



**Item 4**  
**Adoption Hearing**  
**Order No. R1-2018-0011**

Waiver of Waste Discharge Requirements and  
General Water Quality Certification  
for  
Road Management and Activities Conducted Under the  
Five Counties Salmonid Conservation Program  
in the  
North Coast Region

# Staff Presentation Outline

- History/Background
- Progress Made & Lessons Learned
- 2018 Substantive Changes
- Public Comments & Revisions
- How does it fit in with our sediment control strategy?
- What it Doesn't Do/What is Needed
- Next Steps

# History-5C Program

- 1997 - Listing of Coho as “Threatened”
- 1998 – County supervisors initiate Five Counties Salmonid Conservation Program (5C Program)
- 1998 – U.C. Davis study commissioned
  - Improvement of maintenance
  - Standardize road and bridge maintenance policies
  - Continuing education/training of personnel
- 2002 – Water Quality and Habitat Protection Manual
  - Designed for county road management & maintenance

# History-5C Program

A WATER QUALITY AND  
STREAM HABITAT PROTECTION  
MANUAL  
for  
COUNTY ROAD MAINTENANCE  
IN NORTHWESTERN  
CALIFORNIA WATERSHEDS



Prepared for the  
Five Counties Salmon Conservation Program  
ADMINISTRATIVE DRAFT  
September 2002

- Best Management Practices (BMPs) for repair & maintenance
- Minimize disturbance of riparian & maintain shade
- DIRT – road inventory: identify, prioritize, treat
- Monitoring & reporting
- Training program outlines w/recommended elements

# History-2013 Waiver

- Roads recognized as major source of sediment
- Road maintenance discharges from county & private roads not covered by regulatory programs
- 2008 - Board and EO initiated development of 5C Waiver
- May 2, 2013 - Waiver adoption & implementation

# History-2013 Waiver

- Waiver
- General 401 Water Quality Certification
- Monitoring & Reporting Program
- Waiver relies on implementation of BMPs & procedures contained in 5c Manual
- Covers low & moderate risk county road projects
- Option for private & non-county to enroll
- Voluntary enrollment

# Progress Made-2013 Waiver

- Humboldt, Mendocino, Trinity, Del Norte, Siskiyou

- 221 miles completed

- 60 miles private revenue

- 2000000000

- 2000000000

- 2000000000

- 2000000000

- Does not include other county road projects

# Progress Made-2013 Waiver

- Humboldt, Mendocino, Trinity, Del Norte, Siskiyou
- Defunct cannabis grow, City of Ferndale



# Progress Made-2013 Waiver

- Humboldt, Mendocino, Trinity, Del Norte, Siskiyou
- Defunct cannabis grow, City of Ferndale
- 42 Projects Completed
  - 79 culverts replaced
  - 3 Rip Rap Replacements
  - 2 Sediment Removal
  - 1 Flatcar Bridge Replacement

# Lessons Learned – 2013 Waiver

- Projects require different levels of staff review
  - Low risk/no permanent impacts
  - Moderate risk/permanent impacts
- Projects excluded due to presence of fish
- Better documentation of all county road projects proposed or in progress
- Geographic coverage limited to original 5C Counties

# Revisions Made

- Development of Categories A and B
- Work in watercourses with fish present
- Requirement that all county road projects listed in annual report
  - Simple list (name, status, proponent)
  - One-stop location for county road projects
- Expanded to include entire North Coast Region

# 2018 Waiver

- Waiver
- General 401 Water Quality Certification
- Monitoring & Reporting Plan
- Waiver relies on implementation of BMPs & procedures contained in 5c Manual
- Covers Low – Moderate risk projects

# 2018 Waiver

- Covers all 5C road maintenance activities within manual (except bridge painting; separate SWRCB permit required)
- Categories of activities (Finding #4)

