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## Central Valley Regional Water Quality Control Board

27 October 2021

Nathaniel Martin  
United States Army Corps of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 92814

### **NOTICE OF APPLICABILITY FOR COVERAGE UNDER CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE AMERICAN RIVER WATERSHED COMMON FEATURES 2016 PROJECT GENERAL PERMIT AMERICAN RIVER CONTRACT 1 PROJECT (WDID#5A34CR00819-001), SACRAMENTO COUNTY**

On 14 September 2021, the United States Army Corps of Engineers (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) Clean Water Act Section 401 Water Quality Certification of the American River Watershed Common Features 2016 Project Certification and Order (Order) (WDID#5A34CR00819).

The Central Valley Water Board has reviewed your enrollment materials and finds the American River Contract 1 Project (Project) meets the requirements of and is hereby enrolled under the Order. You may proceed with your Project in accordance with the Order.

A copy of the Certification can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5A34CR00819.pdf)  
([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wq\\_certs/5A34CR00819.pdf](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5A34CR00819.pdf))

Please familiarize yourself with the requirements in the Order. You are responsible for complying with all applicable Order requirements. Failure to comply with the Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

#### **PROJECT DESCRIPTION:**

The 22.6-acre Project consists of armoring the bank of the Lower American River and the levee to prevent erosion. Project activities include installing approximately 7,800 linear feet of erosion protection and on-site riparian habitat features along one levee

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

segment of the American River and creating temporary equipment staging areas, stockpiles sites and haul routes. Three off-site riparian habitat restoration sites will be created to mitigate for permanent impacts as a result of erosion control activities.

**Bank Erosion Protection:** The Project will install rock rip-rap bank protection along the riverbank and levee slope. The sites will be prepared by clearing and stripping vegetation and loose material. A planting bench will be constructed in the rock to accommodate on-site revegetation. The rip-rap bank protection along the slopes consists of a minimum 2-foot-thick layer comprised of a mix of 70 percent rock and 30 percent soil to promote vegetation establishment and would be covered with a one-foot layer of topsoil or with an aggregate base where there are existing roads. The launchable rock toe would be filled with maximum 36-inch rock only. The launchable rock trench at the levee toe near Glenn Hall Park will be covered with enough soil to meet with existing grades. The planting benches will have a maximum soil depth ranging from approximately six to 10 feet. The Project will place approximately 179,100 cubic yards of rip-rap, and 57,000 cubic yards of soil within waters of the United States.

**Habitat Restoration:** The Project includes habitat restoration at three sites: Glenn Hall Park and two areas at Rio Americana. The Project will result in the restoration of 9.79 acres of aquatic habitat, including 7.59 acres of riparian habitat, 1.97 acre of stream channel habitat and 0.12 acre of wetland habitat and 3,814 linear feet of riverine aquatic habitat.

The Project will permanently impact 4.11 acre of stream channel habitat, 5.51 acres of riparian habitat and temporarily impact 2.11 acres of stream channel and 0.043 acre of riparian habitat. Temporarily impacted areas will be restored to pre-Project condition.

**PROJECT TYPE:**

Non-Bioengineered Channel Construction, Maintenance, and/or Bank Stabilization

**ADDITIONAL CONDITION:**

The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

**PROJECT LOCATION:**

The Project is located along the American River near Carlson Drive and Glen Hall Park.

Sections 3 and 10, Township 8 North, Range 5 East, MDB&M

Latitude: 38.574588° N and Longitude: 121.42268° W

**PROJECT SCHEDULE:**

30 October 2021 through 31 December 2023

**COMPENSATORY MITIGATION**

To mitigate for the permanent loss of 4.11 acres of stream channel and 5.51 acres of riparian habitat, the Permittee shall provide compensatory mitigation as described in Section XV.K. of the Order. The Permittee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

**APPLICATION FEE RECEIVED:**

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations

**PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:**

The Permittee shall implement the Impact Avoidance and Minimization Measures described in Section 3.5.6 of the American River Common Features Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Project, as described in the Order.

**WATER QUALITY MONITORING:**

The Permittee shall implement water quality monitoring as described in Section XIV.B of the General Certification for WDID#5A34CR00819.

