

Lahontan Regional Water Quality Control Board

June 27, 2013

Ann Carlson, District Ranger
Lassen National Forest
477-050 Eagle Lake Road
Susanville, CA 96130

R6T-2013-0056, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE PAPOOSE MEADOWS RESTORATION PROJECT, LASSEN COUNTY, WDID 6A181305003

The California Regional Water Quality Control Board, Lahontan Region (Water Board) has received a complete Clean Water Act Section 401 Water Quality Certification (WQC) application and application filing fee for the Papoose Meadows Restoration Project (Project) in Lassen County. This Order for WQC hereby assigns this Project the following reference number: Waste Discharger Identification (WDID) No. 6A181305003. Please use this reference number in all future correspondence regarding this Project.

Any person aggrieved by this action of the Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations (CCR), title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

PROJECT DESCRIPTION

Table of Project Information:

WDID Number	6A181305003
Applicant	Ann Carlson, District Ranger Lassen National Forest 477-050 Eagle Lake Road Susanville, CA 96130
Agent	Allison Sanger, Forest Botanist Lassen National Forest 2550 Riverside Dr. Susanville, CA 96130
Project Name	Papoose Meadows Restoration Project

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

Table of Project Information continued:

Project Purpose and Description	Restore hydrology and meadow vegetation at Papoose Meadow by filling three primary artificial drainage ditches that were historically dug for grazing purposes and that currently cause the northern end of the meadows to dry out. Papoose Meadow was grazed by cattle until 2005, but is now closed to grazing. A total of 2,100 linear feet of ditch will be filled in with approximately 500 cubic yards of fill material utilizing either the dredged spoils from the Gallatin Marina or other clean, loam-textured sediment from the Eagle Lake area. Existing vegetation from the interior of the ditches will be removed with a mini-excavator and stockpiled. Tracked skid-steer loaders would be used to transport fill and place fill material within the ditch and the mini-excavator will be used to compact the material. A rock chute grade control structure would be constructed at the northern end of Papoose Meadow at the outlet to Papoose Creek to ensure that fill material does not move off site. Live plugs of vegetation from adjacent wet meadow will be collected and planted by hand into the fill material to stabilized new fill within the ditches if needed. (See enclosure 1.)						
Project County	Lassen						
Project Type	Stream restoration						
Project Address or other Locating Information	Northwest of Susanville as follows: From Susanville, take Highway 36 for 1.5 miles, turn north on Eagle Lake Road for 10.5 miles, turn east on Forest Road 31N63 for 0.4 miles, then north on 31N63N, which parallels the western edge of Papoose Meadows. (T31N R11E, Section 20)						
Location Latitude/Longitude	Latitude: 40.5311 Longitude: -120.7589						
Hydrologic Unit(s)	Susanville Hydrologic Unit, 637.00; Antelope Mountain Hydrologic Area, 637.31						
Project Area	3.3 acres						
Receiving Water(s) Name	Papoose Creek						
Water Body Type(s)	Seasonal wetland and intermittent drainage						
Designated Beneficial Uses	MUN, AGR, GWR, FRSH, REC-1, REC-2, COMM, COLD, WILD, BIOL, RARE, SPWN, WQE, FLD						
Potential Water Quality Impacts	Discharge of materials into Papoose Creek downstream of Papoose Meadow from restoration Project, which will be prevented by placement of rock riprap at meadow outlet and routing access around meadow.						
Area of Water(s) of the U.S. (WOUS) within the Project area	3 acres						
Impacts of Fill within waters of the state, including WOUS.	Waterbody Type	Permanent			Temporary		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yards
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.009	17	61			
	<i>Wetland</i>	0.7	2100	500			
Total	0.709	2,117	561				

Table of Project Information continued:

Impacts of Dredging (Excavation) within waters of the state, including WOUS.	Waterbody Type	Permanent			Temporary		
		Acres	Linear Feet	Cubic Yards	Acres	Linear Feet	Cubic Yard
	<i>Lake</i>						
	<i>Riparian</i>						
	<i>Stream</i>	0.009	17	44			
	<i>Wetland</i>						
Federal Permit(s)	The Applicant has applied for U.S. Army Corps of Engineers (USACOE) authorization to proceed under Nationwide Permit No. 27, pursuant to Clean Water Act section 404.						
Non-Compensatory Mitigation	Best Management Practices (BMPs) will be employed on the site at all times, and throughout construction. An equipment access route will be outside the northern edge of the meadow to avoid meadow compaction. Equipment travel within the meadow will be limited to within the ditches. Ground protection mats will be placed along equipment routes if necessary.						
Compensatory Mitigation	This is a restoration Project, so no compensatory mitigation is required.						
Applicable Fees	\$944						
Fees Received	\$944						

CEQA COMPLIANCE

The Water Board, acting as a CEQA Responsible Agency in compliance with CCR, Title 14, section 15096, has determined that the Project is categorically exempt according to the CCR title 14, section 15333, small habitat restoration projects, where the projects do not exceed five acres in size, there are no significant adverse impacts on special status species, there are no hazardous materials at or around the Project site, and the Project will not result in cumulative impacts. The Water Board will file a Notice of Exemption with the State Clearinghouse concurrently with this Order.

SECTION 401 WATER QUALITY CERTIFICATION

Authority

Section 401 of the CWA (33 U.S.C., paragraph 1341) requires that any applicant for a CWA Section 404 permit, who plans to conduct any activity that may result in discharge of dredged or fill materials to WOUS, must provide to the permitting agency a certification that the discharge will be in compliance with applicable water quality standards of the state in which the discharge will originate. No Section 404 permit may be granted (or valid) until such certification is obtained. The Applicant submitted a complete application and the fees required for WQC under Section 401 for the Project. The Applicant has applied for USACOE authorization to proceed under a Nationwide Permit No. 27 pursuant to CWA section 404.

CCR title 23, section 3831(e) grants the Water Board Executive Officer the authority to grant or deny WQC for projects in accordance with CWA section 401. The Project qualifies for such WQC.

Standard Conditions

Pursuant to CCR title 23, section 3860, the following standard conditions are requirements of this certification:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code Section 13330 and CCR title 23, section 3867.
2. This certification action is not intended and must not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license unless the pertinent certification application was filed pursuant to CCR title 23, section 3855(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 any non-denial certification action must be conditioned upon total payment of the full fee required under CCR title 23, section 3833, unless otherwise stated in writing by the certifying agency.
4. Neither Project construction activities nor operation of the Project may cause a violation of the Water Quality Control Plan for the Lahontan Region (Basin Plan), may cause a condition or threatened condition of pollution or nuisance, or cause any other violation of the California Water Code.
5. The Project must be constructed and operated in accordance with the Project described in the application for WQC that was submitted to the Water Board. Deviation from the Project description constitutes a violation of the conditions upon which the certification was granted. Any significant changes to this Project that would have a significant or material effect on the findings, conclusions, or conditions of this certification, including Project operation, must be submitted to the Executive Officer for prior review and written approval.
6. This WQC is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this certification and/or civil or criminal liability.
7. The Water Board may add to or modify the conditions of this certification 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, or as appropriate to coordinate the operations of this Project with other projects where coordination of operations is reasonably necessary to achieve water quality standards or protect the beneficial uses of water. Notwithstanding any more specific conditions in this certification, the Project must be constructed and operated in a manner

consistent with all 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.

8. This certification does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under the California Endangered Species Act (California Fish and Wildlife Code section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. sections 1531 et seq.). If a "take" will result from any act authorized under this certification, the Applicant must obtain authorization for the take prior to construction or operation of the Project. The Applicant is responsible for meeting all applicable requirements of the Endangered Species Act for the Project authorized under this certification.

