

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Carmel River Maintenance and Restoration Project

APPLICANT: Larry Hampson
Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942

ACTION:

1. Order for Standard Certification
2. Order for Technically Conditioned Certification
3. Order for Denial of 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 and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.
4. Specific site descriptions, project purpose, and \$60.00 fee will accompany a pre-construction notification.

ADDITIONAL CONDITIONS:

The following work is authorized in the Carmel River within the 17.3 mile segment of the river beginning approximately 1.3 miles upstream of the Pacific Ocean and extending to, but not including the San Clemente Dam at River Mile 18.6 (measured from the ocean).

1. Restoration of the river channel in unstable areas.
2. Installation of limited erosion protection in unstable, degraded areas.
3. Reestablishment of riparian vegetation along stream banks and adjacent areas.
4. Limited removal of vegetation and debris from the active channel.
5. Maintenance and repair of existing restoration projects and projects completed under this permit.
6. Construction of fisheries enhancement projects.

7. Work shall be carried out in accordance with the MPWMD's "Revised Project Description, Department of the Army Regional General Permit Application No. 24460S, Carmel River Maintenance and Restoration Projects, Monterey County, California" dated July 2003.

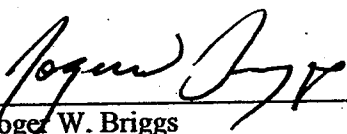
REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Mike Lowther
Central Coast Region, Region 3
(805) 549-3876
(805) 543-0397 (fax)
MLowther@rb3.swrcb.ca.gov

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from the Carmel River Maintenance and Restoration Project shall comply with the applicable provisions of 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") of the Clean Water Act.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



Roger W. Briggs
Executive Officer
Regional Water Quality Control Board

5-5-07

Date

PROJECT INFORMATION

Application Date	Completed On: April 27, 2004
Applicant	Monterey Peninsula Water Management District (MPWMD)
Applicant Representatives	Monterey Peninsula Water Management District, Larry Hampson
Project Name	Carmel River Maintenance and Restoration
Regional Board Application Number	N/A
Type of Project	River Maintenance and Restoration
Project Location	Carmel River within the 17.3 mile segment of the river beginning approximately 1.3 miles upstream of the Pacific Ocean and extending to, but not including the San Clemente Dam at River Mile 18.6 (measured from the ocean).
County	Monterey
Receiving Water(s)	Carmel River 307.00 Carmel River Hydrologic Unit
Water Body Type	River
Designated Beneficial Uses	<p>Municipal and Domestic Supply Agricultural Supply Industrial Service Supply Ground Water Recharge Water Contact Recreation Non-Contact Recreation Wildlife Habitat Cold Fresh Water Habitat Warm Fresh Water Habitat Migration of Aquatic Organisms Spawning, Reproduction, and/or Early Development Preservation of Biological Habitats of Special Significance Rare, Threatened, or Endangered Species Fresh Water Replenishment Commercial and Sport Fishing</p>
Project Description (purpose/goal)	<p>The purpose of the project is to restore and maintain bank stability and channel meanders in unstable areas, prevent resource degradation, and to reestablish or enhance riparian resources.</p> <p><u>The Regional Board understands that the project includes the following:</u></p> <ul style="list-style-type: none"> • Installing limited erosion protection in unstable, degraded areas. • Channel restoration in unstable areas. • Reestablishing riparian vegetation along stream banks and adjacent areas. • Fisheries enhancement projects. • Limited removal of vegetation and debris from the active channel. • Maintenance or repairs of existing restoration projects. • Excavation and fill activities.

Project Information (cont'd)

	<ul style="list-style-type: none"> • Dewatering and/or water diversions activities.
<p>Preliminary Water Quality Concerns</p>	<p>The Water Board is concerned with the degradation of water quality and channel structures from turbidity or sediment plumes, petroleum products from machinery, leachate from material used in the water and fertilizers and/or herbicides used during revegetation.</p>
<p>Proposed Mitigation to Address Concerns</p>	<p>Mitigations proposed by Monterey Peninsula Water Management District are as follows:</p> <ul style="list-style-type: none"> • Construction projects shall be limited to the period of June 15 to October 15. • The stream channel shall be returned to its original state at the completion of dewatering and construction. • The duration of dewatering shall be minimal. • The Dewatering method shall minimize harassment, risk of mortality, risk of entrapment and risk of stranding steelhead. • Projects that require dewatering of the stream channel shall first avoid dewatering the entire channel in order to maintain passage for steelhead by methods such as: use of a washed, clean gravel berm slowly placed to displace steelhead without crushing any; inflatable bladders from behind which fish are chased away. • Projects requiring entire stream dewatering shall incorporate the installation of a cofferdam and temporary bypass channel, or other methods which minimizes impacts to steelhead. • Channel and bank disturbances shall be first avoided, then minimized, during the placement of the dewatering "structure". • Any wastewater from project activities and dewatering shall be disposed of off-site or in a location that will not drain directly into a stream channel or carry sediment-laden water into a stream channel. • Construction impacts shall be confined to the absolute minimum area as necessary to complete the project and the site rehabilitated prior to October 31. • Damaged areas shall be restored to pre-work conditions. Where the site shall be revegetated or restored, topsoil is stockpiled for re-distribution on the project area. Temporary crossings shall pass all listed steelhead in the stream concurrent with the crossing. • Temporary crossings shall be removed prior to October 31 of each year. • Excavation in stream banks shall be isolated so that water is prevented from entering the excavated area until the project materials are installed and erosion protection is in place. • Effective erosion control measures shall be in place at all times during construction. • Sediment shall be removed from sediment controls once it has reached one-third of the exposed height of the control. Whenever straw bales are used, they shall be staked and dug into the ground 12 cm. Catch basins shall be maintained so that no more than 15 cm of sediment

