

RECLAMATION

Managing Water in the West

Lower Klamath River Sub-Basin Upslope Sediment Prevention Project

Klamath Watershed Restoration Program Grant
09AP20065 Yurok Tribe Watershed
Restoration Program

Klamath Project, Oregon
Mid Pacific Region

Finding of No Significant Impact



FONSI No.: KBAO-FONSI-11-001



U.S. Department of the Interior
Bureau of Reclamation

February 2011

 ORIGINAL

 APPROVED

FINDING OF NO SIGNIFICANT IMPACT

Lower Klamath River Sub-Basin Upslope Sediment Prevention Project

INTRODUCTION

The United States Bureau of Reclamation (Reclamation) has prepared an Environmental Assessment (EA), dated January 2011 entitled *Lower Klamath River Sub-Basin Upslope Sediment Prevention Project*. This EA describes the environmental effects of decommissioning approximately one mile of road and applying additional erosion measures to the road and stream crossings associated with the road. The EA was prepared to satisfy the procedural requirements of the National Environmental Policy Act (P.L. 91-190, as amended).

PROPOSED ACTION

Reclamation proposes to provide funding to the Yurok Tribal Watershed Restoration Program (YTWRP) as a cost share with the California Department of Fish and Game (DFG) to implement the activities as described in the Klamath Basin Restoration Program Grant # 09AP20065 entitled *Lower Klamath River Sub-Basin Upslope Sediment Prevention Project* and covered under the subject EA.

The purpose of the Proposed Action is to decommission approximately one mile of road owned by Green Diamond Resource Company. Additional erosion control measures would also be applied to the road and the stream crossings associated with the road. The action is needed reduce the potential for delivery of sediment to prime spawning and rearing habitat for coho salmon and to prevent the erosion of natural stream channels due to an increased flow volume.

SUMMARY OF EFFECTS

The environmental impacts described and analyzed in the EA are not anticipated to have any significant adverse impacts on the human or natural environment. Evidence of coordination with the appropriate Federal, state, and local agencies and their comments is included in the EA and its appendices.

Authorization from the Army Corps of Engineers and North Coast Water Quality Control Board for Clean Water Act compliance will be completed prior to any ground disturbance activities through the DFG's Fisheries Restoration Grant Program. The YTWRP also obtained a Streambed Alteration Sec. 1600 (c) permit through CDFG.

Endangered Species Act, Section 7 consultation requirements with both the United States Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) were satisfied for the CDFG Grant Program. The USFWS issued an informal consultation concurrence letter in 2009 concluding that the project "may affect, but is not likely to adversely affect" the federally threatened northern spotted owl and would have "no effect" on the Marbled murrelet. The NMFS issued a Biological Opinion on June 9, 2010 concluding that the project was "not likely to jeopardize the continued existence" of the federally threatened Southern

Oregon/Northern California Coast (SONCC) coho salmon and "was not likely to destroy or adversely modify the designated critical habitat" of the SONCC coho salmon.

Section 106 of the National Historic Preservation Act requires Federal agencies to consider the effects of an action or activity on historic properties which include archaeological sites, built environment, and sites of religious and cultural significance eligible for inclusion on the National Register of Historic Places. As a result, a cultural resource inventory was performed within the Area of Potential Effects as well as other identification efforts all resulting in negative findings. Reclamation consulted with the California State Historic Preservation Officer and requested concurrence on a "No Historic Properties Affected" determination. The SHPO concurred with Reclamation's efforts to identify cultural resources and determination. Therefore, no impacts to cultural resources are expected through implementation of this project. However, in the event of inadvertent discovery of cultural resources, Reclamation must be contacted immediately to conduct a post review discovery analysis as outlined in the Section 106 regulations at 36 CFR Part 800.13.

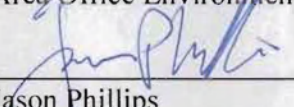
Reclamation is required to consider the impacts of project activities on Indian Tribal Trust Assets. The proposed project was reviewed by Reclamation's Mid-Pacific Regional Office, Indian Trust Assets Coordinator, Patricia Rivera, on November 29, 2010 and a "no impacts to Indian Tribal Trust Assets" concurrence was received.

FINDING

Based on the analysis of the environmental impacts as described in the EA, Reclamation has determined that the proposed federal action is consistent with existing national environmental policies and objectives and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(c) of NEPA.

DECISION

It is Reclamation's decision to fund the road decommissioning and application of additional erosion control measures. Implementation of the proposed action may take place once all environmental permits and mitigation requirements are completed as described in this Finding of No Significant Impact and Environmental Assessment. Reclamation believes that the Proposed Action Alternative best meets the purpose and need of the proposal.

FONSI Prepared By:	<u>Kristen L. Hiatt</u>	Date:	<u>February 1, 2011</u>
Recommended:	 <u>Area Office Environmental Specialist</u>	Date:	<u>2-9-2011</u>
Approved:	 <u>Jason Phillips</u> Area Manager	Date:	<u>2-9-11</u>

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**Klamath Basin Restoration Program Grant
R09AP20065 Yurok Tribal Watershed
Restoration Program**

**Klamath Project, Oregon
Mid Pacific Region**

Environmental Assessment



January 2011

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitment to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water related resources in an environmentally and economically sound manner in the interest of the American public.

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CHAPTER 1 – INTRODUCTION AND DESCRIPTION OF THE PROPOSAL

INTRODUCTION

The Bureau of Reclamation (Reclamation) proposes to provide funding to the Yurok Tribe Watershed Restoration Program (YTWRP) for the purpose of the decommissioning of logging roads in Terwer Creek tributary, located on Green Diamond Resource Company (GDRC) land. The project would also obtain funding from California Department of Fish and Game (CDFG). Approximately one mile of road would be decommissioned and additional erosion control measures would be applied to prevent current and future sources of sediment delivery into Terwer Creek drainage.

This Environmental Assessment (EA) includes a brief discussion of the purpose and need for the proposed project, the proposed action and alternative(s), environmental impacts of proposed action and alternatives, and a listing of agencies and persons consulted (40 CFR § 1508.9 (b)). This EA is prepared to satisfy the procedural requirements of the National Environmental Policy Act (P.L. 91-190, as amended) and to determine if an Environmental Impact Statement or Finding of No Significant Impact should be prepared for this project.

PURPOSE AND NEED OF PROJECT

The purpose of the project is to decommission and apply erosion control measures to one mile of road that currently has a high risk for delivering large amounts of sediment downstream to key fish spawning and rearing habitat. The proposed project is needed to restore the tributary to a more natural system, which would benefit anadromous fish species habitat making the habitat more productive and sustainable for future anadromous fish.

The species that would benefit from the decommissioning are both adult and juvenile Coho salmon, Chinook salmon, Steelhead trout, and Cutthroat trout. If left in its current state the road would continue to add to the sedimentation of the watershed. Decommissioning roads is a beneficial actions that can be taken for the anadromous fish populations in the Lower Klamath River Sub-basin.

BACKGROUND

The Lower Klamath River Sub-basin Upslope Sediment Prevention Project is proposed for construction by the YTWRP. Terwer Creek watershed is a tributary to the Lower Klamath River in northwestern California. Project construction has been funded by Reclamation's Klamath Basin Restoration Program and the CDFG's Fisheries Restoration Grant Program.

Terwer Creek has been prioritized for immediate restoration in the Lower Klamath Sub-basin Watershed Restoration Plan (Gale and Randolph 2000). The roads to be decommissioned are privately owned by GDRC. All roads within this watershed have been and will continue to be used for timber harvest activities by GDRC. Currently timber harvest practices occur throughout the Terwer Creek watershed above and below

the project areas. It is anticipated that GDRC would continue this land use practice for at least the next five years. The areas around the project consist of primarily of 2nd and 3rd growth redwoods, conifers, and mixed hardwood forests. These roads all have some level of contribution to the sedimentation of Terwer Creek. However once these roads become abandoned catastrophic failure is imminent.

Anadromous fish populations throughout the Klamath River Basin have declined precipitously from historic levels. While many factors have contributed to these fish population declines, degradation of freshwater habitats has been pervasive in the Klamath River Basin. Many studies have shown that the low number of native fish and aquatic resources North Coast streams is directly related to chronic streambed sedimentation.

The proposed action would reduce the delivery of sediment by minimizing the potential for landslides, surface erosion, and/or catastrophic failure. Additionally, the proposed action would reduce the volume of sediment introduced into the watershed by treating sediment sources and improving riparian in stream habitat conditions adequate for spawning and rearing.

LOCATION AND GENERAL DESCRIPTION OF THE PROPOSED PROJECT

The legal description of the area is Township 14North Range 2East Section 33 and Township 13North, Range 23East Sections 3 and 4 on the USGS “Klamath Glen” 7.5 quadrangles. The Terwer Creek watershed is 32.8 square miles. The project area is near the main stem of Terwer Creek. The restoration work is on a small tributary of Terwer Creek, approximately 7.8 miles from its confluence with the Klamath River. Figure 1 illustrates the general location of the proposed project.

The proposed action consists of decommissioning one mile of road and applying additional erosion control measures. The decommissioning and erosion control measures performed on unmaintained roads within the watershed would reduce sediment impacts downstream. The greatest benefit of this project would be the removal of stream crossings on the U-900 road series located above the majority of the spawning grounds in the Terwer Creek watershed. During the Terwer Creek assessment each site was given temporary reference points to get an approximate fill volume. During implementation each site would be given additional permanent reference points, that would be used to calculate the actual volume removed for future monitoring. The surveyed data would then be entered into WinRoads to determine the amount of fill that would be saved and removed.

DECISIONS TO BE MADE

Reclamation will use this EA and other relevant information to make the following decisions: (1) Should Reclamation provide funding to YTWRP as part of Klamath Watershed Restoration Grant Program to perform the road decommissioning and erosion control measures; and (2) Does the proposed action constitute a major federal action significantly affecting the quality of the human environment necessitating preparation of an environmental impact statement?