Additional Conditions

Pursuant to CCR title 23, section 3859(a), the following additional conditions are requirements of this certification:

1. No debris, cement, concrete (or wash water therefrom), oil or petroleum products must be allowed to enter into or be placed where it may be washed from the Project site by rainfall or runoff into waters of the state. When operations are completed, any excess material must be removed from the Project work area and any areas where such material may erode into waters of the state.
2. The Applicant must ensure that the Contractor employs necessary measures to prevent the introduction or spread of noxious/invasive weeds within the Project and staging areas. These measures may include the treatment of on-site infestations, the cleaning of all equipment and gear that has been in an infested site, the use of weed-free erosion control materials (including straw), and the use of weed-free seeds and plant material for revegetation of disturbed areas.
3. Construction equipment must be monitored for leaks, and removed from service if necessary to protect water quality.
4. An emergency spill kit must be at the Project site at all times.
5. The Applicant must maintain a copy of this Order at the Project site so as to be available at all times to site operating personnel and agencies.
6. The Applicant must provide an as-built report that includes a map, before and after photographs from photo-points indicated in the application (plus at least one photograph of the rock riprap in Papoose Creek), and a description of any problems encountered or variances from the approved design. The report must be provided by January 1st of the following year after completing the Project construction (January 1, 2014 if Project occurs during the fall of 2013 or January 1, 2015 if the Project occurs during the fall of 2014).

7. The Applicant must provide a follow-up report one year after the report required in no. 6, above. The follow-up report should describe vegetation establishment in the areas where fill material was placed and any movement of that material that has occurred. Photographs as described in no. 6, above, must also be provided.
8. The Applicant must prevent water quality degradation on site during and following construction, and must ensure that all pollutant source controls and soil stabilization procedures are in place and effective prior to rainfall events and/or prior to winter shutdown, and that they will remain effective through the events or winter shutdown period.
9. The Applicant must immediately (within two hours) notify Water Board staff by telephone whenever an adverse condition occurs as a result of this discharge. Such a condition includes, but is not limited to, a violation of the conditions of this Order, a significant spill of petroleum products or toxic chemicals, or damage to control facilities that would cause noncompliance. A written notification of the adverse condition must be provided to the Water Board within one week of occurrence. The written notification must identify the adverse condition, describe the actions taken or necessary to remedy the condition, and specify a timetable, subject to any modifications by Water Board staff, for the remedial actions.

Enforcement

1. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation must be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Clean Water Act section 401(d), 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.
2. In response to a suspected violation of any condition of this certification, the State Water Board or the Water Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring report the State Water Board or Water Board deems appropriate, provided that the burden, including costs, of the reports must be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
3. In response to any violation of the conditions of this certification, the Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

Section 401 Water Quality Certification Requirements Granted

I hereby issue an Order certifying that any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards), and with other applicable requirements of state law. 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 WQC " which requires compliance with all conditions of this WQC.

Except insofar as may be modified by any preceding conditions, all WQC certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description and the terms specified in this WQC order, and (b) compliance with all applicable requirements of the Basin Plan.

We look forward to working with you in your efforts to protect water quality. If you have questions, please contact Tobi Tyler, Water Resources Control Engineer, at (530) 542-5435, or Alan Miller, P.E., Chief, North Basin Regulatory Unit, at (530) 542-5430.


PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: 1) Project Description Map, Photo-points, and Rock Riprap Detail

cc: Jason Brush, Wetlands Regulatory Office (WTR-8), US EPA, Region 9
(via email at R9-WTR8-Mailbox@epa.gov)
Mathew Kelly, U.S. Army Corps of Engineers, Redding Office
Bill Orme, State Water Resources Control Board, Division of Water Quality
(via email at Stateboard401@waterboards.ca.gov)

