
North Coast Regional Water Quality Control Board

March 23, 2015

**In the Matter of
Water Quality Certification**

for

**Trinity DOT Wildwood Road Hayfork Bridge Project
WDID No. 1A14095WNTR**

APPLICANT: Trinity County Department of Transportation, Richard Tippett
RECEIVING WATER: Hayfork Creek; Halls Creek
HYDROLOGIC UNIT: Trinity River Hydrologic Unit, Hayfork Valley Hydrologic Sub-Area 106.25
COUNTY: Trinity
FILE: Wildwood Road at Hayfork Creek Bridge (No. 05C-0086)
Replacement Project, ECM PIN CW-809461

BY THE EXECUTIVE OFFICER:

1. On September 26, 2014, the Trinity County Department of Transportation, Richard Tippett (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 DOT Wildwood Road Hayfork Creek Bridge (No. 05C-0086) Project (Project). Information describing the Project was noticed for public comment on the Regional Water Board's website on February 2, 2015. We received no comments. The proposed Project will cause disturbances to waters of the United States and State associated with the Trinity River within the Hayfork Valley Hydrologic Sub-Area No. 106.25. The Project is located on Wildwood Road, approximately 2.5 miles north of the junction with Highway 36 in the community of Wildwood, Trinity County, at latitude 40.4008°N, and longitude 123.058°W. Permanent impacts to waters of the U.S. include approximately 0.011 acres of

wetlands and 41 linear feet of streambed. Temporary impacts to waters of the U.S. include approximately 0.072 acres of wetlands and 295 linear feet of streambed.

2. The primary purpose of the Project is to replace the existing single-lane Wildwood Road Bridge (No. 05C-0086) with a wider two-lane bridge. The current bridge was determined to be structurally deficient, due to substandard load carrying capacity, in 2006.

The Project will locate the replacement bridge centerline approximately 36 feet north of the existing bridge centerline, allowing vehicle access to continue throughout the construction period. The Project consists of a 162-foot long structure with a three-span configuration measuring 50 feet/62 feet/50 feet, with a cast-in-place, post-tensioned, reinforced concrete slab. The new piers and abutments will be within the 100 year flood plain, but outside of the ordinary high water mark (OHWM).

Instream construction activities will be limited to the greatest extent practicable, but will include the excavation and removal of the existing bridge foundations, and possibly dewatering and/or water diverting activities if necessary. Roadway embankment fill will be placed outside of the OHWM.

Gravel work pads will be constructed on each bank of Hayfork Creek immediately downstream of the new bridge alignment along the edge of the channel, and within the OHWM. Work pads will be constructed with suitable sized salmon spawning gravels that meet the Caltrans Gravel Cleanliness Specification 227 with a score of 85 or higher (fish rock) topped with compactable crushed rock, separated by a layer of geotextile fabric. Concrete k-rails may be used to contain rock along the work platform edges. The crushed rock, k-rails, and geotextile fabric will be removed upon completion of construction and the fish rock will be allowed to distribute in and adjacent to the channel.

3. The Project is planned to begin in May of 2015, with construction work planned to last approximately 17 months. Construction shall be during the dry season (May 15-October 15) within waters of the state, or in areas that may impact waters of the state.
4. The proposed Project includes a mitigation plan to address the consequential permanent and temporary impacts, which includes the restoration and revegetation of 0.29 acres of disturbed area with an appropriate suite of riparian and upland plant species. The Project proposes to employ best management practices to prevent or reduce any discharges during and after construction. Best Management Practices for sediment and turbidity control and operation of heavy equipment near a river are proposed to avoid and minimize temporary impacts.