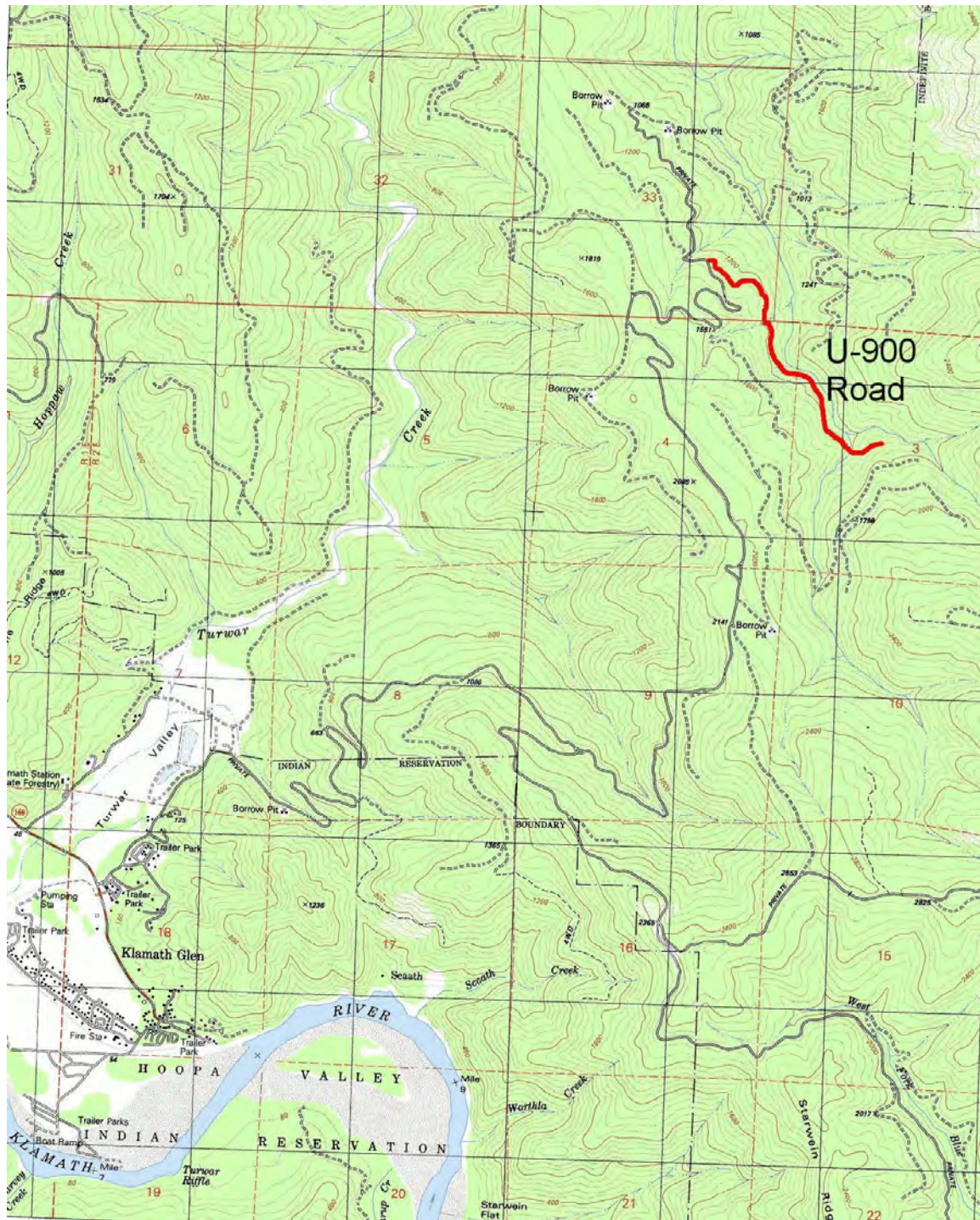


Figure 1. General Location of Proposed Project

RESOURCE ISSUES

The following resources have been identified as issues that are analyzed in detail in this EA. The resources were identified through scoping activities conducted by Reclamation, and will be used to guide analysis of environmental consequences.

The resources analyzed for environmental impacts are the following:

1. Cultural and Historic Resources

- Would the proposed action and alternative potentially impact cultural or Historic resources, if any exist within the project area?

2. Threatened and Endangered Species

- Would the proposed action and alternative potentially impact any federal listed species that are threatened or endangered within the project areas?

3. Riparian Corridors

- Would the proposed action and alternative impact the riparian vegetation or the habitat for wildlife within the project areas?

4. Other Resource and Issues

- How would the proposed action and alternatives affect other issues? (Indian Trust Assests, Environnemental Justice)

CHAPTER 2 – PROPOSED ACTION AND ALTERNATIVES

NO ACTION ALTERNATIVE

Reclamation would not provide grant funding to implement the proposed project to decommission and apply erosion control measures to one mile of road. Taking “no action”, however, would not meet the purpose and need for the proposed project. Therefore, the area would continue to erode and deliver sediment downstream and would have negative effects on the anadromous fish species.

PROPOSED ACTION

All roads in the watershed have been assessed for potential erosion and future sediment delivery. The proposed action is to decommission a portion of the U-900 road series and apply other erosion control measures. A portion of this work consists of the removal of high priority stream crossings, which have the potential of delivering sediment to prime fish spawning habitat.

The following are on site activities that would be performed by the Watershed Laborer staff as part of the proposed project:

- Establishment of permanent reference points at each excavation site. These points would be used to calculate pre and post fill volumes of excavation. These calculations would be entered into our WinRoads volume calculating program to determine the volumes.

- After completion of road fill removal, culvert and stream crossing areas would be mulched and seeded with native plants; the placement of woody debris and rocks would also be implemented to establish a more natural streambed configuration.
- Using the previously established permanent reference points, laborers/technicians would monitor the site over time for channel down cutting and erosion.
- During the preceding fall and winter months of the project Conifer and Redwood trees would be replaced in a two to one ratio for those removed from the site prior to excavation.

The following are on site activities that would be performed by Watershed Equipment Operators and their Operating staff as part of the proposed project:

- Using excavators and dozers unstable side-cast and/or un-compacted fill would be excavated along the outside edges of landings and from within stream channel crossings in an effort to reduce chronic sedimentation of stream channels.
- Installation of drainage structures to ensure hydrological disconnections of inboard ditch lines from stream channels.
- Installing crossroad drains where needed depending on the roads contour, seeps, springs, etc.
- Ripping and out-sloping of road reach sections between erosion sites to disperse and reduce road surface runoff.
- Excavating fill back to natural side slopes and down to original stream bottom.
- Remove all foreign material including culverts, Humboldt crossing, and any other logging debris.

The following equipment would be used to perform the excavation work associated with this decommissioning project:

- John Deere 330 Excavator
- D155 Bulldozer
- 850C Bulldozer
- John Deere 400 Articulated Trucks (2)

This project would be performed in accordance with the 1600 Streambed Alteration agreement provided for this project. The permit agreement establishes a June 15 to October 15 in water work period. The YTWRP would comply with CDFG Restoration Manual by implementing their Best Management Practices (BMPs).

During the implementation portion of the project, diversion dams would be put in the stream channel above and below the project site. The use of straw bales and plastic would be used to install the dams. Water would be picked up at the upper dam and diverted to the stream channel below the lower dam using flex pipe or water pumps if needed. The turbid water that comes through the site would be picked up at the lower

dam and pumped out onto the leaf litter and straw bales where it would dissipate and not be allowed to enter back into the stream channel.

The spoils excavated from the stream channel would be exported by excavator and dozer to a stable location away from the stream channel. Locations for the spoils would be on ripped roads more than 100 feet from the stream channel. This would help to minimize or eliminate the amount of sediment return into the stream channel as revegetation occurs. When necessary, seed and mulch would be spread on spoils to help prevent surface erosion that could potentially return to the stream channel in large storm events.

MITIGATION MEASURES INCORPORATED INTO THE PROPOSED ACTION

The following is a list of mitigation measures that would be incorporated during the implementation of the proposed project:

1. Permits required for compliance with all federal, state, local, and tribal environmental protection laws and regulations shall be acquired before initiation of ground-disturbing activities.
2. In the event that any cultural and/or paleontological site is discovered or human remains are uncovered during construction, the discovery shall be immediately reported to the Regional Archaeologist, and the Klamath Basin Area Office Manager of the Bureau of Reclamation. All work at the project would stop until such time as the Reclamation Cultural Resources staff could assess the situation and advise on how to proceed.
3. Stream channel widths would be determined and excavated to meet the flows of a 100 year storm event in accordance with California Department of Fish and Game's California Salmonid Stream Habitat Restoration Manual Volume II Part X, *Upslope Assessment and Restoration Practices*. The manual would be used for all aspects of the project from stream crossing removal to tree planting ratio.
4. The YTWRP would use the CDFG Restoration Manual and BMP's in performance of the proposed project activities.

CHAPTER 3 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL EFFECTS

INTRODUCTION

Reclamation analyzed the effects of the proposal on the following resources or issues that are relevant to the proposal.

CULTURAL RESOURCES

Cultural resources is a term used to describe both ‘archaeological sites’ depicting evidence of past human use of the landscape and the ‘built environment’ which is represented in structures such as dams, roadways, and buildings. The National Historic Preservation Act (NHPA) of 1966 is the primary Federal legislation which outlines the Federal Government’s responsibility to cultural resources. Section 106 of the NHPA requires the Federal Government to take into consideration the effects of an undertaking on cultural resources listed on or eligible for inclusion in the National Register of Historic Places (National Register). Those resources that are on or eligible for inclusion in the National Register are referred to as historic properties.

The Section 106 process is outlined in the Federal regulations at 36 CFR Part 800. These regulations describe the process that the Federal agency (Reclamation) takes to identify cultural resources and the level of effect that the proposed undertaking would have on historic properties. In summary, Reclamation must first determine if the action is the type of action that has the potential to affect historic properties. If the action is the type of action to affect historic properties, Reclamation must identify the area of potential effects (APE), determine if historic properties are present within that APE, determine the effect that the undertaking would have on historic properties, and consult with the State Historic Preservation Office (SHPO), to seek concurrence on Reclamation’s findings. In addition, Reclamation is required through the Section 106 process to consult with Indian Tribes concerning the identification of sites of religious or cultural significance, and consult with individuals or groups who are entitled to be consulting parties or have requested to be consulting parties.

No Action

Under the No Action Alternative, Reclamation would not release grant funds YTWRP to decommission work in the Terwer Creek watershed. Road systems within the Terwer creek watershed would continue to deteriorate having a potentially adverse affect on the fisheries resource. However YTWRP could still seek other financial partners or fund the Proposed Action themselves, which is outside the scope of this EA.

Proposed Action

Under the Proposed action Reclamation would release grant funding to YTWRP for road removal activities and the Project would be implemented. In consultation with the SHPO, Reclamation concluded that the Proposed Action Alternative would result in “no Historic Properties affected” pursuant to 36 CFR Part 800.4(d)(1). The SHPO concurred with this finding. There would be no impacts to cultural resources as a result of

implementing the Proposed Action Alternative. In addition the Yurok Tribe has a inadvertent discovery policy in place for protection of cultural resources.

THREATENED AND ENDANGERED SPECIES

Federally-listed threatened and endangered species that may exist within the project and adjacent areas include the federally threatened Southern Oregon Northern California Coast (SONCC) coho salmon, Northern Spotted Owl, and Marbled murrelet.

No Action

Under the No Action Alternative, Reclamation would not release grant funding to YTWRP for road decommission work in the Terwer Creek watershed. Road systems within the Terwer creek watershed would continue to deteriorate having a potentially adverse affect on the listed fisheries resource. However YTWRP could still seek other financial partners or fund the Proposed Action themselves, which is outside the scope of this EA.

Proposed Action

Under the Proposed action Reclamation would release grant funds to YTWRP for road removal activities. The Project would be implemented as described in the proposed action and alternatives section. As a result of performing the Project the water quality is expected to improve, and subsequently, overtime the quality of habitat and quantity of the fisheries resource would improve. It has been determined by GDRC's wildlife department that there is no presence of threatened or endangered species within the project area. NOAA Fisheries' issued a Biological Opinion (BO) on June 9, 2010 for the U.S. Army Corps of Engineers issuance of a five-year regional general permit for habitat restoration activities under the CDFG's Fisheries Restoration Grant Program, The entire grant program was determined "not likely to jeopardize the continued existence" and "not likely to destroy or adversely modify the designated critical habitat" of the SONCC ESU coho salmon. Therefore, the proposed action is not expected to have adverse affects on the SONCC ESU coho salmon due to the project design criteria.

Critical habitat has been designated for the federally threatened SONCC coho salmon Evolutionary Significant Unit (ESU) within the mainstem Terwer Creek. The smaller ephemeral class 3 streams where excavations are proposed to occur are not designated critical habitat. SONCC coho salmon are the only listed fisheries species occurring in the Klamath River hydrologic unit.