Figure 3: Project Description Map
Papoose Meadows Project
Lassen National Forest

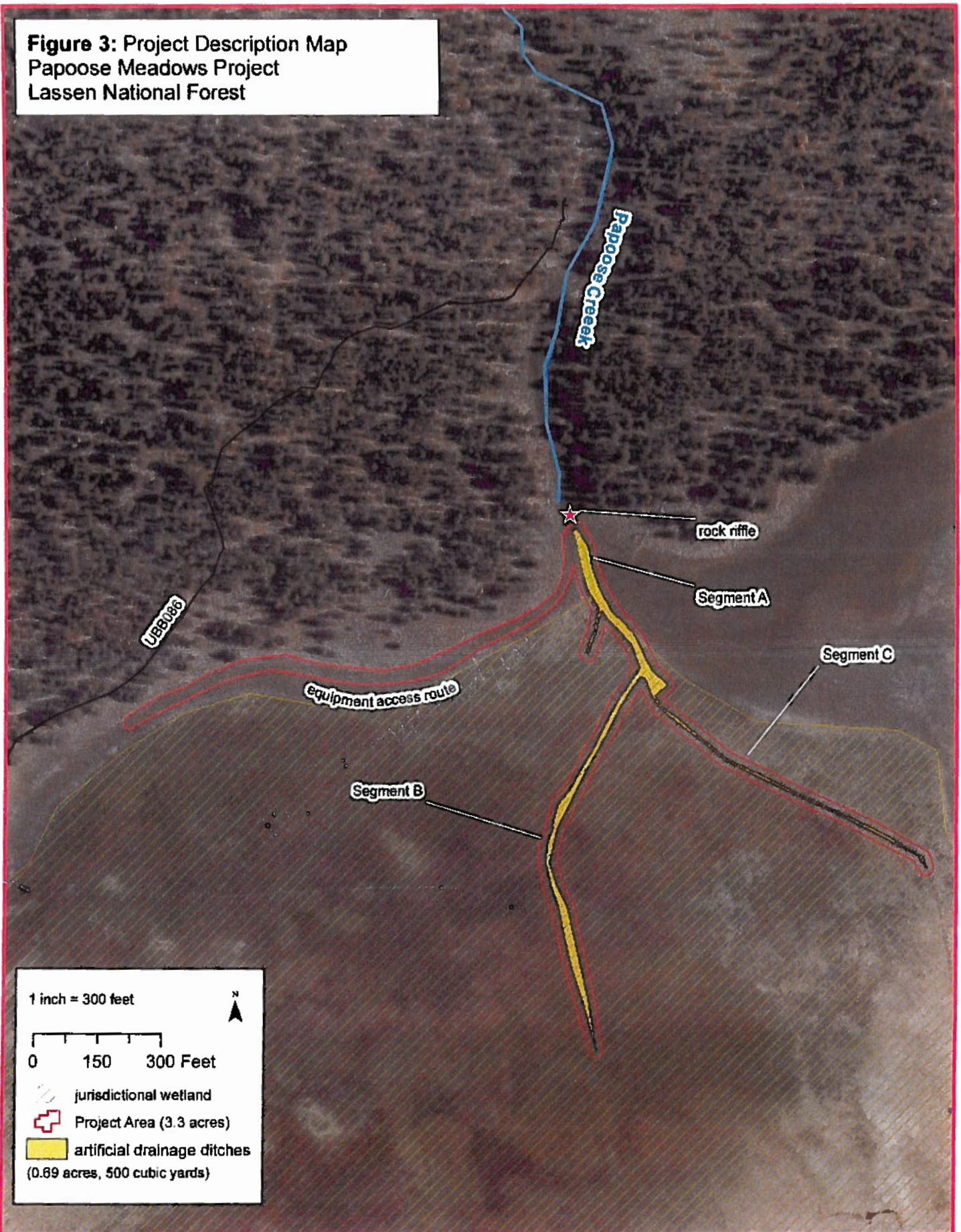
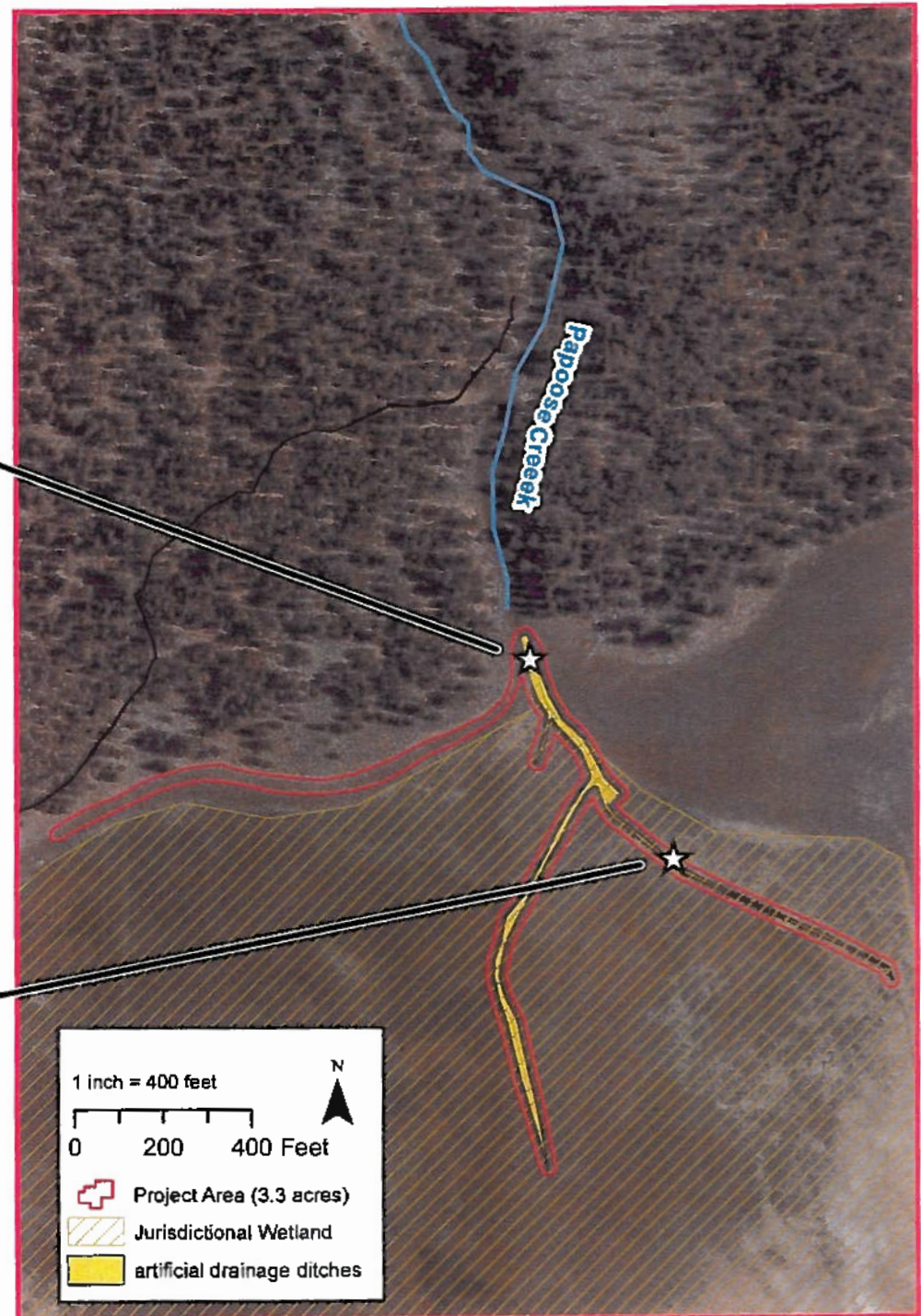


