
North Coast Regional Water Quality Control Board

February 5, 2014

Water Quality Certification

for the

**California Department of Transportation
State Route 299, Little Grass Valley Creek Fish Passage Project
(Caltrans EA No. 02-0E020)
WDID No. 1A13134WNTR
CIWQS Reg. Measure ID No. 394535**

APPLICANT: California Department of Transportation
RECEIVING WATER: Little Grass Valley Creek
HYDROLOGIC AREA: Middle Trinity River, Hydrologic Sub-Area No. 1106.31
COUNTY: Trinity
FILE NAME: CDOT TRI-299 Little Grass Valley Creek Fish Passage Project

FINDINGS BY THE EXECUTIVE OFFICER:

1. On October 15, 2013, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification (certification) for activities related to the proposed State Route 299 Little Grass Valley Creek Fish Passage Project (Project).
2. **Hydrologic Unit:** The proposed Project would cause disturbances Little Grass Valley Creek within the Douglas City Hydrologic Sub-Area of the Middle Trinity River Hydrologic Area, which are within the Trinity River Hydrologic Unit (Basin Plan Hydrologic Planning Sub-Area 1106.31)
3. **Public Notice:** The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on January 10, 2014,

and posted information describing the project on the Regional Water Board's website. No comments were received.

4. **Project Description:** The proposed Project is located on State Route (SR) 299, at post-miles 68.0 and 68.2, in Trinity County. The purpose of the Project is to provide fish passage improvements at two concrete-lined culverts within Little Grass Valley Creek, a tributary to the Trinity River. Project elements include:

- Installation of twenty-one in-line concrete ramp weirs within two separate 12-foot-diameter steel-pipe culverts;
- Installation of two vortex boulder weirs downstream of each culvert. The boulder weirs will form a step-pool configuration and ease upstream fish passage; and
- Removal of 350 cubic yards of stream bed and bank materials to allow for weir installation.

The design criteria for this Project is based on the 2001 National Oceanic and Atmospheric Administration Fisheries Guidelines for Salmonid Passage at Stream Crossings and the 2002 California Department of Fish and Wildlife Culvert Criteria for Fish Passage.

5. **Construction Dates and Duration:** Project implementation is expected to be completed in approximately twenty days between June 15, 2014, and October 15, 2015.
6. **Permanent Impacts:** Caltrans has determined that the proposed Project would result in approximately 0.062 acres (180 linear feet) and 0.0025 acres of permanent impacts to jurisdictional creek and wetlands as a result of boulder and concrete ramp weirs.
7. **Temporary Impacts:** Caltrans has determined that the proposed Project would result in approximately 0.051, 0.058, and 0.0013 acres of temporary jurisdictional impacts to riparian, creek, and wetland areas, respectively.
8. **Mitigation for Permanent and Temporary Impacts:** Because the only purpose of this project is fish passage improvements, mitigation is not required. Disturbed jurisdictional areas shall be restored according the required restoration plan (see condition no. 3).
9. **Post-Construction Stormwater Treatment:** Post-construction stormwater treatment is not required for this Project.
10. **Disturbed Soil Area:** Project implementation would result in less than one acre of disturbed soil area. Caltrans will prepare a Water Pollution Control Program for the Project, subject to the acceptance of the Regional Water Board. All disturbed areas within the Project area shall be appropriately stabilized and/or replanted with appropriate native vegetation.

11. **TMDL:** The Trinity River Total Maximum Daily Load (TMDL) for sediment was established in 2001 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 Trinity River are exceeded due to excessive sediment.

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, the Regional Water Board 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.”

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. The proposed Project activities include implementation of erosion and sediment control Best Management Practices and re-vegetation of disturbed areas, including vegetating previously un-vegetated areas. Accordingly, the Project is consistent with and implements the Trinity River TMDL.