Previous surveys have shown that coho salmon exist downstream from the project area. Construction activities associated with the project have the potential to temporarily introduce elevated levels of suspended sediment into Terwer Creek. However, proper decommissioning techniques would prevent or eliminate increases in sediment that may have adverse effects to the fish in the long term. Work within streams is restricted to the period of June 15 through November 1 to further reduce the potential for impacts to coho. Any additional protection measures outlined in the June 2010 BO must be followed.

A concurrence letter resulting from informal consultation from the United States Fish and Wildlife Service covers proposed projects from 2009 – 2013. The concurrence letter determines that the project “may affect, but is not likely to adversely affect” the northern spotted owl. The proposed action would not affect suitable northern spotted owl habitat because it would not remove, degrade, or downgrade suitable northern spotted owl habitat. Based on the concurrence letter, the project would be required to operate under a Limited Operating Period (LOP). The LOP consists of no project operations occurring prior to July 9 in or near (.25 mile) suitable habitat to avoid disturbance of nesting owls or their young which may result from noise or human activity prior to dispersal of the young. Prior to operations, location and protection measures for the northern spotted owl shall be confirmed with GDRC’s wildlife department.

Based on the 2009 USFWS concurrence letter, the project would have no effect on the marbled murrelet. The proposed action would not affect the marbled murrelet because it would not remove, degrade, or downgrade suitable marbled murrelet habitat. The project would also avoid disturbance to marbled murrelet because restoration work within .25 miles of occupied or unsurveyed suitable habitat would not occur from March 24 through September 15 to avoid disturbance of nesting marbled murrelets or their young. Prior to operations, location and protection measures for the marbled murrelet shall be confirmed with GDRC’s wildlife department.

WETLAND AND RIPARIAN AREAS

There are no wetlands in the proposed action area. All streams located within the proposed project area are intermittent and are expected to be dry during the construction period of the project. Perennial streams do exist downstream of the proposed project area.

No Action

Under the No Action Alternative, Reclamation would not release grant funds YTWRP to decommission work in the Terwer Creek watershed. Road systems within the Terwer creek watershed would continue to deteriorate having a potentially adverse affect on the fisheries resource. However YTRP could still seek other financial partners or fund the Proposed Action themselves, which is outside the scope of this EA.

Proposed Action

Under the Proposed action Reclamation would provide grant funding to YTWRP for road removal activities. The Project would be implemented, water quality would improve, and overtime the quality of habitat and quantity of the fisheries resource would improve. Effects of the proposed action to the riparian vegetation and the streambeds would be limited to the time necessary to remove the road fill and culverts. The effect as a result of this action on the riparian areas would be limited and temporary in nature. During the implementation period of the proposed action short-term impacts to the downstream water quality due to sediment could possibly result. However all Stream channels identified for work under the proposed action will be dry and therefore not affected.

OTHER RESOURCES AND ISSUES

Indian Trust Assets- Reclamation is required to consult with affected or involved tribes regarding impacts from Reclamation's activities on Indian Trust Assets (ITA). ITA's are defined as legal interests in property held in trust by the United States for Indian tribes or individuals, or property that the United States is otherwise charged by law to protect. The United States has a trust responsibility to protect and maintain rights reserved by or granted to American Indians or Indian individuals by treaties, statutes, and executive orders. These rights are sometimes further interpreted through court decisions and regulations. This trust responsibility requires that all federal agencies take all actions reasonably necessary to protect this trust. As a federal agency, Reclamation would carry out its activities in a manner that protects these assets and avoids adverse impacts when possible. When impacts to such assets cannot be avoided, Reclamation would provide appropriate mitigation or compensation.

No Action

Under this alternative, no construction would take place. Therefore, there would be no impacts to any ITA's.

Proposed Action

Under the proposed action, Reclamation would provide funding to YTWRP to implement the road decommissioning project. In an email dated November 29, 2010, Patricia River Reclamation, Native American Affairs Specialist, stated that no ITA's are present in the proposed action area. Therefore, the proposed action does not have the potential to affect ITA's.

Environmental Justice - Executive Order 12898, dated February 11, 1994, requires Federal agencies to ensure that their actions do not disproportionately impact minority and disadvantaged populations. Many agricultural jobs require unskilled labor and the pay tends to be low. The employment opportunities for agricultural jobs draw low income and minority populations. The farm workers reside in surrounding communities.

No Action

Employment opportunities and conditions for low-income or disadvantaged populations would be within historical conditions under the No Action Alternative. Therefore, there would be no impact relating to environmental justice.

Proposed Action

The Proposed Action would not cause dislocation, changes in employment, or increase flood, drought, or disease. The Proposed Action would not disproportionately impact economically disadvantaged or minority populations. Employment opportunities for low-income wage earners and minority population groups would be within historical conditions. Disadvantaged populations would not be subject to disproportionate impacts. Therefore, the Proposed Action would not result in a disproportionate effect upon those populations.

SUMMARY OF ENVIRONMENTAL EFFECTS

The environmental effects of the proposed action are summarized in Table 1.

Table 1 - Summary of Environmental Effects	
Resource / Issue	Predicted Effects
Cultural Resources	No historic properties affected
Threatened & Endangered Species – Coho Salmon	Not likely to jeopardize the continued existence
Threatened & Endangered Species – Northern Spotted Owl	May affect, not likely to adversely affect
Threatened & Endangered Species – Marbled Murrelet	No affect
Indian Trust Assets	No affect
Wetland & Riparian Areas	Limited/Temporary

CHAPTER 4 – COORDINATION

PERMITS AND AUTHORIZATIONS

The following permits and authorizations would be obtained prior to project implementation as displayed in Table 2.

Table 2: Permits & Authorizations Possibly Needed For Lower Klamath Sub-basin Erosion Control Project		
Authority	Permit/Authorization Needed	Responsible Agency
Clean Water Act	Section 401 – Water Quality Certification	California Department of Fish & Game through RGP12 with the Army Corps of Engineers
Clean Water Act	Section 404 – Permit to Discharge Dredged or Fill Material into the Waters of the United States (ACOE)	California Department of Fish & Game through RGP12 with the Army Corps of Engineers
California Department of Fish and Game Code	Lake or Streambed Alteration – Code Sec. 1600	Del Norte County with the California Department of Fish and Game
Endangered Species Act	Consultation on Impacts to Threatened and Endangered Species – fisheries	California Department of Fish & Game through RGP12 with the Army Corps of Engineers
Endangered Species Act	Consultation on Impacts to Threatened and Endangered Species – wildlife	California Department of Fish & Game through RGP12 with the Army Corps of Engineers
National Historic Preservation Act	Section 106 – Protection of Historic Properties	Bureau of Reclamation

COORDINATION

Reclamation utilized an interdisciplinary approach to prepare the EA to comply with the mandate of the National Environmental Policy Act (NEPA) to “...utilize a systematic, interdisciplinary approach which would insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man’s environment” (40 CFR 1501.2(a)). The principal disciplines involved with preparation of the EA were the following resource specialists: restoration, wetlands, fish and wildlife, forestry and NEPA.

Prepared By:

Kristen Hiatt, Environmental Specialist; Reclamation

Adam Nickels, Archeologist; Reclamation

Robin Blythe, Yurok Tribe Environmental Program, Yurok Tribe Watershed
Restoration Program Staff

REFERENCES CITED

CDFG. Restoration Manual. California Department of Fish and Game.

Gale, D. B., & Randolph, D. B. (2000). Lower Klamath River Sub-Basin Watershed Restoration Plan. Klamath, Ca: Yurok Fisheries Program.

Reclamation. (2010 uncirculated draft). Lower Klamath River Sub-Basin Erosion Control Project: Klamath Basin Restoration Program Grant #08FG200147. Bureau of Reclamation.

USGS. (1982). Klamath Glen, California. Quadrangle Map .

Hiatt, Kristen L

From: Nickels, Adam M
Sent: Thursday, August 05, 2010 1:59 PM
To: Hiatt, Kristen L
Cc: Korson, Charles S (Chuck); Perry, Laureen (Laurie) M; Barnes, Amy J; Bruce, Brandee E; Goodsell, Joanne E; Leigh, Anastasia T; Overly, Stephen A; Ramsey, Dawn
Subject: U-900 Terwer Watershed Road Closure, Yurok KBRP Grant
Attachments: 10-KBAO-244 SHPO Concurrence letter.pdf; 10-KBAO-244 SHPO letter.pdf

Project No. 10-KBAO-044

Kristen:

The Bureau of Reclamation is providing funding assistance through the Klamath Basin Restoration Program (KBRP) to the Yurok Tribe for the purpose of closing the U-900 Road above Terwer Creek in Del Norte County, CA. The Action will involve the removal of culverts grading, cutting, and soil movement. Reclamation determined that the actions described in the grant application constituted the type of actions that have the potential to cause effects to historic properties assuming historic properties are present.

A cultural resource report titled "*Yurok Tribe Watershed Restoration Program Lower Klamath River Sub-Basin Upslope Sedimentation Prevention Project in the Terwer Creek Watershed (U-900 Road) Cultural Resources Inventory*" by Dr. Kathleen Sloan of the Yurok Tribe Environmental Program. Utilizing the results from this report, Reclamation consulted with the California State Historic Preservation Officer (SHPO) on July 13, 2010 seeking their concurrence on our finding that the proposed undertaking you result in no historic properties affected (letter attached). Reclamation received concurrence from the SHPO on our finding on July 23, 210 which was received by Reclamation on July 26, 2010 and received by MP-153 on August 2, 2010 (letter attached). After receiving concurrence on Reclamation's finding of effect for this undertaking, I am now able to conclude the Section 106 process for this undertaking.

Please retain a copy of this email memo with any National Environmental Policy Act (NEPA) documents you prepare for this action. Please keep in mind that cultural resources may be identified during project activities. If they are, Reclamation will follow the stipulations for post review discovery outlined at 36 CFR Part 800.13,

Sincerely

Adam M. Nickels - Archaeologist - M.S.
Phone: 916.978.5053 - Fax: 916978.5055 - www.usbr.gov

USBR

Mid-Pacific Regional Office MP-153 2800 Cottage Way - Sacramento, California 95825





United States Department of the Interior



IN REPLY REFER TO:

MP-153

ENV-3.00

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

JUL 13 2010

CERTIFIED – RETURN RECEIPT REQUESTED

Mr. Milford Wayne Donaldson
State Historic Preservation Officer
Office of Historic Preservation
1416 9th Street, Room 1442-7
Sacramento, California 95814

Subject: National Historic Preservation Act, Section 106 Consultation for the Lower Klamath River
Sub-Basin Upslope Sediment Prevention Project in the Terwer Watershed, U-900 Road,
Del Norte County, California (Project No. 10-KBAO-044)

Dear Mr. Donaldson:

The Bureau of Reclamation is initiating the National Historic Preservation Act (NHPA) Section 106 process seeking your concurrence on a finding of no historic properties affected for a sediment prevention project in the Terwer Creek Watershed, U-900 Road, Del Norte County, California (Figure 1 and 2 in Sloan [2010]). Reclamation is proposing to provide grant funding to the Yurok Tribe through Reclamation's Klamath Basin Watershed Restoration Program in an effort to assist with the proposed sediment reduction program in the Terwer Creek Watershed. The use of Federal appropriations constitutes an undertaking pursuant to Section 301(7) of the NHPA (16 U.S.C. 470), as amended. Reclamation is consulting with you in accordance with the regulations at 36 CFR Part 800 implementing Section 106 of the NHPA.

