and treat the 85th percentile 24-hour storm event. Applicant shall install proposed post-construction storm water treatment measures in accordance with the *Bioswale Design and Maintenance Plan* submitted to the Regional Water Board on 7/11/2013.
7. The Applicant has applied for authorization from the United States Army Corps of Engineers (File No. 2002-268720N) to perform this project under Nationwide Permit No. 14 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 March 4, 2003, the Trinity County Planning Department certified an Environmental Impact Report (EIR SCH No. 2001032073) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document.
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

Receiving Water: Trinity River Hydrologic Unit,
Weaver Creek Hydrologic Subarea No. 106.32

Filled or Excavated Area: Permanent impact to waters of the U.S.:
0.096 acres (4,182 ft.²) Wetlands

Channel and Shoreline: Permanent impact to waters of the U.S.:
2,316 linear feet streams
Temporary impact to waters of the U.S.:
122 linear feet streams

Fill Volume: 644 cubic yards

Latitude/Longitude: 40.731545°N / 122.926541°W

Expiration: December 19, 2018

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity County DOT – East Connector Roadway Project (WDID No. 1A13090WNTR), 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 Mitigation measures identified in the EIR as necessary to reduce or eliminate significant effects on water quality include: implementation of a Storm Water Pollution Prevention Plan and Best Management Practices (BMPs) to avoid or minimize mobilization of sediment and other pollutants; restoration of temporary impacts to pre-construction conditions; installation of post-construction storm water treatment measures to reduce pollution and runoff intensification; and, compensatory

mitigation for impacts to waters of the United States. Mitigation measures identified in the EIR shall be incorporated as conditions of this water quality certification.

5. Compensatory mitigation is required for the proposed impacts to waters of the United States. Compensatory mitigation includes: in-kind establishment of 0.491 acre of seasonal wetlands onsite within four wetland complexes; in-kind establishment of 0.107 acres of streams and preservation of 0.730 acres of streams onsite; in-kind establishment of 0.433 acres, enhancement of 1.702 acres and preservation of 2.679 acres of riparian habitat onsite. Additionally, the Project will include restoration of all temporary impact areas. Riparian enhancement activities along East Weaver Creek include invasive vegetation management and native vegetation plantings. Mitigation in Lance Gulch includes creation of a meander bend within an existing artificially channelized section, creation of riparian wetland benches and berms as well as planting native riparian grasses, shrubs and trees.

Compensatory mitigation shall be performed in accordance with the *Trinity County East Connector Roadway Project, Draft Habitat Mitigation and Monitoring Plan (HMMP) Fourth revision dated 7/10/2013*, prepared by Quincy Engineering and Restoration Resources, and any subsequent revisions reviewed and approved by the Regional Water Board. Monitoring reports shall be submitted annually to the Regional Water Board by December 31st following completion of the project, for five years, showing progress toward and attainment of success criteria outlined in the *HMMP*. Two new 24-inch diameter plastic culverts will also be installed to convey overflow from the constructed wetland mitigation complexes under the new roadway. These culverts will be installed while the channels are dry. Non-compensatory mitigation measures will include the use of BMPs for sediment and erosion control, and for operation of heavy equipment in wetlands and stream channels.

6. The Trinity River Total Maximum Daily Load (TMDL) for sediment was established in 2001 by the United States Environmental Protection Agency (EPA) in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Trinity River are exceeded due to excessive sediment. Roads and bank erosion are identified as sources contributing to the sediment impairment. The primary adverse impacts associated with excessive sediment in the Trinity River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Proposed activities include implementation of BMPs for sediment and erosion control, and implementation of wetland and riparian mitigation measures as described above. Accordingly, the project is consistent with, and implements portions of the Trinity River TMDL.
7. Pursuant to Regional Water Board Resolution R1-2004-0087, Total Maximum Daily Load Implementation Policy Statement for Sediment-Impaired Receiving Waters within the North Coast Region (Sediment TMDL Implementation Policy), the Executive Officer is directed to “rely on the use of all available authorities, including existing regulatory standards, and permitting and enforcement tools to more

effectively and efficaciously pursue compliance with sediment-related standards by all dischargers of sediment waste.”

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.
9. Any water pumped from the work area shall not be discharged back to the creek; it shall be pumped to a tank or other conveyance and disposed of at a legal point of disposal.
10. Applicant shall prioritize the use of wildlife-friendly 100% biodegradable erosion control products/BMPs whenever feasible. For purposes of this Order, photodegradable synthetic products are not considered biodegradable. Applicant shall not use or allow the use of erosion control products that contain synthetic (e.g., plastic or nylon) netting or materials 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, the Applicant shall remove the netting or product and replace it with wildlife-friendly biodegradable products. Applicant shall remove any remaining synthetic netting or materials remaining at the end of two years, or sooner.
11. BMPs shall be implemented as proposed in the application materials. 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. Severe and unseasonal rain events are becoming more frequent due to the effects of climate change. Therefore, BMPs shall be immediately available for deployment at all times to prevent discharges to waters of the state.
12. 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.

13. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
14. If, at any time, an unauthorized discharge to surface water (including wetlands, lakes, 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.
15. 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).
16. All Project work shall be conducted as described in this Order and in the application submitted by the Applicant, and shall comply with all applicable water quality standards as detailed in the Basin Plan. 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.
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. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
19. 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.
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. 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 December 19, 2018. 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 Stephen Bargsten at (707) 576-2653 or Gil Falcone at (707) 576-2830.

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: Trinity County Department of Transportation, Janice Smith, PO Box 2490, Weaverville, CA 96093