Figure 4: Papoose Meadows Project Photo Points

Photo #1: Drainage Ditch, looking SSE (October 29, 2011)

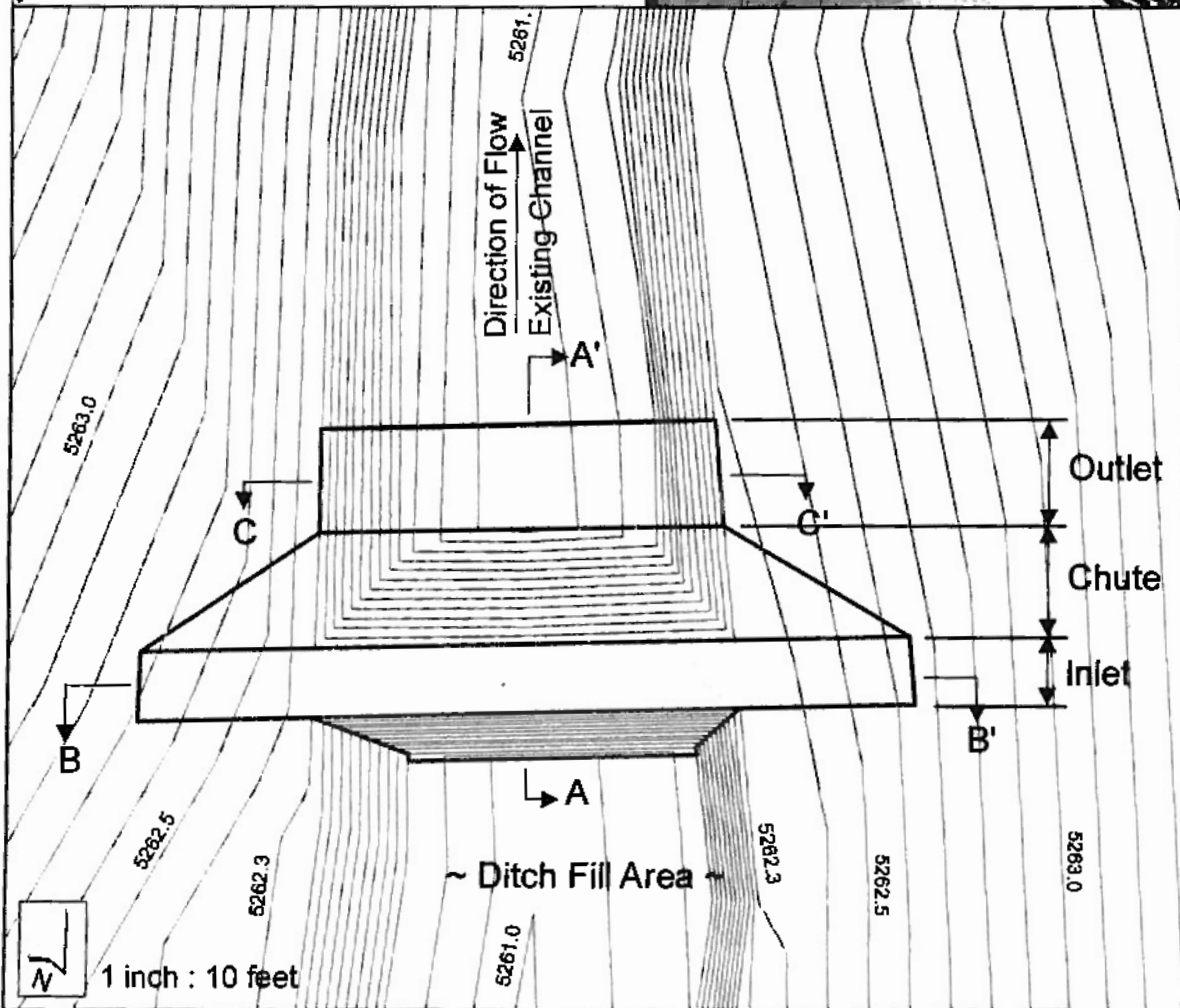
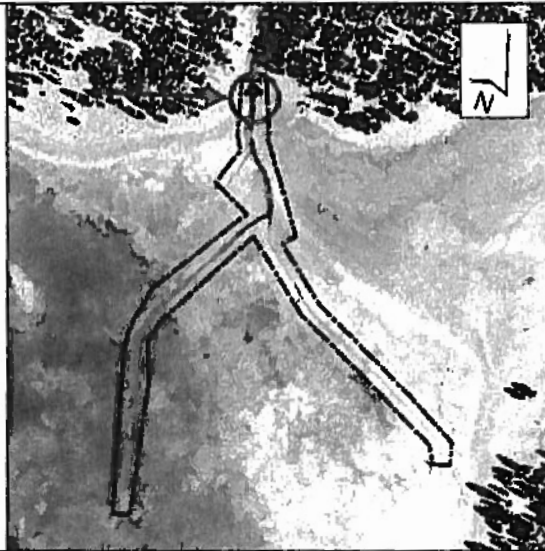


Photo #2: Drainage Ditch, looking NW (May 9, 2007)