A detailed description of the proposed activities associated with this undertaking is outlined in the enclosed cultural resource inventory report by Sloan (2010). In summary of that description, all project activities will occur along the U-900 Road located within Green Diamond Resource Company lands. The U-900 Road is approximately 1-mile long. The work will involve the removal of stream crossings such as culverts along the U-900 Road, constructing sediment control features such as cross road drains, and using fill and re-contouring the roadway to reduce runoff and sedimentation of Terwer Creek. The funds will also be used for long-term monitoring of the sedimentation prevention project. The proposed project will involve excavation of the roadway and associated features. This will require the use of heavy machinery such as an excavator, a bulldozer, and large and small haul trucks. Staging will be confined to the roadway itself.

Terwer Creek is a tributary of the Klamath River near the mouth of the Klamath River. Portions of the Terwer Creek watershed are owned by Green Diamond Resources Company who have actively logged and replanted trees within the watershed for decades. In support of logging activities road systems were built throughout the Terwer Creek watershed. These cut-and-fill road features have resulted in increased sedimentation of Terwer Creek, a prime estuary for migratory fish spawning habitat. The intent of the proposed project is to decrease sedimentation over time and improve spawning habitat of Terwer Creek. The U-900 Road serviced logging in the area in and around the 1980s.

Reclamation has determined that the area of potential effects (APE) is comprised of the U-900 Road which is 1-mile long (see Figure 2 of Sloan [2010]). An APE buffer around the U-900 Road was determined based on where project activities were expected to occur and on contours of the project area. The legal description for the APE is the SW¼, sec. 33, T. 14 N., R. 2 E.; and the NE¼, sec. 4 and the NW¼, sec 3, T. 13 N., R. 2 E., Humboldt Baseline and Meridian as depicted on the Klamath Glen 7.5 minute U.S. Geological Survey topographic quadrangle, Del Norte County, California. The APE encompasses approximately 10 acres.

In an effort to identify historic properties that may be affected by the proposed undertaking, Ms. Kathleen Sloan, Yurok Tribe Environmental Program Manager, a qualified Ph.D. Archaeologist, conducted a Class III cultural resource inventory of the APE. The results of this inventory are detailed in the enclosed report by Sloan (2010). A search of the records at the Northwest Coast Information Center revealed that there had been no historical or cultural resource studies within the APE (Sloan 2010:15). Ethnographic references did provide discussion regarding Terwer Creek but these references were not specific to the current APE. Consultation with the Yurok Tribe Cultural Committee and Mr. Bob McConnell, the Yurok Tribal Historic Preservation Officer (THPO), also failed to identify any historic properties within the APE (Sloan 2010:17, 20). Lastly, a cultural resource survey of the APE also failed to identify any historic properties.

Pursuant to the regulations at §800.3(f)(2), Reclamation has identified the Yurok Tribe as the Indian tribe likely to have knowledge of historic properties in the area. The Yurok Tribe, including the Yurok Cultural Committee and the Yurok THPO are aware of the project and have been consulted regarding the project specifics. Reclamation is continuing to consult with the Yurok Tribe and the Yurok THPO throughout the Section 106 process pursuant to §800.4(a)(3) and §800.4(a)(4). If resources are identified during the Section 106 process Reclamation will notify you immediately. If resources are identified following your review, Reclamation will initiate the post review discovery portions of the Section 106 process located at §800.13.

Based on the above discussion and the enclosed cultural resource inventory by Sloan (2010), Reclamation finds that the proposed undertaking to provide Klamath Basin Watershed Restoration Program funds to the Yurok Tribe will result in no historic properties affected pursuant to §800.4(d)(1). Reclamation invites your comments on the delineation of the APE, the appropriateness of our identification efforts, and your consensus on the eligibility of resources identified within the APE. We also request your concurrence on our finding that there will be no historic properties affected as a result of the current undertaking. If you have any questions or concerns, please contact Mr. Adam Nickels at 916-978-5053 or anickles@usbr.gov. We look forward to your response.

Sincerely,

MICHAEL A. CHOTKOWSKI

Michael A. Chotkowski
Regional Environmental Officer

Enclosure

Continued on next page.

Reference:

Sloan, Kathleen

2010 *Yurok Tribe Watershed Restoration Program Lower Klamath River Sub-Basin Upslope Sediment Prevention Project in the Terwer Creek Watershed (U-900 Road) Cultural Resources Inventory*. Cultural resource report prepared by the Yurok Tribe Environmental Program for the Bureau of Reclamation. On file with the Bureau of Reclamation, Sacramento, California (Project No. 10-KBAO-044).

cc: Ms. Shaunna McCovey
Self Governance
Yurok Tribe
190 Klamath Blvd.
Klamath, California 95548
(w/encl)

Ms. Kathleen Sloan
Yurok Tribe Environmental Program
Program Director
Yurok Tribe
Klamath Lodge 15900 Hwy 101 N.
Klamath, California 95548
(w/o encl)

Mr. Robert McConnell
Tribal Historic Preservation Officer
Yurok Tribe
P.O. Box 196
Hoopa, California 95546
(w/o encl)

WBR:ANickels:mjames:07-12-2010:916-978-5053

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**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov



July 23, 2010

In Reply Refer To: BUR1007446

Michael, A. Chotkowski
Regional Environmental Officer
United States Department of the Interior
Bureau of Reclamation, Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

BUREAU OF RECLAMATION OFFICIAL FILE COPY RECEIVED		
JUL 26 2010		
CODE	ACTION	SURNAME & DATE
153	✓	July 8/2010

Re: MP-153, ENV-3.00; Lake Lower Klamath River sub-Basin Upslope Sediment Prevention Project in the Terwer Watershed, U-900 Road, Del Norte County, California (Tracking #10-KBAO-044)

Dear Mr. Chotkowski:

Thank you for consulting with me regarding the above noted undertaking. Pursuant to 36 CFR Part 800 (as amended 8-05-04) regulations implementing Section 106 of the National Historic Preservation Act (NHPA), the Bureau of Reclamation (BUR) is the lead Federal agency for this undertaking and is seeking my comments on the effects that the proposed project will have on historic properties. The BUR proposes to grant funding to the Yurok Tribe through the Klamath Basin Watershed Restoration Program.

The undertaking will involve the grant funding to the Yurok Tribe to assist with a proposed sediment reduction program in the Terwer Creek Watershed. The reduction program will include the removal of stream crossings such as culverts along the U-900 Road, constructing sediment control features such as cross road drains, and using fill and re-contouring the roadway to reduce runoff and sedimentation to Terwer Creek. The funds will also be used for long term monitoring of the sedimentation prevention project. The project will involve excavation of the roadway and associated features using heavy machinery such as an excavator, a bulldozer, and large and small haul trucks. Staging will be confined to the road itself. Almost all excavation is focused on the removal of foreign fill such as road base. The maximum depth of ground disturbance will be three feet of native soil for drain placement and the removal of loose soils.

The Area of Potential Effects has been identified as the one mile long U-900 Road with a roughly 150 foot buffer to either side of the road. You have submitted in addition to your letter of July 13, 2010, the following document as evidence of your efforts to identify historic properties in the APE:

- Yurok Tribe Watershed Restoration Program Lower Klamath River Sub-Basin Upslope Sediment Prevention Project in the Terwer Watershed (U-900 Road) Cultural Resources Inventory (Kathleen Sloan, Yurok Tribe Environmental Program: May 2010)

Classification	ENV-3.00
Project	12
Control No.	10056236
Folder I.D.	1114376
Date Input & Initials	7/28/2010 JSH

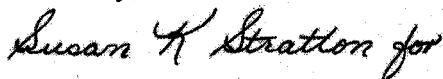
Identification efforts included a records search at the Northwest Coast Information Center and a pedestrian survey of the APE. No previous surveys have been conducted within one mile of the project area. No sites have been previously recorded within the APE. The Yurok Culture committee did not identify any properties within the APE in consultation on April 30, 2010. No artifacts or properties were identified during the field survey.

The APE has been seasonally washed by the flow of Terwer Creek. This has likely re-deposited soils and eroded many cultural resources out of the APE. No resources were located during investigation of cut banks.

Pursuant to 36 CFR 800.4(d), I have no objection to your finding of No Historic Properties Affected.

Be advised that under certain circumstances, such as unanticipated discovery or a change in project description, especially for contamination mitigation if necessary, the BUR may have additional future responsibilities for this undertaking under 36 CFR Part 800. Thank you for seeking my comments and for considering historic properties in planning your project. If you require further information, please contact Trevor Pratt of my staff at phone 916-445-7017 or email tpratt@parks.ca.gov.

Sincerely,



Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

The Office of Historic Preservation has moved to a new location as of July 14, 2010. The new address for the office is 1725 23rd Street, Suite 100, Sacramento CA 95816. Please update your records accordingly. The entire office also received new phone numbers, and those numbers are posted on our website at www.ohp.parks.ca.gov

Hiatt, Kristen L

From: Rivera, Patricia L
Sent: Monday, November 29, 2010 7:49 AM
To: Hiatt, Kristen L
Subject: RE: ITA Request - Terwer Road Decommissioning Project

Kristen,

I reviewed the proposed action to provide funding to the Yurok Tribal Watershed Restoration Program in coordination with the California Department of Fish and Game to implement the activities as described in the Klamath Basin Restoration Program Grant #09AP20065 entitled *Lower Klamath River Sub - Basin Upslope Sediment Prevention Project* and covered under the subject EA.

The YTWRP's action involves decommissioning approximately one mile of road owned by Green Diamond Resource Company. Additional erosion control measures would also be applied to the road and the stream crossings associated with the road.

The action that Reclamation is funding is being performed to reduce the potential for delivery of sediment to prime spawning and rearing habitat for Coho salmon and to prevent the erosion of natural stream channels due to an increased flow volume.

The proposed action does not have a potential to affect Indian Trust Assets. The nearest ITA is Yurok Reservation, approximately 2 miles SW of the project location.

Patricia



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Executive Office

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

ORDER FOR CLEAN WATER ACT SECTION 401
WATER QUALITY CERTIFICATION FOR THE CALIFORNIA DEPARTMENT OF FISH
AND GAME 2010 FISHERIES RESTORATION GRANT PROGRAM PROJECT
FILE NO. SB09006IN

PROJECT: California Department of Fish and Game (CDFG) - 2010 Fisheries
Restoration Grant Program Project (FRGP)

APPLICANT: Ms. Patty Forbes
Fisheries Branch
Department of Fish and Game
830 S Street
Sacramento, CA 95811

This Certification responds to your request on behalf of CDFG for water quality certification for the subject project. Your application was received on April 7, 2010, and was determined to be complete on April 27, 2010.

ACTION

- | | |
|---|---|
| ☐ Order for Standard Certification | ☐ Order for Denial of Certification |
| ☒ Order for Technically Conditioned Certification | ☐ Order for Waiver of Waste Discharge Requirements |

AUTHORIZATION:

This Certification conditionally certifies 49 restoration projects funded through the FRGP's 2010 grant cycle as listed in Attachment C.

This Certification does not apply to the placement of any new culvert or channel liner in any water body, unless the project has been approved in writing by the 401 Program Manager of the appropriate Regional Water Quality Control Board [Regional Water Board(s)]. Such projects will be identified by CDFG in the notification submitted to the appropriate Regional Water Board, as required in Additional Condition 4 (listed below). The 401 Program Manager of the appropriate Regional Water Board has 30 days from the receipt of the notification to respond; otherwise the project may proceed under this Certification.