Project Information (cont'd)

	<p>depth accumulates within traps or sumps.</p> <ul style="list-style-type: none">• Sediment-laden water created by construction shall be filtered before it enters the stream network or an aquatic resource area.• A supply of erosion control materials (e.g. straw bales and clean straw mulch) shall be kept on hand to respond to unanticipated storm events or emergencies.• The use of end hauling shall be maximized to reduce the temporary stockpiling of earth to be removed from the site.• The temporary stockpiling of earth during wet weather shall be avoided.• Concurrent with projects occurring during wet weather, erosion control shall be used on stockpiles and exposed soils. Soils shall not be left exposed overnight; exposed soils shall receive final erosion protection as the area will not receive further disturbance, and all areas shall be stabilized within 7 days of project completion or prior to forecasted rain, whichever is sooner.• Movement of soil off of stockpiles shall be prevented by covering any temporary stockpiles with plastic sheeting or tarps and/or installing a berm around the stockpile.• After project completion and prior to October 31, all exposed soil shall be stabilized by using erosion control seeding and/or erosion control blankets and mats.• Areas for fuel storage, refueling, servicing of construction equipment and vehicles shall be located 20 meters from any riparian habitat or water body.• All equipment that is used for in-water work shall be cleaned to remove external oil, grease, dirt, and mud prior to placing equipment in the water. Wash sites shall be placed so that wash water does not flow into flowing waters or wetlands.• Petroleum products, chemicals, fresh concrete or deleterious materials shall not be allowed to enter flowing waters.• In the event of a spill, the permittee shall stop work immediately, begin cleanup and notify the appropriate authorities.• The amount of in-channel vegetation removal shall be minimized to what is necessary to reduce erosion and potential bank failure.• Only in-channel vegetation larger than 3" in diameter shall be removed.• Heavy equipment, used to remove saplings and rootwads for salvage and replanting, shall operate in the dry channel bed.• All native trees and brush are retained as feasible, emphasizing the shade producing and bank stabilizing trees and brush.• Disturbed and decompacted areas shall be revegetated with native plant species.• A ratio of 3 planting to 1 removed plant (3:1 ratio).• Mitigation and restoration sites shall be monitored yearly in spring and
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Project Information (cont'd)

	<p>fall months for three years. If there is not 70% survival after three years, all plants that have died shall be replaced during the next planting cycle and monitored for a period of three years after the planting.</p> <ul style="list-style-type: none"> • Herbicides shall not be applied in the project area, except at MPWMD irrigation sites only to control poison oak and non-native evasive species. • The first choice for bank stabilization shall be "soft" bioengineering methods. Rock slope protection shall only be used as a last choice when bioengineering methods cannot provide adequate protection to infrastructures. • RSP shall be terraced and trees are planted on the terraces. • Soil shall be imbedded into the interstitial spaces above the ordinary high water and planted with riparian vegetation. • Gabion baskets shall be used only on slopes eight feet above the toe of the channel in limited, steep areas (<1.5:1 slope) where alternative bank stabilization techniques would fail. • During project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas. The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. • If work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters to minimize the risk of California red legged frogs entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.
Area of Disturbance	<p>Approximately 17.3 miles Streambed: Approximately 0.7 miles annually for restoration projects. Riparian: Approximately 3 miles annually</p>
Fill/Excavation Area	<p>To be determined on a project by project basis.</p>
Dredge Volume	<p>To be determined on a project by project basis.</p>
U.S. Army Corps of Engineers Permit No	<p>RGP No 11, File No. 24460S</p>
Federal Public Notice	<p>N/A</p>
Dept. of Fish and Game Streambed Alteration Agreement	<p>Streambed Alteration Agreement is pending. Final, signed copy will be forwarded immediately upon execution.</p>
Possible Listed Species	<p>California red legged frog, Steelhead</p>

Project Information (cont'd)

Status of CEQA Compliance	(Mitigated) Negative Declaration Lead Agency: Monterey Peninsula Water Management District
Compensatory Mitigation	<u>The Regional Board understands that the project includes the following:</u> <ul style="list-style-type: none"> • A ratio of 3 planting to 1 removed plant (3:1 ratio).
Application Fee Provided	\$ 500
Other	<p>(1) Contact Regional Board staff when project begins to allow for visit to project site, (2) Submit a project completion report that contains summary of daily activities, monitoring observations, problems incurred and actions taken; post project photos properly identified, within 30 days of construction completion. (3) Submit a signed, final copy of Department of Fish and Game's streambed alteration agreement will be forwarded to our office immediately upon execution. (4) Submit annual reports complete with photos of revegetation efforts by December 31 of each monitoring year. (5) The site shall be monitored (at least one river reach upstream and downstream) after completion of the project and annually for two subsequent rainy seasons to ensure that the new structure is not causing problems with erosion. Monitoring results shall be forwarded to our office within 30 days of completion. If the new project does cause such problems, the applicant shall contact the Regional Board staff overseeing the project. The applicant shall be responsible for obtaining necessary permits and creating and implementing plans for restoration and preventing further problems with erosion.</p>