



California Regional Water Quality Control Board

Central Valley Region

Robert Schneider, Chair



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Agency Secretary

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Arnold Schwarzenegger
Governor

29 July 2005

AUG - 2 2005

Mr. Charles McClain
Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, CA 95901

ACTION ON REQUEST FOR CLEAN WATER ACT §401 WATER QUALITY CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE FEATHER- BEAR- WPIC LEVEE PROJECT, (WDID#5A58CR00026) YUBA COUNTY

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 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 shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. The Three Rivers Levee Improvement Authority shall notify the Regional Board in writing within 7 days of project completion.

ADDITIONAL CONDITIONS (for Certification Action 2):

In addition to the four standard conditions, the applicant shall satisfy the following:

1. Three Rivers Levee Improvement Authority shall notify the Board in writing of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The discharge of petroleum products or other excavated materials to surface waters is prohibited.
4. Activities shall not cause turbidity increases in surface waters to exceed:
 - (a) where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases shall not exceed 1 NTU;
 - (b) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (c) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (d) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected.

5. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
6. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
7. All areas disturbed by project activities shall be protected from washout or erosion.
8. In the event that project activities result in the deposition of soil materials or creation of a visible plume in surface waters, the following monitoring shall be conducted immediately upstream and 300 feet downstream of the work site and the results reported to this office within two weeks:

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.

9. Three Rivers Levee Improvement Authority shall notify the Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
10. Three Rivers Levee Improvement Authority shall notify the Board immediately of any spill of petroleum products or other organic or earthen materials.

11. Three Rivers Levee Improvement Authority complies with all Department of Fish and Game 1600 requirements for the project as required.
12. Three Rivers Levee Improvement Authority must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activities issued by the State Water Resources Control Board.

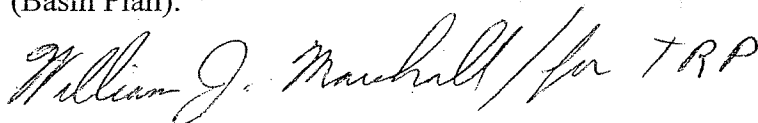
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

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WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Three Rivers Levee Improvement Authority, Feather- Bear- WPIC Levee Project (WDID #5A58CR00026) will comply with the applicable provisions of §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") of the Clean Water Act. This discharge is also regulated under Regional Board Resolution No. R5-2003-0008 "*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge: Type 12 Projects for which Water Quality Certification is issued by the Regional Board*", which requires compliance with all conditions of this Water Quality Certification.

Except insofar as may be modified by any preceding conditions, all 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 attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



THOMAS R. PINKOS
Executive Officer

Enclosure: Project Information

cc: U.S. Army Corps of Engineers, Sacramento
Timothy Vendlinski, Wetlands Section Chief (WTR-8), U.S. Environmental Protection Agency, Region 9, San Francisco
U.S. Fish & Wildlife Service, Sacramento
Oscar Balaguer, Certification Unit, State Water Resources Control Board, Sacramento
Chris Elliott, Jones & Stokes, Sacramento

PROJECT INFORMATION

Application Date: 22 June 2005

Applicant: Mr. Charles McClain
Three Rivers Levee Improvement Authority
915 Eighth Street, Suite 115
Marysville, CA 95901

Applicant Representatives: Chris Elliott
Jones & Stokes
2600 V Street
Sacramento, CA 95818

Project Name: Feather- Bear- WPIC Levee Project

Application Number: WDID#5A58CR00026 (formerly 5A58CR00018)

US. Corps Application Number: 200400685

Type of Project: Levee setback, levee reconstruction and habitat restoration project

Project Location: Township 13, 14N, Range 4E, MDB&M, Latitude: 38°58'29" and Longitude: 121°32'06"

County: Yuba County

Receiving Water(s) (hydrologic unit): Bear River, Sacramento Hydrologic Basin, Colusa Basin Hydrologic Unit #520.30, Sutter Bypass HA

Water Body Type: Wetlands, Streambed, Riparian, River

Designated Beneficial Uses: The Basin Plan for the Central Valley Regional Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The Three Rivers Levee Improvement Authority's Feather- Bear- WPIC Levee Project has three components designed to improve flood protection and restore wildlife habitat in southern Yuba County; 1) construct new Bear River/Feather River setback levee and associated 23-acre detention basin; 2) improvements to the existing Bear River and Western Pacific Interceptor Canal (WPIC) levees including filling depression areas near the levees that are compromising levee stability (fill of borrow ditch and Algodon Canal), raising levees, levee widening,

slurry cutoff walls, and erosion protection: and 3) removal of existing orchards within the Bear River floodway to improve the hydraulic performance of the floodway and restore riparian habitat.

Preliminary Water Quality Concerns: The construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: Three Rivers Levee Improvement Authority will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. Three Rivers Levee Improvement Authority will conduct turbidity and settleable matter testing during in water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: 94,250 cubic yards of clean soil to fill 2.54 acres of jurisdictional wetland, 2.91 acres of Riparian, and 5.59 un-vegetated streambed. Temporary impacts 0.36-acres jurisdictional wetlands, 0.09 acres riparian habitat, and 12.07 acres un-vegetated streambed

Dredge Volume: 0 cubic yards

U.S. Army Corps of Engineers Permit Number: Individual Permit

Federal Public Notice: 200400685

Department of Fish & Game Streambed Alteration Agreement: Three Rivers Levee Improvement Authority applied for a Streambed Alteration Agreement on 12 July 2005.

Possible Listed Species: Vernal pool fairy shrimp, Vernal pool tadpole shrimp, Giant Garter Snake, and Valley Elderberry Longhorn Beetle (VELB)

Status of CEQA Compliance: Three Rivers Levee Improvement Authority submitted a Final EIR certified in August 2004 (SCH# 2004032118) for the Bear River and Western Pacific Interceptor Canal Levee Improvements Project and a Final EIR certified in November 2004 (SCH# 2004072113) for the Feather-Bear Rivers Levee Setback Project.

Compensatory Mitigation: Compensatory habitat mitigation is being planned as an objective for restoration of the existing and expanded floodplain area. Of the 252 acres of waters of the U.S. this project entails only 11.04 acres will be filled. Removal of a 66-acre walnut orchard will result in 66-acres of riparian habitat created (restored) within the project boundaries. Mitigation will occur on-site.

Application Fee Provided: A fee of \$500 was submitted on 21 June 2005 as required by 23 CCR §3833b(2)(A) and \$19,543.50 was submitted on 26 July 2005 by 23 CCR § 2200(e) and additional fee of \$4192.50 was previously submitted for the Western Pacific Interceptor Canal Levee Improvements Project.

DISTRIBUTION LISTS

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