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code (CWC) and Article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23).
2. This Certification action is not intended and shall not be construed to apply to 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 subsection 3855(b) of Chapter 28, CCR 23, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

ADDITIONAL CONDITIONS:

1. Best Management Practices (BMPs)
 - a. Appropriate BMPs shall be implemented throughout project activities to help minimize sediment disturbance and suspension within the water as described in this section, and also in the Mitigated Negative Declaration (MND) for the 2010 FRGP. All BMP materials shall be onsite prior to construction activity and ready for use. BMPs shall be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such management practices.
 - b. No work shall be conducted within waters of the U.S. and the State during the winter period (November 1 - April 15). However, work in upland areas may occur if proper control measures or BMPs are installed to prevent runoff causing erosion, turbidity, or discharge of pollutants into waters of the U.S. and the State. If upland work occurs during the winter period, a written notification (e-mail is acceptable) must be submitted to the 401 Program Manager of the appropriate Regional Water Board(s) at least seven (7) business days prior to the start of work. The notification must specify timing, location, approximate distance to nearest water body, and control measures or BMPs that will be used to contain potential runoff prior to commencement of work.
 - c. Except for "minor actions" as described in the MND for the 2010 FRGP, all work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow shall not be contaminated by construction activities.

- d. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., coffer dam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned and stabilized.
- e. In the event of rain, the disturbed in-water work area shall be temporarily stabilized before stream flow exceeds the capacity of the diversion structure. The disturbed streambed shall be stabilized so that the disturbed areas will not come in contact with the stream flow.
- f. All areas disturbed by project activities shall be protected from washout and erosion.
- g. For projects requiring re-vegetation of disturbed areas, viable seed of native species collected within the same watershed, or the greater watershed, shall be used.
- h. The discharge of petroleum products or other pollutants to surface waters that may result in violation of water quality standards is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream.
- i. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall be outside of waters of the State. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State.
- j. When a project is completed, any excess material or debris shall be removed from the work area and disposed of properly.

2. Posting

A copy of this Certification must be provided to the contractor and all subcontractors who will work at the project site, and must be in their possession at the work site. The project proponent and all contractors and subcontractors shall be familiar with all conditions of this Certification.

3. Monitoring

CDFG shall provide to the State Water Resources Control Board (State Water Board) staff, and appropriate Regional Water Board staff, copies of reports documenting the following monitoring activities described in the MND for the 2010 FRGP:

- a. Post-project monitoring immediately after the activity is completed to ensure that projects are completed as designed; and

- b. Effectiveness monitoring on a random subset of ten percent of the projects, within one to three years after project completion.

4. Notification

No later than 15 days prior to the start of construction, or 30 days for any project involving the placement of a new culvert or a channel liner, project proponent shall submit to the 401 Program Manager of the appropriate Regional Water Board(s) a notification indicating the expected start/completion dates of project activities, project ID, and water body name(s).

For projects with placement of new culvert and channel liner, the notification shall also include the following information:

- a. Describe installation activities; include any structural control details, such as structure for diverting stream flow around the in-stream excavation area, temporary rubber dam, silt curtain, and any treatment device/facility;
- b. Describe the control measures, or BMPs, during construction and post construction, to minimize impacts (e.g., habitat losses, erosion control measures, flow diversions; etc.);
- c. Any compensatory mitigation required by permitting agencies.

5. Reporting

While this Certification is in effect, or until all projects have been completed or defunded, and for as long as required monitoring is occurring, CDFG will submit annual reports on July 1st of each year to the 401 Program Managers of the State Water Board and the appropriate Regional Water Board(s) documenting work undertaken during the preceding year and identifying for all such work:

- a. Project name and grant number as listed in Attachment C;
- b. Year of Certification;
- c. Project purpose and summary work description;
- d. Name(s) of affected water body(ies);
- e. Latitude/longitude in decimal degrees to at least four decimals;
- f. For projects completed during the year:

- i. The type(s) of receiving (affected) water body(ies) (e.g., at a minimum: river/streambed, lake/reservoir, ocean/estuary/bay, riparian area, or wetland type); and
 - ii. The total quantity in acres of each type of receiving water body temporarily impacted, and permanently impacted;
- g. Actual construction start and end-dates for each project;
- h. Whether each project is on-going or completed; and
- i. Required monitoring reports as described in Additional Condition #3 (Monitoring).

Notifications and annual reports shall be directed to: Program Manager, Certification and Wetlands Program at the following State and appropriate Regional Water Board office(s):

State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 15th Floor
Sacramento, CA 95814

North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Central Coast Regional Water Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

6. Violations

- a. CDFG or its contractor and subcontractors shall verbally report any non-compliance to the 401 Program Manager of the appropriate Regional Water Board where the project is located within 24 hours from the time when CDFG or its contractor and subcontractors become aware of the circumstances.
- b. CDFG or its contractor and subcontractors shall report all violations of any terms or conditions of this Certification in writing to the State Water Board and appropriate Regional Water Board within seven (7) consecutive days from the time CDFG becomes aware of the violation. The written report shall contain:

- i. A description of the violation and its cause;
 - ii. The period of the violation event, including dates and times, and if the violation has not been corrected, the anticipated time the violation is expected to continue; and;
 - iii. Steps taken or planned to reduce, eliminate, and prevent recurrence of the violation.
- c. In the event of any violation or threatened violation of the conditions of this Certification, the violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under State law. For purposes of the Clean Water Act (CWA) section 401(d), the applicability of any State law authorizing remedies, penalties, processes, 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 Order.
- d. In response to a suspected violation of any condition of this Certification Order, the State 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 reports the State Water Board deems appropriate, provided that the burden, including the cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- e. In response to any violation of the conditions of this Certification Order, the State Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

ADMINISTRATIVE CONDITIONS:

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to CDFG and/or responsible contractor/sub-contractor, if the State Water Board determines that the project fails to comply with any of the terms or conditions of this Certification.
2. A copy of this Certification, the application, and supporting documentation must be available at the project site during construction for review by site personnel and agencies. All personnel performing work on the proposed project shall be familiar with the content of this Certification and its posted location on the project site.
3. CDFG shall grant State Water Board and Regional Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the project may have on waters of the State.

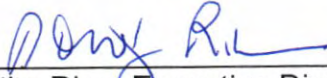
STATE WATER BOARD CONTACT PERSON:

If you have any questions, please contact State Water Board Environmental Scientist Bob Solecki at (916) 341-5483, via e-mail at rsolecki@waterboards.ca.gov, or by mail at State Water Board, Certification & Wetland Program, 1001 I St., 15th Floor, Sacramento, CA 95814.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all of the conditions listed in this Certification action are met, 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). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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 Project Information Sheet (Attachment B), and (b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan and the Mitigated Negative Declaration for the 2010 FRGP.



Dorothy Rice, Executive Director
State Water Resources Control Board

Date 7.22.10

- Attachments (4):
- A. Signatory Page
 - B. Project Information Sheet
 - C. 2010 FRGP Project List
 - D. Project Location Maps

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723368	P0910307	09/10	055	HU	Lower Klamath River Road Decommissioning and Erosion Prevention Project	Yurok Tribe Watershed Restoration Department	Remove 16 erosion sites with the potential of delivering over 10699 cubic yards of sediment saved to prime spawning grounds on an unmaintained road that has been identified as high priority in the Terwer Creek Upslope Assessment (Rhode 2004).	Del Norte	LOWER_KLA MATH- CA,OR	Terwer Creek	North Coast Region	R1	41.56000	-123.93400	RGP 12
723406	P0910309	09/10	093	HI	Peacock Creek Wood Loading Project	Del Norte Resource Conservation District	Increase the amount of instream LWD and complexity and provide a future source of LWD recruitment in Peacock Creek	Del Norte	SMITH- CA,OR	Smith River	North Coast Region	R1	41.83200	-124.11200	RGP 12
723475	P0910302	09/10	162	HU	Wilson Creek Road Decommissioning and Fish Habitat Restoration Project III	Pacific Coast Fish Wildlife and Wetlands Restoration Association	The proposed project will reduce impacts to and restore salmonid habitat through implementation of site specific and prioritized road decommissioning, erosion control, erosion prevention, and fish passage restoration work in the Wilson Creek watershed.	Del Norte	SMITH- CA,OR	Wilson Creek	North Coast Region	R1	41.63600	-124.08100	RGP 12
723479	P0910306	09/10	166	HI	Salt Creek Off-Channel Habitat Enhancement Project	U.S. Fish and Wildlife Service (Arcata FWO)	This project will construct and enhance off-channel habitat along lower Salt Creek to benefit rearing coho salmon, steelhead, and cutthroat juveniles. A total of 2.7 acres of habitat will be constructed and enhanced along 0.15 mile of lower Salt Creek.	Del Norte	LOWER_KLA MATH- CA,OR	Salt Creek	North Coast Region	R1	41.55300	-124.07300	RGP 12
723366	P0910301	09/10	053	HI	East Fork Mill Creek Instream and Floodplain Habitat Improvement Project	California Department of Parks and Recreation	Instream habitat diversity will be increased by installing a minimum of 40 complex wood jams to enhance the integrity of the riparian zone, increase pool size, depth and cover. Improving spawning and rearing habitats.	Del Norte Humboldt	SMITH- CA,OR	East Fork Mill Creek	North Coast Region	R1	41.72700	-124.06800	RGP 12

ProjID	GrantNo	FY	Prop D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723351	P0910509	09/10	039	HR	Refuge Creek HR	Humboldt County Resource Conservation District	Stabilize the existing conservation easement protected riparian zones on Refuge Creek through plantings, road crossing stabilization, livestock water systems and fencing to facilitate riparian forest regeneration.	Humboldt	LOWER_EEL	Eel River Howe Creek Refuge Creek	North Coast Region	R1	40.48100	-124.17700	RGP 12
723385	P0910318	09/10	072	HI	Ryan Creek Large Woody Debris Project	Humboldt Fish Action Council	The placement of approximately 25-30 root wads as LWD into a dry (summer/fall) channel reach of the East Fork Ryan Creek along the R-Line haul road. Barrier modification upstream from the LWD sites to allow adult coho access to critical spawning habitat.	Humboldt	MAD- REDWOOD	EF Ryan Creek	North Coast Region	R1	40.72700	-124.10500	RGP 12
723386	P0910508	09/10	073	HU	Petrolia Area Sediment Reduction Project for Coho Recovery	Mattole Restoration Council	MRC will complete sediment reduction work including road upgrades, decommissioning, and streambank stabilization at 110 sites in the Mattole Estuary area.	Humboldt	MATTOLE	Conklin Creek East Mill Creek Lower Bear Creek Lower Mill Creek Stansberry Creek Wild Turkey Creek	North Coast Region	R1	40.31300	-124.26900	RGP 12
723436	P0910518	09/10	123	HU	Freshwater Creek - McCreedy Gulch Road Decommissioning Project	Trout Unlimited	This project will address CDFG recovery priorities through an implementation project of upslope restoration prescriptions to reduce road-related sediment at 38 sediment source locations on 3.55 miles of abandoned roads.	Humboldt	MAD- REDWOOD	Freshwater Creek	North Coast Region	R1	40.77800	-124.05100	RGP 12