5. The Applicant has obtained authorization from the United States Army Corps of Engineers for a Nationwide Permit Number 14 (permit No. 2010-00386N). The Applicant has applied to the California Department of Fish and Wildlife to obtain a Lake and Streambed Alteration Agreement (1600-2014-0266-R1).
6. On September 5, 2012, Trinity County, as lead California Environmental Quality Act (CEQA) agency, produced an Initial Study and Proposed Mitigated Negative Declaration and filed with the State Clearinghouse (SCH No. 2012092006), pursuant to CEQA guidelines.
7. The Trinity River is identified as impaired for sedimentation and siltation under Clean Water Act Section 303(d). Streambank modification and loss of riparian habitat are identified as sources contributing to the sediment impairment. Activities that will be authorized by this Order are designed to reduce removal of riparian vegetation and reduce sediment discharges from streambank modification. Accordingly, this Order is consistent with, and implements, BMPs that would attenuate sediment and temperature adverse impacts.
8. 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."
9. 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.
10. 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:	Hayfork Creek; Halls Creek, Trinity River Hydrologic Unit, Hayfork Creek Hydrologic Sub-Area 106.25
Total Impacts:	Acreege Permanently Impacted: 0.011 acres Acreege Temporarily Impacted: 0.072 acres Length Permanently Impacted: 41 linear feet Length Temporarily Impacted: 295 linear feet
Discharge Volume:	None
Dredge Volume:	None
Latitude/Longitude:	40.4008°N / 123.058°W
Expiration:	March 23, 2020

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Trinity DOT Wildwood Road Hayfork Bridge Project (WDID No. 1A14095WNTR), 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. Project mitigation includes creation of approximately 0.166 acres of riparian wetlands. A draft *Riparian Wetland Mitigation and Monitoring Plan for the Wildwood Road at Hayfork Creek Bridge (No. 05C-0086) Replacement Project* was submitted on September 23, 2014. Compensatory mitigation shall be implemented in accordance with the draft *Riparian Wetland Mitigation and Monitoring Plan for the Wildwood Road at Hayfork Creek Bridge (No. 05C-0086) Replacement Project*, and in accordance with the conditions of this certification where there are discrepancies.
5. The Project mitigation shall include the following:
 - i. Irrigation shall be incorporated for the first two years of monitoring; plantings must be self-sustaining for three years after irrigation is halted to meet success criteria.
 - ii. Monitoring shall be conducted for a period of at least five years or until success criteria have been met.
 - iii. Mitigation plantings shall achieve at least 85% survival and thriving to meet success criteria.

Adaptive management actions made to the Riparian Wetland Mitigation shall be reviewed and approved by the Regional Water Board and resource agencies.

6. Results of annual monitoring of the mitigation areas will be reported to the Regional Water Board annually. Reports shall summarize data collected, annual performance, any remedial action necessary and whether success criteria are met. Submit reports to the following email address: NorthCoast@waterboards.ca.gov
7. The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of bridge installation or removal.
8. Only wildlife-friendly, 100 percent biodegradable erosion and sediment control products that will not entrap or harm wildlife shall be used. Erosion and sediment control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable. The applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
9. 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.

10. 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.
11. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this certification.
12. 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.
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. 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.
15. 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.

16. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the Project.
17. 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.
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 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.
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 email a copy of the letter to the following email address: NorthCoast@waterboards.ca.gov

To discharge dredged or fill material under this Order, the successor-in-interest must email the Regional Water Board Executive Officer at: NorthCoast@waterboards.ca.gov 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).

21. The authorization of this certification for any dredge and fill activities expires on March 23, 2020. 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 Jake Shannon at (707) 576-2673 or Stephen Bargsten at (707) 576-2653.

Original electronically signed by Clayton Creager for

Matthias St. John
Executive Officer

150323_WildwoodBridgeReplacement_401

Original to: Mr. Richard Tippett, Trinity County Department of Transportation,
P.O. Box 2490, 31301 State Highway 3, Weaverville, CA 96093
tcdot@trinitycounty.org

Copy to: Jan Smith, Trinity County Department of Transportation
jsmith@trinitycounty.org
Leslie Hubbard, Trinity County Department of Transportation
lhubbard@trinitycounty.org
Carol Heidsiek, US Army Corps of Engineers
Carol.A.Heidsiek@usace.army.mil
Kate Grossman, California Department of Fish and Wildlife
Katherine.Grossman@wildlife.ca.gov
Wirt Lanning, North State Resources, lanning@nsrnet.com