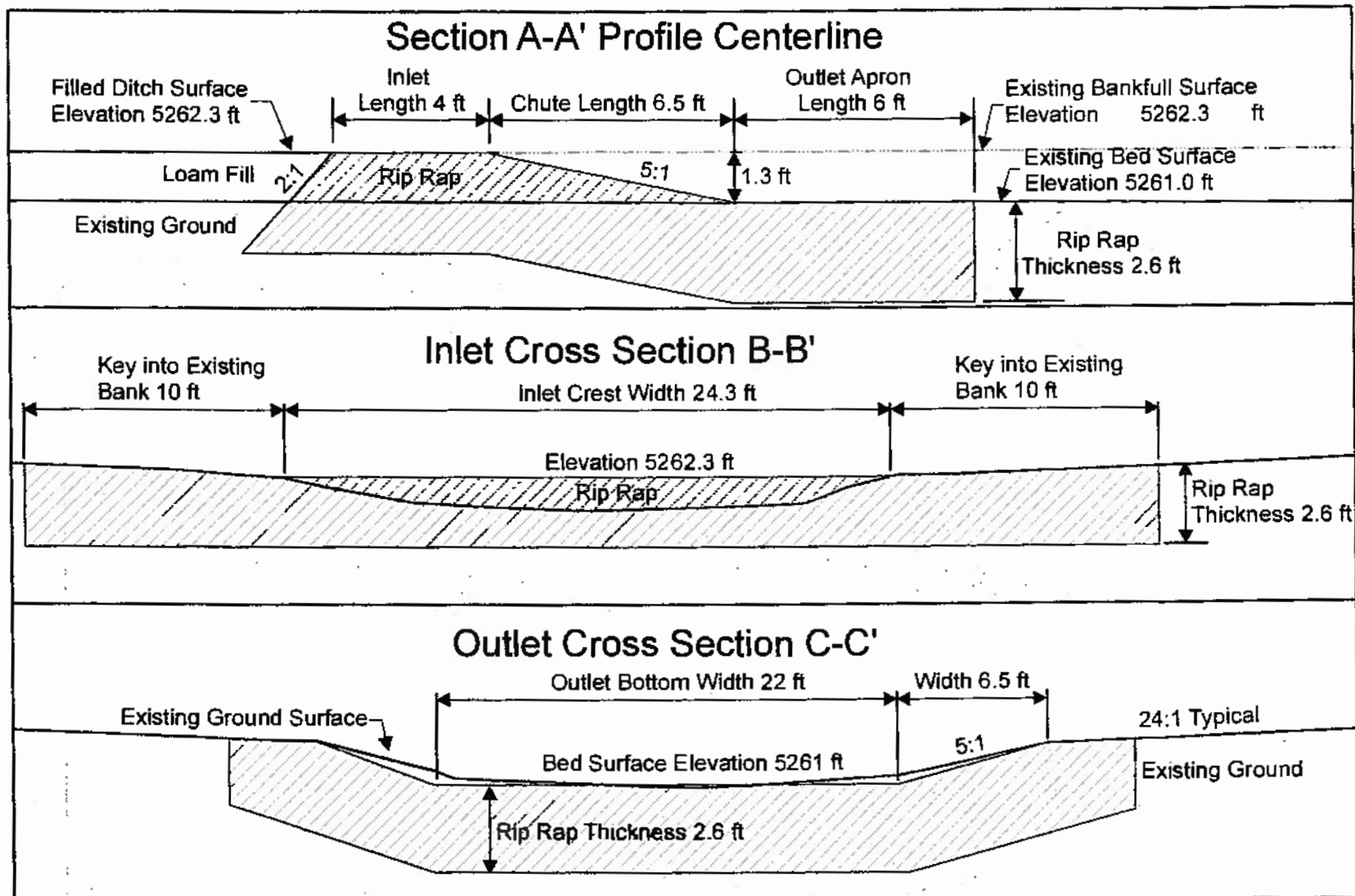


Notes:

1. Volume of riprap is 61 cubic yd.
2. Volume of soil removed prior to installation is 44 cubic yd.
3. Median rock diameter is 16 inches.
4. Rock shall be compacted with placement equipment to increase in-place density.
5. Largest rocks shall be placed along inlet section and chute crest, with smaller rocks placed as packing and in-fill.



Appendix B1. Plan view of rock chute grade control structure for Papoose Meadow outlet. Sections A-A', B-B', and C-C' shown in Appendix B2.



Appendix B2. Sections A-A', B-B', and C-C'. See notes from Appendix B1.