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723440	P0910532	09/10	127	HU	Francis Creek Ranch Road Improvement Project	Eel River Watershed Improvement Group	To reduce sediment delivery to Francis Creek by upgrading and storm proofing 1.9 miles of road in the Rock û Francis Creek Ownership by replacing undersized dips, energy dissipaters and stream bank armor at 16	Humboldt	LOWER_EEL	Francis Creek	North Coast Region	R1	40.56500	-124.27100	RGP 12
723460	P0910524	09/10	147	HU	2009 BLM Salmon Creek Road Decommissioning Project	Pacific Coast Fish Wildlife and Wetlands Restoration Association	The proposed project will reduce impacts to and restore salmonid habitat through implementation of prioritized road decommissioning, erosion control and erosion prevention work in the Headwaters Forest Reserve and Green Diamond portions of Salmon Creek.	Humboldt	MAD-REDWOOD	Salmon Creek	North Coast Region	R1	40.63500	-124.10900	RGP 12
723462	P0910521	09/10	149	HU	2009 GDRCo Salmon Creek Road Decommissioning Project	Pacific Coast Fish Wildlife and Wetlands Restoration Association	The proposed project will reduce impacts to and restore salmonid habitat through implementation of prioritized road decommissioning, erosion control and erosion prevention work in the Headwaters Forest Reserve and Green Diamond portions of Salmon Creek	Humboldt	MAD-REDWOOD	Salmon Creek	North Coast Region	R1	40.63700	-124.11100	RGP 12
723471	P0910517	09/10	158	HU	Upper Elk River Road Decommissioning Project	Trout Unlimited	This project will address CDFG recovery priorities through an implementation project of upslope restoration prescriptions to reduce road-related sediment at 35 sediment source locations on 6.2 miles of abandoned roads.	Humboldt	MAD-REDWOOD	Upper Elk River	North Coast Region	R1	40.70400	-124.06900	RGP 12
723477	P0910514	09/10	164	HU	Lower Mad River Road Decommissioning and Fish Habitat Restoration Project	Pacific Coast Fish Wildlife and Wetlands Restoration Association	Reduce impacts to and restore salmonid habitat through implementation of prioritized road decommissioning and erosion prevention work in the Mad River watershed. Also remove 3 unmaintained stream crossings that block access for salmonids.	Humboldt	MAD-REDWOOD	Vincent Creek	North Coast Region	R1	40.83400	-123.96700	RGP 12



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

**DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT
FOR THE CALIFORNIA DEPARTMENT OF FISH AND GAME'S
FISHERIES RESTORATION GRANT PROGRAM**

PERMITTEE: California Department of Fish and Game

REGIONAL GENERAL PERMIT NO. 12 (RGP 12) (Corps File No.: 2003-279220N)

ISSUING OFFICE: San Francisco District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate District or Division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below:

PROJECT DESCRIPTION: This Regional General Permit authorizes minor fill discharges of clean earth, gravel, rock, and wood associated with anadromous salmonid habitat restoration projects implemented under the **California Department of Fish and Game's Fisheries Restoration Grant Program** strictly for the purpose of restoring salmonid fisheries habitat in non-tidal reaches of rivers and streams, improving watershed conditions impacting salmonid streams, and improving the survival, growth, migration, and reproduction of native salmonids. All authorized salmonid habitat restoration projects must conform to State law and be implemented consistent with the *California Salmonid Stream Habitat Restoration Manual*, (¹Flosi et al., 1998 and revisions). **(Note: This Regional General Permit applies only to salmonid habitat restoration projects that are specifically funded and/or authorized under the California Department of Fish and Game's Fisheries Restoration Grant Program.)** The following is a descriptive list of the activities authorized under this Regional General Permit.

a. Instream habitat improvements: These may include cover structures (divide logs; digger logs; spider logs; and log, root wad and boulder combinations), boulder structures (boulder weirs; vortex boulder weirs; boulder clusters; and single and opposing boulder wing-deflectors), and log structures (log weirs; upsurge weirs; single and opposing log wing-deflectors; and Hewitt ramps). Techniques and practices are identified in Part VII of the *California Salmonid*

¹ Gary Flosi, Scott Downie, James Hopelain, Michael Bird, Robert Coey, Barry Collins, California Salmonid Stream Habitat Restoration Manual, Third Edition, Volume I, January 1998, and Volume II, February 2002 (State of California Resources Agency, Department of Fish and Game, Inland Fisheries Division). Latest revisions are available online: <http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp>

Stream Habitat Restoration Manual. Techniques for placement of imported spawning gravel are identified on page VII-46 of the *California Salmonid Stream Habitat Restoration Manual*.

b. Unanchored large woody debris: Woody debris may be used to enhance pool formation and improve stream reaches. First through third order streams are generally best suited. Logs selected for placement should have a minimum diameter of 12 inches and a minimum length 1.5 times the mean bankfull width of the stream channel type reach and the deployment site. Root wads would be selected with care and have a minimum root bole diameter of five feet and a minimum length of fifteen feet and at least half the channel type bankfull width. More information can be found on page VII-23 of the *California Salmonid Stream Habitat Restoration Manual*.

c. Fish screens: Screens would be used to prevent entrainment of juvenile salmonids in water diverted for agriculture, power generation, or domestic use, and are needed on both gravity flow and pump diversion systems. Guidelines for functional designs of downstream migrant fish passage facilities at water withdrawal projects are found in Appendix S of the *California Salmonid Stream Habitat Restoration Manual*. The appendix of the manual covers structure placement, approach velocity, sweeping velocity, screen openings, and screen construction.

d. Fish passage at stream crossings: Stream crossing projects include activities that provide fish friendly crossings where the crossing width is at least as wide as the active channel, culvert passes are designed to withstand a 100 year storm flow, and crossing bottoms are buried below the streambed. Examples include replacement of barrier stream crossings with bridges, bottomless arch culverts, embedded culverts, or fords. Guidelines for fish passage practices are covered in Part IX and XII of the *California Salmonid Stream Habitat Restoration Manual*. Baffled culvert (Washington baffles and steel ramp baffles), fishways (step and pool, Denil fishway, Alaskan steep pass and back-flooding weirs), and fish ladders are described in Part VII.

e. Fish passage improvements: These activities would include removal of obstructions (log jams, beaver dams, waterfalls and chutes and landslides. Suitable large woody debris removed from fish passage barriers that are not used by the project for habitat enhancement shall be left within the riparian zone so as to provide a source for future recruitment of wood into the stream. Log jam barriers are typically less than 10 cubic yards. Guidelines for fish passage improvements are covered in Part VII and XII of the *California Salmonid Stream Habitat Restoration Manual*.

f. Upslope restoration: These activities reduce sediment delivery to anadromous streams including road decommissioning, road upgrading, and storm proofing roads (replacing high risk culverts with bridges, installing culverts to withstand the 100 year flood flow, installing critical dips, installing armored crossings, and removing unstable sidecast and fill materials from steep slopes.). Guidelines for upslope restoration practices are covered in Part X of the *California Salmonid Stream Habitat Restoration Manual*.

g. Watershed and stream bank stability activities: These activities would reduce sediment

from watershed and stream bank erosion. Examples include slide stabilization, stream bank stabilization, boulder stream bank stabilization structures, log stream bank stabilization structures, tree revetment, native material revetment, mulching, revegetation, willow wall revetment, brush mattress, checkdams, brush checkdams, waterbars, exclusionary fencing. Guidelines for watershed and streambank stability are covered in Part VII of the *California Salmonid Stream Habitat Restoration Manual*.

h. Riparian habitat restoration: These activities would increase the biological integrity of native plant communities in riparian zones along rivers and streams. These activities would include natural regeneration or riparian vegetation, livestock exclusionary fencing, bioengineering, and active riparian revegetation projects carried out in accordance with the guidelines described in Part XI of the *California Salmonid Stream Habitat Restoration Manual*.

All authorized habitat improvement projects shall be carried out in accordance with techniques in the *California Salmonid Stream Habitat Restoration Manual* as depicted in the enclosed Attachment C project drawings, labeled Figure VII-17 through Figure X-21, found in the corresponding sections of the manual's Third Edition, dated January 1998.

PROJECT LOCATION: This Regional General Permit applies to Fisheries Restoration Grant Program sponsored and approved salmonid habitat enhancement projects in various streams and rivers, including all designated National Wild and Scenic Rivers and their tributaries, in the following coastal California Counties which are within the Regulatory jurisdictional boundaries of the San Francisco District Office: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Solano, Sonoma, and Trinity.

PERMIT CONDITIONS:

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **December 1, 2015**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain the authorized activity or should you desire to abandon it, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached. The August 5, 2009, Clean Water Act Section 401 Water Quality Certification for specific projects includes several which will conduct work in 2010. Additional projects will require a new Water Quality Certification in order for this permit to be valid.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
6. You understand and agree that, if future operations by the United States require the removal, relocation or other alteration of the structure or work authorized herein, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

1. This Corps permit does not authorize you to take an endangered species. In order to legally take a listed species, you must have a separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit or a Biological Opinion (BO) under ESA Section 7 with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (FWS) BOs/concurrences dated May 18, September 3, 2009, and May 25, 2010, and National Marine Fisheries Service (NMFS) BO dated June 9, 2010, contain mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take," also specified in the BOs. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take authorized by the attached BOs, whose terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BOs, where a take of the listed species occurs, would constitute an unauthorized take and it would also constitute non-compliance with this Corps permit. The FWS and NMFS are the appropriate authorities to determine compliance with the terms and conditions of their BOs and with the ESA.
 - a. The Sacramento FWS Office states that California freshwater shrimp (*Syncaris pacifica*) and red-legged frog (*Rana aurora draytonii*) are not covered by the September 3, 2009, concurrence letter but instead references the existing, August 17, 2004, Programmatic BO (Service File Number 1-1-03-F-273).
 - b. The Arcata FWS Office BO states that any projects within the area of likely frog presence (according to the AFWO 2009 Range Definition map) **must be**

consulted on individually prior to the completion of the CDFG Negative Declaration for that year. Similarly, projects located within the area with likely tidewater goby (*Eucyclogobius newberryi*) presence must be consulted on individually.

- c. Dam removal projects (excluding flashboard dams), fish ladder projects, fish hatchery/stocking projects, watershed stewardship training, salmon in the classroom, obstruction blasting with explosives or pile driving, and projects that would dewater or disturb more than 500 feet of contiguous stream reach were not analyzed in the NMFS BO and will **require separate Section 7 consultations** to determine impacts to listed salmonids.
2. To avoid impacts to aquatic habitat the activities undertaken in the restoration program shall typically occur during the summer dry season. This is between June 15 and November 1.
 3. Additional mitigation/minimization measures agreed upon through interagency meetings, referred to as sideboards, shall be followed in addition to those in the NMFS BO (pp. 9-19), monitored and reported in the FRGP Annual Reports by the CDFG:
 - a. **Distance between projects implemented in the same year:** Instream projects implemented in the same year will be at least 1,500 linear feet apart if carried out in a fish-bearing stream. If carried out in a non-fish-bearing stream, the projects must be at least 500 linear feet apart. The required distance can be modified upon the recommendation of a NMFS/CDFG hydrologist.
 - b. **Removal of sediment associated with projects:** If instream work will liberate a sediment wedge, 80% of the wedge must be removed before the sediment is liberated. The required amount can be modified upon the recommendation of a NMFS/CDFG hydrologist.
 - c. **Limit on number of projects per HUC 10 Watershed:** Under this Program, there will be an annual limit on the number of projects that may occur in each HUC 10, as shown in the Table below.

