January 13, 2012

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

California Department of Transportation
Interstate 5, Willow Creek Scour Repair Project
WDID No. 1A111191WNSI

Siskiyou County

On November 30, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the California Department of Transportation (Caltrans), requesting Federal Clean Water Act (CWA), section 401, Water Quality Certification for activities related to the proposed Interstate 5, Willow Creek Scour Repair Project (Project). The proposed project will cause disturbances to waters of the United States (U.S.) and waters of the State in Willow Creek a tributary to the Shasta River within the Klamath River Hydrologic Unit No.105.00 (Shasta River Hydrologic Sub-Area No.105.50).

Caltrans is proposing to place rock slope protection (RSP) and a grout seal to protect the outlet of the box culvert located at Post Mile (PM) 34.0, south of Yreka, in Siskiyou County, California. Caltrans has determined that the total project permanent impacts waters of the U.S. and waters of the State (Willow Creek) will be approximately 0.01 acre (276 ft^2, 12 linear feet). Based on the nature and extent of project impacts compensatory mitigation for the placement of RSP and grout is not required; however, this location has been identified as barrier to fish migration, preventing anadromous fish from accessing Willow Creek upstream of the box culvert. The North Coast Water Quality Control Plan (Basin Plan) lists Migration of Aquatic Organisms as a Beneficial Use of waters of the State. In addition, Senate Bill 857 requires Caltrans to address fish passage issues when conducting projects on locations that provide barriers to fish migration. Therefore, Caltrans will be required to upgrade the culvert within five years to allow for adequate fish passage. However, this project is limited in scope and funding to scour repair and the protection of Caltrans facilities.

All project activities will only be conducted between May 15th and October 15th and are anticipated to take 15 days to complete. Work within waters of the US and water of the State will only be conducted between July 1 and October 15. Caltrans' contractor will be required to implement Best Management Practices (BMPs) for construction and post-construction phases of the project to provide erosion and sediment control and pollution prevention throughout the project area. All graded areas within the project affected by the construction activities will be appropriately stabilized and BMPs will be implemented to ensure erosion and potential pollution is minimized and controlled.

Caltrans has applied for authorization from the Unites States Army Corps of Engineers to perform the project under their Nationwide Permit No. 3 (maintenance projects) pursuant to Clean Water Act, section 404. In addition, Caltrans has applied for a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and

Game. On November 16, 2011, Caltrans, acting as lead agency, determined that the project is categorically exempt from the California Environmental Quality Act (CEQA – Class 1, existing facilities). In addition, Regional Water Board staff also determined that this project is categorically exempt from CEQA and anticipates filing a notice of exemption.

The Klamath River watershed is listed on the Clean Water Act section 303(d) list as impaired for sediment/siltation, temperature, nutrients, cyanobacteria hepatotoxic microcystins, organic enrichment/low dissolved oxygen, high pH, and mercury. In September 7, 2010 the State Water Resources Control Board adopted a Resolution approving amendments to the Water Quality Control Plan for the North Coast Region to establish: (1) site specific dissolved oxygen objectives for the Klamath River; (2) an Action Plan for the Klamath River Total Maximum Daily Loads (TMDLs) addressing temperature, dissolved oxygen, nutrient, and microcystin impairments in the Klamath River; and (3) an Implementation Plan for the Klamath and Lost River Basins. On December 28, 2010, the US Environmental Protection Agency approved the TMDLs for the Klamath River in California pursuant to CWA Section 303(d)(2). The TMDLs, Implementation Plan, and new dissolved oxygen objectives are in effect. Roads are a significant source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides). A focus on measures to reduce sediment discharges to surface waters from roads in the watershed, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures.

Caltrans is listed as a responsible party in the Klamath River TMDL implementation plan with the following specific actions required:

> Incorporate the following measures into the National Pollutant Discharge Elimination System (NPDES) permit Statewide Storm Water Permit and Waste Discharge Requirements for the State of California, Department of Transportation (Caltrans permit) to address sediment sources from road and highway facilities under Caltrans control: Inventory: Identify sources of excess sediment discharge or threatened discharge and quantify the discharge or threatened discharge from the source(s); Prioritize: Prioritize efforts to control the inventoried sediment sources based on, but not limited to, severity of threat to water quality and beneficial uses, the feasibility of source control, and source site accessibility. Schedule: Develop a schedule to implement the cleanup of excess sediment discharge sites. Implement: Develop and implement feasible sediment control practices to prevent, minimize, and control the discharge. Monitor and Adapt: Use monitoring results to direct adaptive management in order to refine excess sediment control practices and implementation schedules.

- Incorporate measures to meet the excess solar radiation allocation in the statewide Caltrans NPDES permit and CWA section 401 Water Quality Certifications;

- Implement the measures outlined above to control the discharge of excess sediment from their facilities and comply with the Klamath TMDL allocations even if measures are not incorporated into the statewide Caltrans permit.

- Implement measures to meet the excess solar radiation allocation, even if measures are not incorporated into the statewide Caltrans permit.

- Fully assess all barriers and potential barriers to migration caused by Caltrans road and highway facilities along the mainstem Klamath River and in the tributary watersheds identified in the Thermal Refugia Protection Policy. Develop a priority ranking and time schedule for modifying the identified fish passage barriers to accommodate free passage of fish upstream and downstream.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the CWA (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all phone calls and comments submitted in writing and received within 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 or comments, please contact staff member Jeremiah Puget at (707) 576-2835 or JPuget@waterboards.ca.gov within 21 days of the posting of this notice.

The information contained in this public notice is only a summary of the applicant's proposed road construction activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The related documents and comments received are on file and may be reviewed or copied at the Regional Water Board office, 5550 Skylane Boulevard, Suite A, Santa Rosa, California. Appointments are recommended for document review. Appointments can be made by calling (707) 576-2220.

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