12. **Utility Relocations:** Utility relocations are not needed for this Project.
13. **Other Agency Actions:** Caltrans has received coverage under United States Army Corps of Engineers Nationwide Permit 27, *Aquatic Habitat Restoration, Establishment, and Enhancement Activities*, pursuant to Clean Water Act, section 404. Caltrans also has a signed Streambed Alteration Agreement from the California Department of Fish and Wildlife, dated January 13, 2014.
14. **CEQA Compliance:** Caltrans, as the lead California Environmental Quality Act (CEQA) agency, determined that the Project was exempt from CEQA on August 12, 2013, pursuant to CEQA guidelines (section 15333, Small Habitat Restoration Projects).

The North Coast Regional Water Quality Control Board, has also determined that the project qualifies for a Categorical Exemption, (15333-Small Habitat Restoration Projects), and will file a Notice of Determination with the State Clearinghouse concurrent with issuance of the 401 Water Quality Certification, pursuant to CEQA guidelines.

15. **Antidegradation Policy:** 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 certification 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.

16. 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 certification.

Receiving Water:	Little Grass Valley Creek within the Douglas City Hydrologic Sub-Area of the Middle Trinity River Hydrologic Area, Trinity River Hydrologic Unit (Basin Plan Hydrologic Planning Sub-Area 1106.31)	
Filled and/or Excavated Areas:	Permanent – stream channel	180 linear feet (0.062 acres)
	Permanent – wetland	108 ft ² (0.0025 acres)
	Temporary – stream channel	178 linear feet (0.058 acres)
	Temporary – riparian	0.051 acres
	Temporary – wetland	0.0013 acres
Dredge Volume:	none	
Fill Volume:	Permanent – 429 cubic yards	
Mitigation proposed:	none	
Latitude/Longitude :	40.6651481, -122.7838620	

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the State Route 299 Little Grass Valley Creek Fish Passage Project (WDID No. 1A13134WNTR), 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 Caltrans complies with the following terms and conditions:

All conditions of this certification apply to Caltrans (and all its 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 (including the off-site mitigation lands) as related to this Water Quality Certification.

Project-Specific Conditions Requiring Reports (continued)

1. The Regional Water Board shall be notified in writing (e-mail is acceptable) at least five working days prior to commencement of:
 - i) Project initiation;
 - ii) Installation of stream diversion systems;
 - iii) Removal of stream diversion systems; and
 - iv) Implementation of the On-Site Restoration Plan (see condition no. 3)
2. Not later than 30 days prior to Project construction, Caltrans shall submit a Water Pollution Control Program for review by Regional Water Board staff. Project construction shall be prohibited until the WPCP has been found acceptable by Regional Water Board staff.

Project-Specific Conditions

3. Caltrans shall fully implement the "On-Site Restoration Proposal for the Little Grass Valley Creek Fish Passage Enhancement Project," dated December 2013 (Plan). Mitigation planting shall occur the first planting season following completion of Project construction. Any change to this Plan shall first be subject to the acceptance of Regional Water Board staff.
4. All work on the stream banks or within the stream channel, shall be confined to the period commencing June 15, and ending October 15.
5. Gravel bags used within State waters shall:
 - i) Comply with sections 13-5.02G and 88-1.02F of the Caltrans Standard Specifications;
 - ii) Be non-woven polypropylene geotextile (or comparable polymer); and
 - iii) Be filled only with clean washed gravel.

Exceptions to these criteria are subject to the review and acceptance of Regional Water Board staff.

6. Gravel used in State waters shall be either 1) clean washed gravel or 2) native or engineered streambed material.
 1. Clean washed gravel shall:
 - i) Consist of mechanically-rounded and washed, and/or river run gravel obtained from a river or creek bed;

Project-Specific Conditions (continued)

- ii) Be clean, hard, sound, durable, uniform in quality, and free of disintegrated material, organic matter, and deleterious substances;
 - iii) Be composed entirely of particles that have no more than one fractured face;
 - iv) Have a cleanliness value of at least 85, using the Cleanliness Value Test Method for California Test No. 227; and
 - v) Have a diameter no less than 0.75 inches in diameter, and no greater than four inches in diameter.
2. Streambed material:
- i) Shall be either native streambed material obtained onsite from a similar location within the stream channel or engineered streambed material designed to closely resemble the gradation of the native streambed material;
 - ii) Shall be mixed with cobbles and boulders as needed to form a streambed matrix with a gradation similar to the native streambed; and
 - iii) Can be compacted by water jetting with uncontaminated water to wash smaller particles down into voids in the streambed matrix, provided the water does not discharge to downstream waters.