HUC 10 sq. miles	Maximum number projects per year	
	Areas outside range of CCC coho salmon ESU	Areas within range of CCC coho salmon ESU
less than 50	2	1
50-100	3	2
100-150	4	3
150-250	5	4
250-350	6	6
350-500	9	9

500 or more	12	12
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4. If it is necessary to divert flow around the work site, either by pumping or by gravity flow, the suction end of the intake pipe shall be fitted with fish screens meeting Department of Fish and Game and National Marine Fisheries Service criteria to prevent entrainment or impingement of small fish. The following Fish Screen Operation and Maintenance Best Management Practices shall be applied:
 - a) Fish screens shall be operated and maintained in compliance with current law, including Fish and Game Code, and Department of Fish and Game (DFG) fish screening criteria. DFG screening criteria may be referenced on the internet at: http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp
 - b) Notwithstanding Fish and Game Code section 6027, fish screens and bypass pipes or channels shall be in-place and maintained in working order at all times water is being diverted.
 - c) If a screen site is dewatered for repairs or maintenance when targeted fish species are likely to be present, measures will be taken to minimize harm and mortality to targeted species resulting from fish relocation and dewatering activities. The responsible party shall notify DFG before the project site is de-watered and the stream flow diverted. The notification will provide a reasonable time for DFG personnel to supervise the implementation of a water diversion plan and oversee the safe removal and relocation of salmonids and other fish life from the project area. If the project requires dewatering of the site, and the relocation of salmonids, the responsible party will implement the following measures to minimize harm and mortality to listed salmonids:
 - i. All electrofishing shall be performed by a qualified fisheries biologist and conducted according to the National Marine Fisheries Service (NMFS), Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act, June 2000.
 - ii. The responsible party will provide fish relocation data to DFG on a form provided by the DFG, unless the relocation work is performed by DFG personnel.
 - iii. Additional measures to minimize injury and mortality of salmonids during fish relocation and dewatering activities shall be implemented as described in Part IX, pages 52 and 53 of the *California Salmonid Stream Habitat Restoration Manual*.

- d) If a fish screen is removed for cleaning or repair, a replacement screen shall be installed immediately or the diversion shut down until a screen is in place.
- e) Fish screens shall be inspected and maintained regularly (not less than two times per week) to ensure that they are functioning as designed and meeting DFG fish screening criteria.
- f) Existing roads shall be used to access screen sites with vehicles and/or equipment whenever possible. If it is necessary to create access to a screen site for repairs or maintenance, access points should be identified at stable stream bank locations which minimize riparian disturbance.
- g) Sediment and debris removal at a screen site shall take place as often as needed to ensure that screening criteria are met. Sediment and debris will be removed and disposed of where they will not re-enter the water course.
- h) Stationary equipment used in performing screen maintenance and repairs, such as motors, pumps, generators, and welders, located within or adjacent to a stream shall be positioned over drip pans.
- i) Equipment which is used to maintain and/or repair fish screens shall be in good condition and checked and maintained on a daily basis to prevent leaks of materials that could be deleterious to aquatic life, wildlife, or riparian habitat.
- j) All activities performed in or near a stream will have absorbent materials designed for spill containment and cleanup at the activity site for use in case of an accidental spill. Clean-up of spills shall begin immediately after any spill occurs. The State Office of Emergency Services (1-800-852-7550) and DFG shall be notified immediately after any spill occurs.
- k) To the extent possible, repairs to a fish screen or screen site shall be made during a period of time when the target species of fish are not likely to be present (for example, in a seasonal creek, repair work should be performed when the stream is dry).
- l) Equipment used to maintain and/or repair fish screens shall not operate in a live stream except as may be necessary to construct coffer dams to divert stream flow and isolate the work site.
- m) Turbid water which is generated by screen maintenance or repair activities shall be discharged to an area where it will not re-enter the stream. If the DFG determines that turbidity/siltation levels resulting from screen maintenance or repair activities constitute a threat to aquatic life, all activities associated with the turbidity/siltation shall cease until effective DFG-approved sediment control devices are installed

and/or abatement procedures are implemented.

- n) No debris, soil, silt, sand, bark, slash, spoils, sawdust, rubbish, cement, or concrete or washings thereof; asphalt, paint, or other coating material; oil or petroleum products; or other organic or earthen material from any fish screen operation/maintenance/repair or associated activity of whatever nature shall be allowed to enter into, or placed where it may be washed by rainfall or runoff into a stream channel. When operations are completed, any excess materials or debris shall be removed from the work area and disposed of in a lawful manner.
- 5. Location of staging/storage areas for equipment, materials, fuels, lubricants, and solvents, will be located outside of the stream's high water channel and associated riparian area. The number of access routes, number and size of staging areas, and the total area of the work site activity shall be limited to the minimum necessary to complete the restoration action. To avoid contamination of habitat during restoration activities, trash will be contained, removed, and disposed of throughout the project.
- 6. Any equipment work within the stream channel shall be performed in isolation from the flowing stream. If there is any flow when the work is done, the contractor shall construct cofferdams upstream and downstream of the excavation site and divert all flow from upstream of the upstream dam to downstream of the downstream dam.
- 7. For minor actions, where the disturbance to construct coffer dams to isolate the work site would be greater than to complete the action (for example, placement of a single boulder cluster), then measures will be put in place immediately downstream of the work site to capture suspended sediment.
- 8. The spread or introduction of invasive exotic plants will be avoided to the maximum extent possible.
- 9. Wildlife encountered during the course of construction, will be allowed to leave the construction area unharmed.
- 10. Work sites containing western pond turtles, foothill yellow-legged frogs or tailed frogs will use exclusion measures to prevent take or injury to any individual pond turtles or frogs that occur on the site. Any red tree vole nests encountered at a work site will be flagged and avoided during construction.
- 11. Impacts to riparian and wetland vegetation shall be avoided to the maximum extent possible, and shall be restored and enhanced with native vegetation when adverse impacts are unavoidable.
- 12. For salmonid restoration projects that would be constructed within the coastal zone, the permittee shall obtain a concurrence from the California Coastal Commission that the

project is consistent with the State's certified Coastal Zone Management Program. The permittee shall contact the appropriate California Coastal Commission office to determine the need for a coastal zone permit prior to conducting any work in the coastal zone. Projects occurring in the coastal zone in the San Francisco Bay region must be permitted by the San Francisco Bay Conservation and Development Commission (BCDC).

13. The permittee shall submit to the District Engineer an annual report of the permitted salmonid restoration projects described above at least 90 days prior to the commencement of work each calendar year. The submitted report shall include the types of activities planned, anticipated dates of commencement, and completion, location, and a brief description of the proposed projects. In addition, an Annual Report on the prior year's projects shall be submitted. This report shall include project locations and implementation status, such as that included in the California Habitat Restoration Project Database (CHRPD). Copies of the annual reports shall be provided to the U. S. Fish and Wildlife Service, and the U. S. National Marine Fisheries Service in accordance with the BO requirements.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
☒ Section 404 of the Clean Water Act (33 U.S.C. § 1344).
☐ Section 10 of the Rivers and Harbors Act (33 U.S.C. § 403)
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future

activities undertaken by or on behalf of the United States in the public interest.

- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate. (See Item 4 above.)
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 - d. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
7. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Pursuant to 33 CFR 325.2(e)(2), no regional permit shall be issued for a period of more than five years. RGP12 renewal may be processed pending inter-agency coordination.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

<u>Laurence M. Farrell</u>	<u>7/1/10</u>
Lieutenant Colonel, U.S. Army, District Engineer	(DATE)

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723484	P0910516	09/10	171	HI	Mill Creek Stream Restoration and Off-channel Wetland Enhancement Project	U.S. Fish and Wildlife Service (Arcata FWO)	The project objectives are to construct 950 linear feet of stream channel that will reconnect Mill Creek and restore the ability to transmit water and sediment and pass salmonids within a defined channel, improve instream habitat for salmonids.	Humboldt	MAD-REDWOOD	Mill Creek	North Coast Region	R1	40.89900	-124.01500	RGP 12
723490	P0910507	09/10	177	HI	Elk Creek Trib #1	Eel River Watershed Improvement Group	The objectives of this project are to improve habitat for salmonids by restoring physical processes which will reduce bank erosion / failure and enhance riparian development	Humboldt	SOUTH_FOR K_EEL	Elk Creek	North Coast Region	R1	40.28800	-123.84400	RGP 12
723470	P0910503	09/10	157	WC	Mattole Flow Program: Water Storage and Forbearance Phase II	Sanctuary Forest, Incorporated	Expand Mattole Flow Program to improve juvenile rearing habitat in 9.5 miles of river through installation of four 50,000 gallon tanks and acquisition of corresponding seasonal water rights to prevent summertime water diversion.	Humboldt Mendocino	MATTOLE	Mattole River Headwaters	North Coast Region	R1	40.02200	-123.94900	RGP 12
723317	P0910316	09/10	005	HU	Road Decommissioning Bluff and Camp Creeks	Six Rivers National Forest	Save 36,000 cubic yards of sediment through decommissioning 19.3 miles of high risk roads.	Humboldt Siskiyou	LOWER_KLA MATH-CA,OR	Bluff Creek Camp Creek	North Coast Region	R1	41.35500	-123.65600	RGP 12
723384	P0930408	09/10	071	HU	San Geronimo Valley Sediment Source Reduction	Salmon Protection and Watershed Network (SPAWN)	Construct unpaved road improvements at 32 sites to reduce sediment run-off towards implementing recommendations of existing SPAWN and PWA sediment source surveys to restore habitat of coho salmon.	Marin	TOMALES-DRAKE_BAY S	Arroyo Creek Montezuma Creek San Geronimo Creek Woodacre Creek	San Francisco Bay Region	R3	38.01200	-122.66400	RGP 12
723388	P0930414	09/10	075	HU	Lagunitas-Sinaloa Upland Habitat Restoration Project	Marin County Open Space District	To reduce sediment contributions to Spring and Montezuma Creeks by implementing 22 road-to-trail conversions and erosion-control measures within Giacomini Open Space Preserve.	Marin	TOMALES-DRAKE_BAY S	Montezuma Creek Spring Creek	San Francisco Bay Region	R3	38.01100	-122.68900	RGP 12

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723494	P0930404	09/10	181	HI	Coho Instream Habitat Restoration in the San Geronimo Valley, Lagunitas Watershed	Salmon Protection and Watershed Network (SPAWN)	To address a key limiting factor for coho salmon by installing instream woody debris structures that will serve to restore refuge habitat for both winter and summer rearing needs.	Marin	TOMALES-DRAKE_BAY S	San Geronimo Creek	San Francisco Bay Region	R3	38.01100	-122.60400	RGP 12
723328	P0910527	09/10	016	HI	Little North Fork Navarro River Wood Enhancement Project	California Conservation Corps	32 sites containing 37 logs and 13 rootwads will be added throughout a 9030' reach of LNF Navarro. 3 Existing log structures will be repositioned ort modified.	Mendocino	BIG-NAVARRO-GARCIA	Little North Fork Navarro River	North Coast Region	R1	37.20400	-123.50400	RGP 12
723329	P0910528	09/10	017	HI	North Fork Noyo River Habitat Enhancement Project - Phase II	California Conservation Corps	A total of 15 sites containing 26 logs and 8 root wads will be added to the North Fork Noyo River.	Mendocino	BIG-NAVARRO-GARCIA	North Fork Noyo River	North Coast Region	R1	39.42400	-123.55000	RGP 12
723330	P0910531	09/10	018	HI	Redwood Creek Wood and Boulder Enhancement Project	California Conservation Corps	A total of 44 sites containing 65 logs, 8 rootwads, and 3 rock v-weirs consisting of a total of appx 50 boulders will be constructed in Redwood Creek.	Mendocino	BIG-NAVARRO-GARCIA	Redwood Creek	North Coast Region	R1	39.43400	-123.50400	RGP 12
723331	P0910533	09/10	019	HU	Little North Fork Big River - Coho Habitat Restoration Project	Mendocino County Resource Conservation District	Decommission 2 miles of road to prevent sediment delivery to Berry Gulch, tributary to LNF Big River.	Mendocino	BIG-NAVARRO-GARCIA	Berry Gulch	North Coast Region	R1	39.35600	-123.69600	RGP 12
723332	P0930409	09/10	020	HR	Upper Russian River Exotic Invasive Removal Project	Mendocino County Resource Conservation District	Remove 29.67 acres of Aruno and Tamarisk from infested riparian areas, restoring 2.88 miles of stream.	Mendocino	RUSSIAN	Russian River	North Coast Region	R1	38.99400	-123.10900	RGP 12
723418	P0910530	09/10	105	HU	2010-2011 Standley Creek Watershed Implementation Phase III (SCHWI-III), SF Eel River	Trout Unlimited	Implement site specific and road treatments for road decommissioning to reduce sediment input to the Standley Creek watershed.	Mendocino	SOUTH_FOR K_EEL	Standley Creek	North Coast Region	R1	39.95600	-123.80500	RGP 12

