

June 13, 2006

**Public Notice for Water Quality Certification
and/or Waste Discharge Requirements (Dredge/Fill Projects)**

United States Forest Service, Trinity River Coarse Sediment Injection and Rehabilitation Project
WDID No. 1A06041WNTR

Trinity County

On April 13, 2006, the North Coast Regional Water Quality Control Board (hereinafter Regional Water Board) received an application from Ms. J. Sharon Heywood, on behalf of the U.S.D.A. Forest Service – Shasta Trinity National Forest (applicant), requesting Federal Clear Water Act, Section 401, Water Quality Certification for the proposed Trinity River Coarse Sediment Injection Project. The proposed project will cause disturbances to the Trinity River in the Douglas City Hydrologic Subarea No. 106.31. This project is described in the U.S. Department of the Interior's Record of Decision for the Trinity River Mainstem Fishery Restoration, a large restoration effort intended to restore the anadromous fishery of the Trinity River.

The need for this project is primarily due to the long-term effects of controlled dam releases, the elimination of coarse sediment originating upstream of Lewiston Dam, and the reduced frequency and magnitude of high flows that would naturally manipulate the streambed and prevent encroachment of riparian vegetation. The purpose of this project is to restore aquatic habitat in the 1,800-foot section of the Trinity River immediately downstream of Lewiston Dam and directly adjacent to the Trinity River Fish Hatchery. The proposed project includes the following:

- excavation and removal of approximately 5,600 cubic yards of river bank material to expand the wetted perimeter of the channel;
- spoiling excess material above the 100-year floodplain;
- excavation of approximately 1,260 cubic yards of riverbed cobble and gravel from two shallow pools and redistribution of the excavated material over adjacent point bars;
- placement of approximately 5,100 cubic yards of washed coarse sediment ranging in size from one-quarter inch to five inches in diameter and originating from the Trinity River basin;
- placement of additional washed coarse sediment as needed in the future after flushing flows occur; and
- removal of a narrow strip of riparian vegetation along the right bank.

The proposed project will temporarily impact 5.56 acres and 1,800 linear feet of waters of the United States. The proposed project will be implemented when flows are the lowest after the high flow releases that occur during the spring. The proposed project is scheduled to begin around July 20 and will be completed by no later than September 15. The project is expected to take three to six weeks to complete. Compensatory mitigation for removal of the narrow strip of riparian vegetation will be addressed through implementation of the Riparian Revegetation Management Plan for the Trinity River Restoration Program. Noncompensatory mitigation measures for this project include the use of Best Management Practices for heavy equipment use near a waterway and for sediment and turbidity control. A Lake or Streambed Alteration Agreement (1600 Permit) from the California Department of Fish and Game is not required for this project. Endangered Species Act consultation has been completed with the U.S. Fish and Wildlife Service.

The applicant has applied for authorization to perform the project under Nationwide Permit No. 27 from the United States Army Corps of Engineers, pursuant to Clean Water Act, Section 404. The Army Corps, pursuant to the National Environmental Policy Act (NEPA), has determined that the Nationwide Permit (NWP) Program does not have a significant effect on the environment and does not require preparation of an Environmental Impact Statement, because the program can only authorize those activities that have minimal adverse environmental effects. The Army Corps prepared a Finding of No Significant Impact for the NWP Program. Moreover, the Army Corps' NWP Program has procedures and case specific discretionary authority whereby the Corps districts can evaluate any particular activity that could have more than minimal adverse effects.

The U.S. Forest Service, as the lead National Environmental Policy Act (NEPA) agency for this project, prepared the Trinity River Coarse Sediment Injection and Rehabilitation Project Environmental Assessment (EA). The U.S. Forest Service informed the public of the availability of the EA in January 2005 by using the Trinity List Server. At the same time, a public notice was placed in the Trinity Journal. The applicant also posted information about the project on the Northern California Fly Fishing Board and additional fishing oriented and public notice websites. In accordance with the National Environmental Policy Act, the Trinity River Restoration Program Office of the U.S. Bureau of Reclamation found that the proposed project, supported by the EA and the response to comments on the EA, will result in no significant impacts on the environment and a Finding of No Significant Impact (FONSI) has been prepared.

In accordance with CEQA guidelines, when a project will require compliance with both CEQA and NEPA, state agencies should use the FONSI rather than preparing a negative declaration if the FONSI will be prepared before a negative declaration and the FONSI complies with the provisions of CEQA guidelines. The Regional Water Board, as the lead agency for California Environmental Quality Act (CEQA) compliance, believes the EA/FONSI complies with the applicable provisions of the CEQA guidelines and was appropriately circulated for public review. Regional Water Board staff are proposing to use the EA/FONSI in place of a negative declaration and without recirculating the NEPA document for public review.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all written comments submitted during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.