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## Central Valley Regional Water Quality Control Board

3 April 2024

Mitra Emami  
California Department of Water Resources  
3310 El Camino  
Sacramento, CA 95821  
[Mitra.Emami@water.ca.gov](mailto:Mitra.Emami@water.ca.gov)

### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, SUTTER PUMPING PLANT 3 EMERGENCY PROJECT (WDID#5A51CR00145), SUTTER COUNTY**

On 16 February 2024, the California Department of Water Resources (DWR) (Applicant) filed a notification requesting coverage under the 1 August 2023 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (DQ 2023-0061-DWQ) (General Certification Order) for the Sutter Pumping Plant 3 Emergency Project (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity took place within less than 0.001 acre of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf)) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

The Project was conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 16 February 2024, and supplementary information (Application Package). Coverage

under the General Certification Order is no longer valid if the Project (as described) was modified.

**PROJECT DESCRIPTION:**

The Project consisted of repairing a damaged gravity drain culvert at Pumping Plant 3 along the Sutter Bypass. On February 6, 2023, a significant volume of water was observed leaking through the gravity drain culvert from the Sutter Bypass into the land side collecting canal. It was determined that the wooden slide gate and flap gate were deteriorated and non-functional, resulting in an uncontrolled flow of water from the East Borrow Canal of the Sutter Bypass to the collecting canals and adjacent agricultural land. Predicted precipitation later that week was expected to further overwhelm the broken system and flood neighboring lands. Flooding damage would likely result in economic property losses to agriculture fields and the possible flooding of Highway 20.

The culvert was plugged before the predicted precipitation event to prevent additional flow into the collecting canals which could have overflowed into economically valuable agricultural fields and onto public roadways. Due to the culvert being square, a typical inflatable plug would not have worked. On February 14, 2024, Sutter Maintenance Yard crews placed approximately 50 cubic yards of soil at the front of the two square flap gates to create a temporary plug. The slide gate vault was dewatered with a pump. The old wooden slide gate on the northernmost culvert was removed, and a temporary new lumber slide gate was fabricated and installed. On February 15, 2024, the adjacent slide gate was removed and replaced with a fabricated temporary gate to stop the uncontrolled flows for the remainder of the winter season.

The Project temporarily impacted 0.001 acre of waters of the United States.

**PROJECT LOCATION:**

The Project is located along the Sutter Bypass Levee at levee mile 3.6.

Latitude: 39.120557? and Longitude: -121.779643?

**PROJECT SCHEDULE:**

The Project started construction on 14 February 2024 and was completed on 15 February 2024.

**APPLICATION FEE RECEIVED:**

An application fee of \$2,985.00 was received on 4 March 2024. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category F - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino at (916) 464-4920 or [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov).

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Enclosure: Water Quality Order No. 2023-0061-DWQ Clean Water Act Section 401  
Water Quality Certification for Regional General Permit 8 for Emergency  
Repair and Protection Activities

cc: [Via email only]

Gabriel Leggieri  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[Gabriel.J.Leggieri@usace.army.mil](mailto:Gabriel.J.Leggieri@usace.army.mil)

Department of Fish and Wildlife, Region 2  
[R2LSA@wildlife.ca.gov](mailto:R2LSA@wildlife.ca.gov)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

CWA Section 401 WQC Program  
State Water Resources Control Board  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Bethany Baibak  
California Department of Water Resources  
[Bethany.Baibak@water.ca.gov](mailto:Bethany.Baibak@water.ca.gov)

Joseph Kranhold  
California Department of Water Resources  
[Joseph.Kranhold@water.ca.gov](mailto:Joseph.Kranhold@water.ca.gov)

Scott Deal  
California Department of Water Resources  
[scott.deal@water.ca.gov](mailto:scott.deal@water.ca.gov)

Figure 1: Project Location Map



Figure 2: Project Impacts Map