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723423	P0910519	09/10	110	HI	North Fork Ten Mile River Large Wood Enhancement Project	Trout Unlimited	Install approximately 390 pieces of large wood along 13 miles of high quality habitat. Accelerate the recruitment of large woody debris in order to increase stream complexity, pool frequency, winter shelter and rearing habitat.	Mendocino	BIG-NAVARRO-GARCIA	NF Ten Mile River	North Coast Region	R1	39.60400	-123.65400	RGP 12
723441	P0910502	09/10	128	HB	Hollow Tree Creek Hatchery Fish Passage Improvement Project	Trout Unlimited	Remove a 60-foot concrete sill at the Hollow Tree Creek Hatchery to provide unimpeded access to 47 miles of high quality habitat in the Hollow Tree Creek watershed.	Mendocino	SOUTH_FOR K_EEL	Hollow Tree Creek	North Coast Region	R1	39.81200	-123.76000	RGP 12
723464	P0910512	09/10	151	FP	Ryan Creek Migration Barrier Removal Project	Mendocino County Department of Transportation	Improve adult and juvenile passage at the Ryan Creek Road crossing of mainstem Ryan Creek by replacing a concrete box culvert with a bridge, restoring access to high quality habitat for coho & Chinook salmon, steelhead & Pacific lamprey	Mendocino	UPPER_EEL	Ryan Creek	North Coast Region	R1	39.48000	-123.37200	RGP 12
723488	P0910515	09/10	175	FP	South Fork Ryan Creek Fish Passage Improvement Project	Northwest California Resource Conservation & Development Council	Improve adult and juvenile passage at a Highway 101 Caltrans and Private road crossing on South Fork Ryan Creek, restoring access to 1.4 miles of high quality habitat for coho and Chinook salmon, steelhead, and Pacific lamprey in Outlet Creek.	Mendocino	UPPER_EEL	Ryan Creek	North Coast Region	R1	39.48000	-123.36400	RGP 12
723497	P0910505	09/10	184	HU	Hollow Tree Creek Implementation Project, Phase V	Trout Unlimited	Treat 45 sediment sources along approximately 9.4 mi of road. Estimated sediment savings of 12,520 cubic yards. Implement site specific road treatments at 35 stream crossings, including 19 decommission crossings, and 4 landslide sites.	Mendocino	SOUTH_FOR K_EEL	Hollow Tree Creek	North Coast Region	R1	39.81900	-123.74700	RGP 12

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723498	P0910526	09/10	185	HU	Cottaneva Creek Watershed Restoration Implementation Project, Phase II	Trout Unlimited	Treat 19 sediment sources along approximately 4.47 mi of road. Estimated sediment savings of 11,320 cubic yards. Implement site specific road treatments at 14 stream crossings, including 8 decommission crossings, and 4 landslide sites.	Mendocino	BIG-NAVARRO-GARCIA	Cottaneva Creek	North Coast Region	R1	39.74300	-123.79300	RGP 12
723499	P0930405	09/10	186	HU	Forsythe Creek Sediment Reduction Project	Mendocino County Resource Conservation District	will implement 12 miles of road upgrades for sediment reduction and improved fish passage from the Forsythe Creek Watershed Assessment (CDFG, 2004) in 2 subwatersheds, preventing an estimated 26,475 cubic yards of sediment from entering Russian River.	Mendocino	RUSSIAN	Forsythe Creek Mill Creek Walter Creek	North Coast Region	R1	39.31500	-123.31200	RGP 12
723321	P0940402	09/10	009	WD	Streamflow Monitoring in South-Central Steelhead Habitat of the Lower Big Sur River	Pacific States Marine Fisheries Commission	Purchase a satellite telemetry-linked stream flow gage and install on the lowre Big Sur River. Provide operating and maintenance resources for the gage for a period of five years. Develop streamflow rating curve.	Monterey	CENTRAL_C OASTAL	Big Sur River	Central Coast Region	R4	36.28600	-121.85300	RGP 12
723448	P0940401	09/10	135	HU	San Jose and Seneca Creeks Road and Crossings Upgrades and Decommissioning	Monterey Peninsula Regional Park District	Significantly reduce chronic input of sediment and vehicular residue into San Jose and Seneca Creeks by eliminating thru-stream vehicular traffic at two well used wet fords.	Monterey	CENTRAL_C OASTAL	San Jose Creek Seneca Creek	Central Coast Region	R4	36.50100	-121.88200	RGP 12
723373	P0940404	09/10	060	HB	Pismo Creek Fish Passage Improvement	Central Coast Salmon Enhancement	Implement design of steelhead migration barrier modifications funded under contract P0640401.	San Luis Obispo	CENTRAL_C OASTAL	Pismo Creek	Central Coast Region	R4	35.19600	-120.61100	RGP 78
723438	P0940403	09/10	125	HR	San Luis Obispo Creek Watershed Arundo Management Program	Land Conservancy of San Luis Obispo County	The objective of this project is to remove Arundo donax from strategic reaches of San Luis Obispo Creek in order to improve steelhead habitat. The project will complete an ongoing effort to eradicate Aundo from the entire San Luis Obispo Creek Watershed	San Luis Obispo	CENTRAL_C OASTAL	San Luis Obispo Creek	Central Coast Region	R4	35.18100	-120.71200	RGP 78

California Department of Fish and Game 2010 Fisheries Grant Restoration Program - List of Projects Covered Under 401 Water Quality Certification

Attachment C

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723371	P0910313	09/10	058	HB	Scott River Fish Passage through Diversion Ditch Re-Profiling	Siskiyou Resource Conservation District	Eliminate six diversion structures on priority coho bearing tributaries of the Scott River that prevent low-flow juvenile fish passage.	Siskiyou	SCOTT	Scott River	North Coast Region	R1	41.45700	-122.89300	RGP 12
723545	UNK_Reg 1_46	09/10		SC	Farmers Ditch Fish Screen	DFG-Yreka Screen Shop	Fish screen and fish passage design/plans shall be developed by the Department of Fish and Game's Fisheries Engineering Team.	Siskiyou	SCOTT	Scott River	North Coast Region	R1	-122.824	41.344755	RGP 12
723546	UNK_Reg 1_47	09/10		SC	Dew's Ditch Fish Screen	DFG-Yreka Screen Shop	The Department will construct a diagonal, vertical, self-cleaning fish screen with piped bypass return to Mill Creek.	Siskiyou	SCOTT	Mill Creek	North Coast Region	R1	-122.962	41.589604	RGP 12
723319	P0930412	09/10	007	HI	Save Our Salmon (SOS) - Salmon Creek Instream Habitat Enhancement Program	Gold Ridge Resource Conservation District	To increase cover, instream habitat complexity and channel diversity by installing or enhancing 28 LWD structures in Fay, Salmon and Tannery Creeks.	Sonoma	BODEGA_BAY	Fay Creek Salmon Creek Tannery Creek	North Coast Region	R3	38.35800	-122.99900	RGP 12
723343	P0930415	09/10	031	HU	Salmon Creek Roads Implementation Project	Gold Ridge Resource Conservation District	This is the implementation phase of P0430443. This project will implement all priority road erosion sites in the Nolan Creek subwatershed.	Sonoma	BODEGA_BAY	Nolan Creek Salmon Creek	North Coast Region	R3	38.35200	-122.96300	RGP 12
723344	P0930419	09/10	032	HU	Green Valley Creek Roads Implementation Project	Gold Ridge Resource Conservation District	This is the implementation phase of P0530403. This project will implement treatments on 32 priority road sites.	Sonoma	RUSSIAN	Green Valley Creek	North Coast Region	R3	38.43500	-122.93100	RGP 12
723432	P0930413	09/10	119	HR	Dry Creek Arundo donax Removal and Riparian Vegetation Enhancement Project	Sotoyome Resource Conservation District	Fifty-eight infested riparian acres will be cleared of Arundo donax, a highly invasive riparian weed, accounting for nearly 97% of the Arundo donax infestation in the upper mainstem of Dry Creek.	Sonoma	RUSSIAN	Dry Creek	North Coast Region	R3	38.70200	-122.97300	RGP 12
723485	P0930418	09/10	172	HR	Riparian Restoration for Salmonid Recovery, Sonoma Creek (Phase II)	Sonoma Ecology Center	The goal of this project is to enhance the quality of some of the best spawning and rearing habitat for native anadromous fish remaining in the San Francisco Bay Estuary.	Sonoma	SAN_PABLO_BAY	Sonoma Creek	San Francisco Bay Region	R3	38.39000	-122.55800	RGP 12

ProjID	GrantNo	FY	Proj D	Type	ProjectName	Agency	ProposedDescription	County	4th Field HUC	Stream	RWQCB Region	DFG Region	Lat	Long	RGP
723333	P0910319	09/10	021	HU	South Fork Trinity Road Decommissioning	Trinity County Resource Conservation District	Enhance fisheries habitat by eliminating controllable sediment delivery to the South Fork Trinity River.	Trinity	SOUTH_FORK_TRINITY	Rattlesnake Creek Smoky Creek Upper Hayfork Creek	North Coast Region	R1	40.36600	-123.19600	RGP 12
723347	P0910314	09/10	035	HI	Grass Valley Creek Gravel Supplementation Project	Trinity County Resource Conservation District	Improve spawning habitat in a tributary to the Trinity River by supplementing gravel on Upper Grass Valley Creek below Grass Valley Reservoir.	Trinity	TRINITY	Grass Valley Creek	North Coast Region	R1	40.62600	-122.75500	RGP 12
723544	UNK_Reg 1_45	09/10		SC	Lower Big Creek Diversion	DFG-Red Bluff Screen Shop	The Department will construct a diagonal, inclined, self-cleaning fish screen with piped bypass return to Big Creek.	Trinity	SMITH-CA,OR	Big Creek	North Coast Region	R1	-123.153	40.572232	RGP 12

Project Types	
FP	Fish Passage
HI	Instream habitat improvement
HB	Instream Barrier Removal
HR	Riparian restoration
HU	Upslope road project
SC	Fish screening of diversion
WD	Water measuring devices
WC	Water conservation measures