Exceptions to these criteria are subject to the review and acceptance of Regional Water Board staff.

Standard Conditions

7. Caltrans shall comply with the terms of the Streambed Alteration Agreement, signed by the California Department of Fish and Wildlife on January 13, 2014, and by the Caltrans on December 17, 2013.
8. Herbicides and pesticides shall not be used within the Project. If Caltrans has a compelling case as to why herbicides and pesticides should be used, they may submit a request along with a BMP plan to Regional Water Board staff for review and consideration of acceptance.
9. All Project elements shall be implemented according to the submitted application package and the findings and conditions of this certification. If any change to the Project could affect water quality, then Caltrans shall first submit the proposed change to Regional Water Board staff for review and consideration of concurrence. Caltrans shall not implement the proposed Project change until Water Board staff concur that Caltrans will sufficiently avoid, minimize, or mitigate possible water quality impacts. Caltrans staff should contact its own environmental staff or the Regional Water Board if it is unsure whether a given Project change may impact water quality.

Standard Conditions (continued)

10. All conditions required by this Order shall be included in the Contract Documents prepared by Caltrans for the contractor. In addition, Caltrans shall require compliance with all conditions included in this Order in the bid contract for this Project.
11. Caltrans is prohibited from discharging waste to waters of the State, unless explicitly authorized by this certification. For example, no debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, welding slag, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, shall be allowed to enter into State waters.

Except for temporary stockpiling of waste generated during demolition operations ("temporary" in this instance means generated and removed during the same working day), waste materials shall not be placed in a manner where the materials may be transported into waters of the State. Waste materials shall not be placed within 100 linear feet of State waters. Exceptions to the 100-foot limit may be granted on a case-by-case basis provided Caltrans first submits a proposal in writing that is found acceptable by Regional Water Board staff.

12. Caltrans is liable and responsible for the proper disposal of Project-generated waste. Additionally, when handling, transporting, and disposing of Project-generated waste, Caltrans and their contractors shall:
 - i) Comply with all applicable State and Federal laws and regulations;
 - ii) Make appropriate arrangements to dispose of the material, including, but not limited to, property owner agreements, permits, licenses, and environmental clearances;
 - iii) Obtain satisfactory evidence that the work in 12.i has been completed; and
 - iv) Obtain a dated, signed manifest from the disposal site owner, or authorized representative, that identifies the type and quantity of disposed waste.
13. Asphalt-concrete grindings shall not be placed in any location where it may, at any time, be directly exposed to surface waters or seasonally-high ground water, except asphalt-concrete grindings may be re-used and incorporated into hot mix asphalt products or encapsulated within the roadway structural section.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be prohibited within waters of the State (e.g., gravel bars, seeps, ephemeral streams) and riparian areas. Caltrans shall not use leaking vehicles or equipment within State waters or riparian areas.

Standard Conditions (continued)

15. Caltrans shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. Caltrans 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 Caltrans 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.
16. Caltrans shall not use or allow the use of erosion control products that contain synthetic materials within waters of the State at any time, with the exception of plastic sheeting used in water diversion or dewatering activities. Caltrans shall first request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
17. Work in flowing or standing surface waters, unless otherwise proposed in the project description and approved by the Regional Water Board, is prohibited.
18. Non-stormwater discharges are prohibited unless the discharge is first approved by the Regional Water Board and in compliance with the Basin Plan. If construction dewatering of groundwater is necessary, then Caltrans shall use a method of water disposal other than disposal to surface waters, such as land disposal. Groundwater disposed of to land shall not enter State waters. Alternatively, Caltrans may apply for coverage under the Low Threat Discharge Permit or an individual National Pollutant Discharge Elimination System (NPDES) Permit. If Caltrans applies for coverage under either of these permits, then discharge is prohibited until Caltrans has received notification of coverage under the respective permit.
19. This Order does not authorize drafting of surface waters.
20. Caltrans shall provide access to the Project construction site upon request by Regional Water Board staff.
21. The Resident Engineer (or appropriately authorized agent) shall hold water quality permit compliance meetings (similar to tailgate safety meetings) to discuss permit compliance, including instructions on violation avoidance and violation reporting procedures. The meetings shall be held at least every other week, before forecasted storm events, and when a new contractor or subcontractor arrives to begin work at the site. The contractors, subcontractors and their employees, and inspectors or monitors assigned to work on the Project within the next week, shall be present at the meetings. Caltrans shall maintain dated sign-in sheets for attendees at these meetings, and shall make them available to Regional Water Board staff on request.

