



Central Valley Regional Water Quality Control Board

12 January 2024

Jessica Pecha
Tehama County Public Works
9380 San Benito Avenue
Gerber, CA 96035

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION
OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO. WQ
2021-0048-DWQ), TEHAMA COUNTY PUBLIC WORKS, 68TH AVENUE AT
ANTELOPE CREEK BRIDGE MAINTENANCE PROJECT (WDID NO. 5A52CR00234),
TEHAMA COUNTY**

On 21 November 2023, Tehama County Public Works (Applicant) filed a Notice of Intent (NOI) requesting coverage for the 68th Avenue at Antelope Creek Bridge Maintenance Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 14, Linear Transportation Projects. After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the 68th Avenue at Antelope Creek Bridge Maintenance Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-DWQ. This Notice of Applicability (NOA) is being issued at the request of Tehama County Public Works (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

I. Public Notice

The Central Valley Water Board provided public notice of the application from 22 November 2023 to 15 December 2023. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The Enrollee is proposing to re-arm the Antelope Creek Bridge upstream and underneath the northern bridge abutment and along the center pier. The previously grouted rock slope protection was undermined and collapsed during last winter's storms. The Enrollee will use the minimum effective amount of rock slope protection (RSP) necessary to prevent further erosion and potential bridge failure in the upcoming winter season. Temporary impacts will include access to place the RSP.

III. Project Location

Address: 24877 68th Avenue

County: Tehama County

Nearest City: Los Molinos

Latitude: 40.108487° and Longitude: -122.109997°

Maps showing the Project location are found in Attachment A of this NOA.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This NOA promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity are shown in Tables 2 and 3 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project will impact 0.03 acre of Waters of the United States. These impacts include temporary impacts of 0.02 acre of stream channel and permanent impacts of 0.01 acre of stream channel.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.02		30

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts.

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.01	20	30

VI. California Environmental Quality Act (CEQA)

The California Regional Water Quality Control Board, Central Valley Region has determined that the Project is categorically exempt from review under CEQA pursuant to California Code of Regulations, Title 14, Article 19, section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VIII. Fees Received

An application fee of \$2,985 was received on 20 November 2023. 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 E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

A. Purchase of Mitigation Credits by Enrollee for Compensatory Mitigation

1. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in-water work.
2. The Enrollee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Enrollee and the seller of credits.

B. Total Required Compensatory Mitigation

1. The Enrollee is required to provide compensatory mitigation for the authorized impact to 0.01 acre of stream channel by purchasing 0.01 Aquatic Resource Credit from the National Fish and Wildlife Foundation's Sacramento District California In-Lieu Fee Program in the Northeast Sacramento River Watershed Service Area.
2. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	In-Lieu Fee Credit	Credit						0.01

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

Original Signed by Clint Snyder, AEO
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

1/12/2024
Date

Enclosure: State Water Resources Control Board's Clean Water Act Section 401
General Water Quality Certification of Army Corps of Engineers' 2021
Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impacts, and Mitigation Information
Attachment C - CEQA Findings of Facts

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Attachment A

Figure 1: Project Location Map

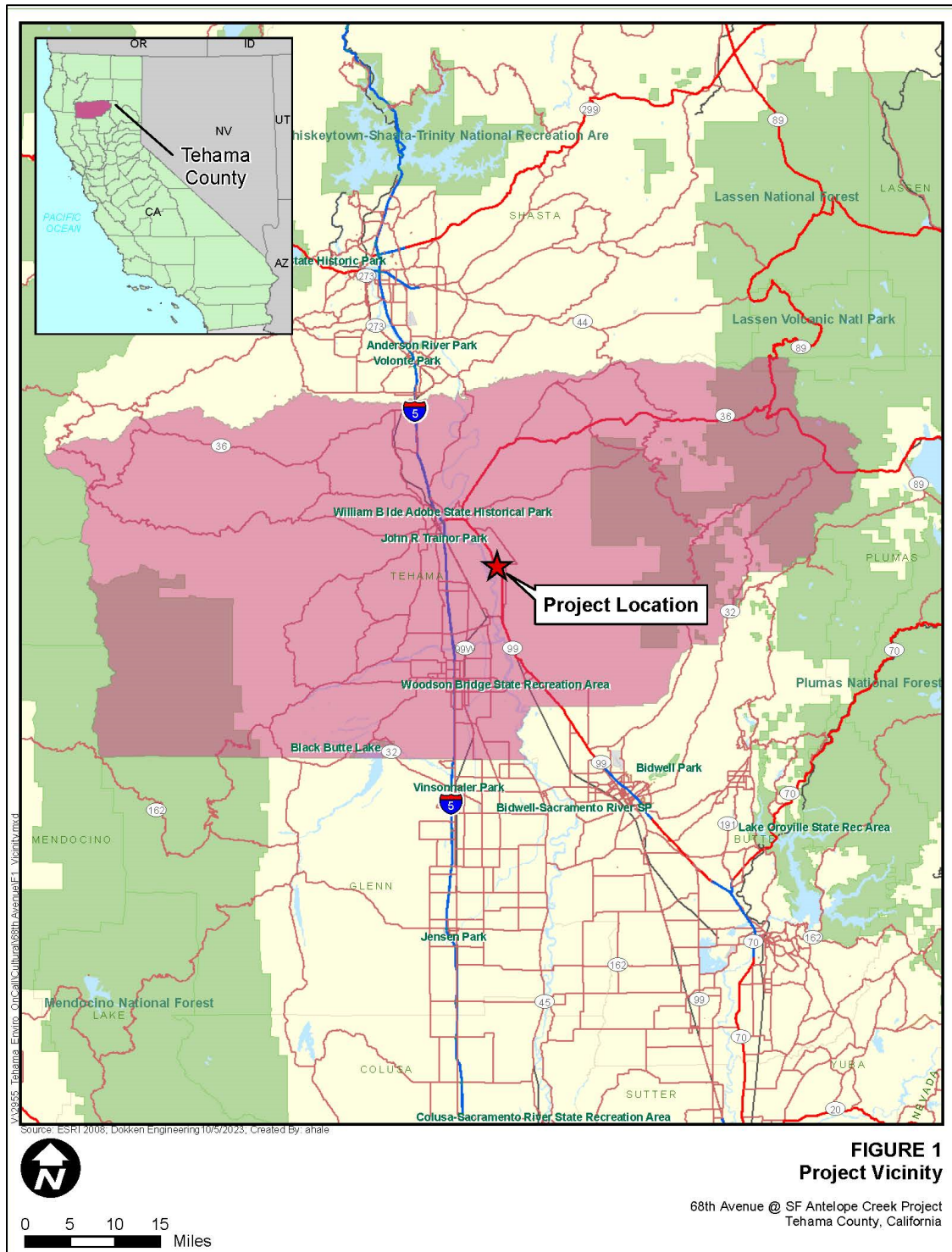


Figure 2. Project Impact Map



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Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Waters Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
68 th Avenue at Antelope Creek Bridge Maintenance Project	Unnamed tributary to South Fork Antelope Creek	Stream	504.20	Antelope Creek	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Not Applicable	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
68 th Avenue at Antelope Creek Bridge Maintenance Project	40.108384°	-122.109845°	No	0.02		30

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
68 th Avenue at Antelope Creek Bridge Maintenance Project	40.108464°	-122.109969°	No	0.01	20	30

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FINDINGS FOR CEQA EXEMPT PROJECT

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, Article 19, section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

DISTRIBUTION LIST

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