February 8, 2016

Ms. Michelle Fuller
Blue Lake Rancheria
428 Chartin Road
Blue Lake, CA, 95525

Dear Ms. Fuller:

Subject: Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN

File: Lower Powers Creek Barrier Removal Project; CW-818635
WDID No. 1B15137WNHU

This letter is to certify coverage of Blue Lake Rancheria's Lower Powers Creek Barrier Removal Project (Project) under the General 401 Water Quality Certification Order for Small Habitat Restoration Projects; Order No. SB12006GN (General 401 Order). The proposed Project includes removing an existing railroad car bridge and replacing it with a pre-cast concrete bridge. As part of the removal of the existing bridge, an associated channel-spanning concrete sill, which poses a fish barrier, will be removed from Powers Creek. Following the concrete removal, the channel will be re-graded to restore the historic streambed gradient. A precast concrete single span bridge will be installed within the footprint of the existing road prism above the 100 year floodplain elevation. The banks around the abutments will be armored with boulders and all disturbed areas will be stabilized with native erosion control seed and straw mulch. No large riparian vegetation will be removed during construction.

Background

On October 7, 2015, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) from Blue Lake Rancheria (Applicant) to comply with the terms of, and obtain Project coverage under, the General 401 Order for the Project. The Project will be implemented by the Blue Lake Rancheria on non-tribal land owned by Gary Johnston.

Project Location
The Project is located on the Mad River and Lower Powers Creek within the Blue Lake Hydrologic Unit 109.10. Coordinates of the Project are 40.882654° N, 124.000310° W.

Project Description
The goal of the Project is to remove a flatcar bridge and the associated concrete sill that currently creates a fish passage barrier at the lowermost reach of Powers Creek (tributary to the lower Mad River) and replace it with a full span, fully passable bridge. The Project includes removing the fish passage barrier, upgrading the crossing, lowering and re-contouring the stream channel, and enhancing the instream habitat at the site. Once completed, the Project will provide access to approximately 1.15 miles of upstream spawning and rearing habitat for Southern Oregon/Northern California Coasts (SONCC) coho salmon (Oncorhynchus kisutch) California Coastal (CC) Chinook salmon (O. Ishawytscha), Northern California (NC) steelhead trout (O. mykiss), and Pacific lamprey (Lampetra tridentata). All of these fish species are culturally important to the Tribe, coho salmon, Chinook salmon and steelhead are listed as threatened under the federal Endangered Species Act, and Pacific lamprey is a U.S. Fish and Wildlife species of concern. Opening up access to tributary habitat on the lower Mad River is specifically noted as a priority in the Final Recovery Plan for SONCC coho salmon (NMFS 2014).

Construction will begin in August or September when stream flows at the site are at their lowest. The current bed elevation at the bridge structure is approximately 4.5 feet higher than the downstream scour pool, creating a vertical barrier to upstream migrating fish. The bridge and associated abutments and concrete sill will be removed and the channel will be excavated to the proper design grade. The adjacent banks will be laid back to a stable slope. At the road level, a shelf on either side of the channel will be lowered, lined with base rock, and compacted to final grade to support the bridge abutments. The 4-foot tall (abutment to deck), 60-foot long bridge will be set on the compacted footings and I-beams will be set on the abutments. The new, single span bridge, footings, and abutments will be installed within the footprint of the existing road prism above the 100 year floodplain elevation. The banks around the abutments will be armored with appropriately sized and keyed-in rock slope protection (RSP). The Tribe will ensure that heavy equipment will be washed and inspected for leaks prior to entering the project site and spill kits will be kept with heavy equipment at all times. Mulch will be used and native riparian vegetation will be planted on the disturbed areas for erosion control and winterization.

Project Size
The total of ground disturbance associated with the Project is estimated to be 0.25 acres and 320 linear feet. The proposed project size does not exceed what is allowed for coverage under the General 401 Water Quality Certification Order for Small Habitat Restoration Projects or the Categorical Exemption (15333) from the California Environmental Quality Act.

Project Associated Discharge
The discharge of material into waters of the state resulting from the Project include those associated with 200 cubic yards of boulders to armor the bridge abutments and 600 cubic yards of relocated native Mad River gravel to re-contour the stream channel.

Project Time Frame
Proposed project start date: September 1, 2016
Expected date of completion: October 1, 2017
Seasonal work window: September 1 – October 1, one month annually

Monitoring Plan
Pre-project baseline conditions of the site have been documented and monitoring of physical stream parameters will be conducted following project implementation. Two years of post-project monitoring will occur; (1) following the first wet season after project implementation, and (2) following the subsequent wet season. Monitoring reports will include salmon and steelhead juvenile surveys and redd surveys to document fish utilization.

Following the completion of the work period, an annual report will be submitted to all appropriate agencies (NMFS, ACOE, NCRWQCB, and CDFW). This annual report will include the findings that result from pre- and post-project monitoring. These findings should indicate the achievement of performance standards that are relative to the project goals. Each report will also include the following information:

a. Summary of findings
b. Identification and discussion of problems with achieving performance standards
c. Proposed corrective measures as needed (requires Regional Water Board approval)

Agency Permits
The Applicant has also submitted applications for permitting and/or coverage of:

a. Army Corp of Engineers Section 404 Permit (No. 2011-00405N)
b. California Department of Fish and Wildlife LSAA (No. 1600-2015-0412-R1)

Notice of Applicability & Project Determination
Regional Water Board staff has determined that the proposed activities as described in the NOI are categorically exempt from CEQA review and may proceed under the General 401 Water Quality Certification Order for Small Habitat Restoration Projects.

Receiving Water:	Mad River; Lower Powers Creek Blue Lake Hydrologic Unit 109.10
Filled / Excavated Area:	None
Total Impacts:	Acreage Temporarily Impacted: 0.25 Length Temporarily Impacted: 320 feet

Dredge Volume: None

Discharge Volume: 200 cubic yards of boulders; 600 cubic yards of gravel

Latitude/Longitude: Project Center : 40.882654° N, 124.000310° W

Reporting

As required in Section B, Item 4, of the *General 401 Water Quality Certification Order for Small Habitat Restoration Projects*, Monitoring Reports be submitted at least annually documenting the achievement of performance standards and project goals. In addition, a Notice of Completion (NOC) shall be submitted by the applicant no later than 30 days after the project has been completed. A complete NOC includes at a minimum: photographs with a descriptive title, the date each photograph was taken, the name of the photographic site, the WDID number indicated above, and success criteria for the project. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description as provided in the applicant's NOI. Please include the project name and WDID number with all future inquiries and document submittals. Document submittals shall be made electronically to: NorthCoast@waterboards.ca.gov

The State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB09016GN can be found here: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/shrpcert032713.pdf

Please call Jake Shannon at (707) 576-2673 if you have any questions.

Sincerely,

Fred Blatt
for Fred Blatt
2016.02.08
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Water Boards

Matthias St. John
Executive Officer

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cc: Bob Brown, Streamline Planning, bob@streamlineplanning.net
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