Standard Conditions (continued)

22. If an unauthorized discharge to surface waters (including wetlands, rivers or streams) occurs, or any other threat to water quality arises as a result of Project implementation, the associated Project activities shall cease immediately until the threat to water quality is otherwise abated. If there is a discharge to State waters, the Regional Water Board shall be notified no more than 24 hours after the discharge occurs.
23. Uncured concrete shall not be exposed to State waters or surface waters that may discharge to State waters. Concrete sealants may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If concrete sealant is used, water shall be excluded from the site until the sealant is cured. If groundwater comes into contact with fresh concrete, it shall be prevented from flowing towards surface water.
24. Ground and surface water that has come into contact with fresh concrete, and all other wastewater, shall not be discharged to State waters or to a location where it may discharge to State waters; the wastewater shall be collected and re-used or disposed of in a manner approved by the Regional Water Board.
25. Any imported fill material shall be clean and free of pollutants. All fill material shall be imported from a source that has the appropriate environmental clearances and permits. The reuse of low-level contaminated solids as fill on-site shall be performed in accordance with all State and Federal policies and established guidelines and must be submitted to the Regional Water Board for review and consideration of acceptance.
26. Caltrans shall provide a copy of this certification and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ (web link referenced below) to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Caltrans shall be responsible for work conducted by its contractor and subcontractors.
27. 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 Caltrans. The Regional Water Board received \$944 from Caltrans on October 28, 2013.
28. 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

Standard Conditions (continued)

identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

29. 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 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 certification. 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 certification 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 certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
30. 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.
31. This certification is not transferable. In the event of any change in control of ownership of land presently owned or controlled by Caltrans, Caltrans shall notify the successor-in-interest of the existence of this certification by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of this certification to discharge dredged or fill material under this Order. The request must contain the following:
 - i) Requesting entity's full legal name;
 - ii) The state of incorporation, if a corporation;
 - iii) The address and phone number of contact person; and
 - iv) A description of any changes to the project or confirmation that the successor-in-interest intends to implement the project as described in this Order.
32. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited, and all proposed revegetation, avoidance, minimization, and mitigation measures being completed, in strict compliance with Caltrans's project description and CEQA documentation, as

Standard Conditions (continued)

approved herein; b) Caltrans shall construct the project in accordance with the project described in the application and the findings above; and c) compliance with all applicable water quality requirements and water quality control plans including the requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan), and amendments thereto. Any change in the design or implementation of the project that would have a significant or material effect on the findings, conclusions, or conditions of this Order must be submitted to the Executive Officer of the Regional Water Board for prior review, consideration, and written concurrence. 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 Caltrans may be subject to Regional Water Board enforcement actions.

33. The authorization of this certification for any dredge and fill activities expires five years from the date of this Order. 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.

Conditions 1 and 2 include requirements for information and reports. Any requirement for a report made as a condition to this certification is a formal requirement pursuant to California Water Code section 13267, and failure or refusal to provide, or falsification of such required report is subject to civil liability as described in California Water Code, Section 13268.

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 or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

Please contact our staff Environmental Specialist/Caltrans liaison, Brendan Thompson at (707) 576-2699, or via e-mail, at Brendan.Thompson@waterboards.ca.gov, if you have any questions.

Original signed by David Leland for

Matthias St. John
Executive Officer

Web link: 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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