If you have any questions regarding this Notice of Applicability, please contact Stephanie Tadlock at (916)464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

*Original Signed By James Marshall for:*

Patrick Pulupa  
Executive Officer

Enclosure: Clean Water Act Section 401 Water Quality Certification of the American River Watershed Common Features 2016 Project Certification and Order (WDID#5A34CR00819)

Attachments: Figure 1 – Project Location Map  
Figure 2 – Mitigation Sites

cc: Distribution List, page 4

**DISTRIBUTION LIST**

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SOURCE: NHC, 2020; ESA 2020

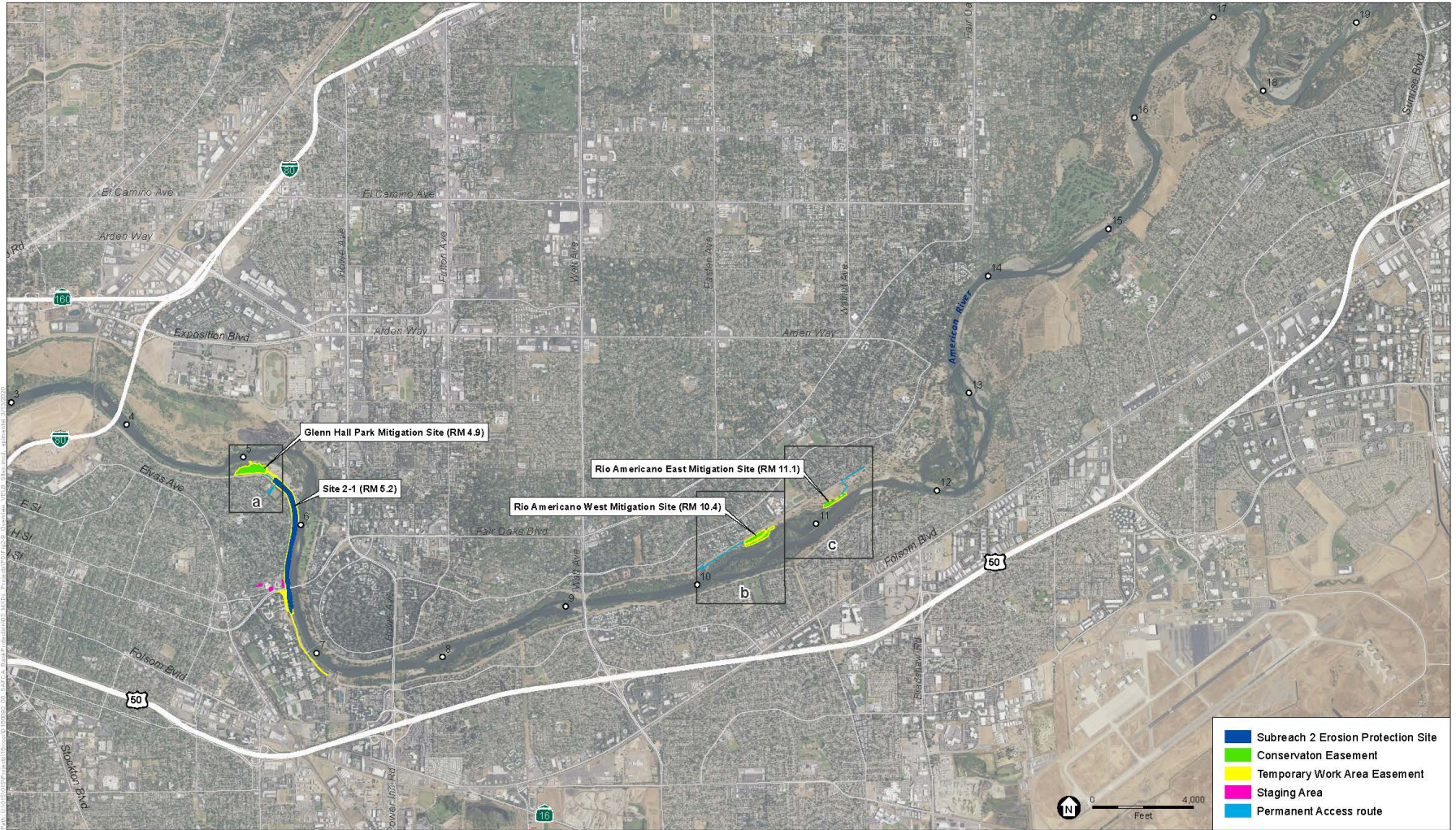
Lower American River Resource Assessment

**Figure 1**  
Project Site



**Figure 1 – Project Location**





SOURCE: DigitalGlobe, 2018, NHC, 2019, USACE, 2020, ESA, 2020

American River Common Features 2016 Contracts 1 & 2

**Figure 7a**  
VELB Mitigation Sites



**Figure 2 – Mitigation Sites**