Road maintenance	Culvert maintenance
Soil disposal	Maintenance Yard Management
Bridge Maintenance	Emergency maintenance
Snow & ice removal	Treatment of legacy sites

# 2018 Waiver

- Does Not Authorize
  - New road construction
  - Bridge painting
  - Mining discharges
  - Storage or use of asphalt grindings in stockyards and roads where there is hydrologic connectivity
  - Herbicide/pesticide application
  - CalTrans projects

# 2018 Waiver

- Category A - Low potential for water quality impacts
- Require minimal staff review
- No USACOE permit required
  - Hydrologic disconnection of road segments
  - Vegetation management
  - Work in dry watercourses
  - Soil disposal and disposal site maintenance
  - Emergency maintenance
  - Snow and ice removal

# 2018 Waiver

- Category B – Moderate potential for water quality impacts
- May require CWA section 404/401, WDRs
- Require more staff review time
  - Low water crossing maintenance
  - Watercourse crossing culvert maintenance & repair
  - Work in watercourses where fish are present
  - Temporary watercourse diversions
  - Bridge drift removal
  - Treatment of legacy sites



# General 401 WQ Certification

- Provides 401 certification
- Coverage for 5 years
- CalDFW application
- Work in watercourses with fish

# Monitoring & Reporting Program

- Based in Ch. 10 in Manual
  - Implementation, Effectiveness, Photopoint, Project
- Annual Reports
  - List of all county road projects – Significant Change
  - Summary of implementation/effectiveness monitoring
  - Corrective actions taken
  - Progress on legacy site inventories, treatment
  - Illicit discharge investigations
  - Trainings

# CEQA – 30 Day Review

- Mitigated Negative Declaration
- Addresses all road projects & road maintenance activities covered under waiver
- Public review period Feb 2 – March 5, 2018
- No comments received

# 2018 Waiver – 45 Day Review

- Public Review Period Feb 2 – March 19, 2018
- One comment, Humboldt County
  - Add to list of Cat A project activities allowed in dry watercourses
- #1 under Category A changed to read:

“The following activities are authorized on dry watercourses: Channel maintenance, including removal of accumulated sediment at culvert inlets/outlets, in-kind culvert replacements and/or replacement of rip-rap;”

# Benefits of Proposed 5C Waiver

- Waives requirements for ROWD & WDRs
- Streamlines application process
- No project specific CEQA fees
- CalDFW long-term 1600 agreement
  - Humboldt County road projects
  - Tiered off MND for 5C Waiver

# Benefits of Proposed 5C Waiver

- Complies with State Nonpoint Source Policy
- Addresses major source of sediment – county & rural roads
- Contributes to TMDL compliance for roads
  - Sediment TMDL Implementation Policy (2004)
  - Impaired Waters Policy (2005)
  - Sediment Work Plan (2008)
  - Temperature Implementation Policy (2014)

# Where Does It Fit In?

- SOS II, Fish in Hot Water, February 2018
  - Roads dial
  - Rapid response
- First programmatic permit to cover county & private rural road maintenance discharges
- Coverage open to private rural roads

# Where Does It Fit In?

- Part of R1's comprehensive sediment control strategy
  - 2004 Timber General WDRs
  - 2011 & 2014 Bear Creek & Jordan Creek WWDRs
  - 2010 Green Diamond Roads Program WDRs
  - 2013 Mendocino Permit Coordination Program
  - 2015 USFS Waiver
  - 2013 FPR Road Rules
  - NPDES Stormwater Permits



# Next Steps

- Continue coordination with County road departments, 5C staff, and CalDFW
- 1 year update to Board
- Recommend
  - Implement BMPs on county permitted private rural roads
  - Increased coordination with RCDs and rural road associations
  - 5C Manual Update – Discretionary contract funding
  - Road Summit

# Staff Recommendation

- Adopt proposed Order No. R1-2018-0011
- Certify Mitigated Negative Declaration

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# Thank You

Questions/Comments?