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## Central Valley Regional Water Quality Control Board

21 July 2022

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**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), CALIFORNIA DEPARTMENT OF TRANSPORTATION,  
CALTRANS ALPINE COUNTY PAVEMENT ANCHOR PROJECT 10-0J720  
POTHOLING PROJECT (WDID NO. 5B02CR00024), ALPINE COUNTY**

On 26 May 2022, the California Department of Transportation (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Caltrans Alpine County Pavement Anchor Project 10-0J720 Potholing (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). 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 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 the California Department of Transportation (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](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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

**I. Public Notice**

The Central Valley Water Board provided public notice of the application from 27 May 2022 to 17 June 2022. The Central Valley Water Board did not receive any comments during the comment period.

**II. Project Description**

The Project consists of positive location vacuum excavation “potholing” to locate underground utilities that may in conflict with upcoming proposed culvert replacement, ditch grading, and erosion control activities (Caltrans Alpine County Pavement Anchor Project 10-1J720). Potholing locations include sites within potentially jurisdictional wetlands and adjacent to ephemeral and intermittent stream courses.

**III. Project Location**

Address: Various locations on State Route 4 between Calaveras/Alpine County line and east end of Lake Alpine

County: Alpine

Nearest City: Lake Alpine

Start Latitude: 38.45601° and Longitude: -120.0533°

End Latitude: 38.48285° and Longitude: -119.9908°

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, May 2018 (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/](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**

Temporary impacts will result from the excavation holes created from the potholing activities. There are no permanent impacts associated with this Project. The holes will be backfilled and the disturbed area will be returned to pre-existing condition by the end of the construction.

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 Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.0002		13

**VI. California Environmental Quality Act (CEQA)**

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, section 15304, Minor Alterations to Land.

**VII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the Central Valley 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.

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<sup>1</sup> 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 \$2,417.00 was received on 10 May 2022. 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**

No compensatory mitigation is required because all Project impacts are temporary. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

**X. Central Valley Regional Water Quality Control Board Contact:**

If you have any questions regarding this Notice of Applicability, please contact Shawn Agarwal at (916) 464-4849 or [Shawn.Agarwal@waterboards.ca.gov](mailto:Shawn.Agarwal@waterboards.ca.gov).

*Original Signed By Adam Laputz for:* \_\_\_\_\_

Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

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, Impact, and Mitigation Information  
Attachment C - CEQA

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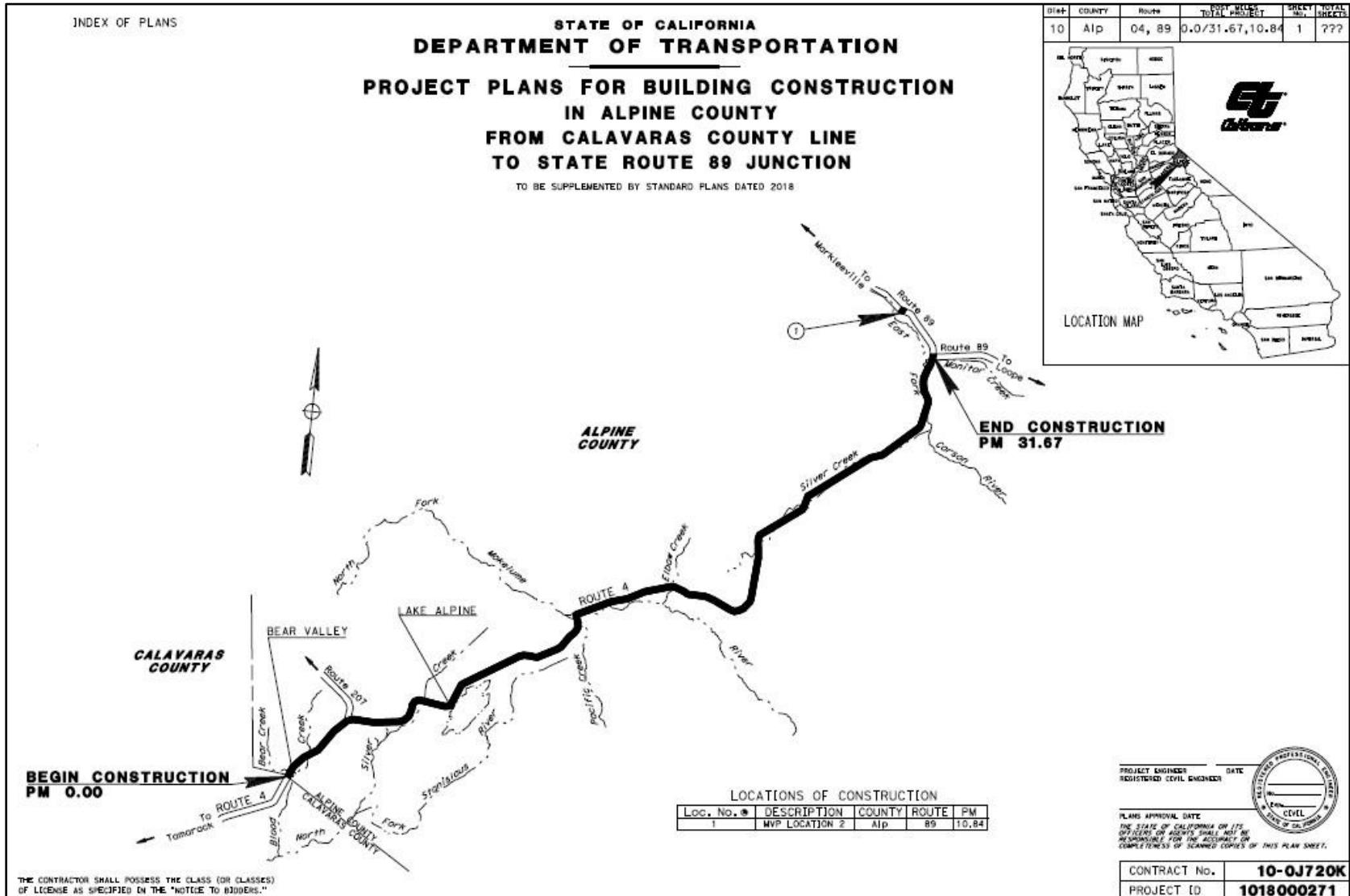


Figure 1: Project Location Map



Figure 2. Impacts Location Map



Figure 4: Project Impacts Map





Figure 5: Project Impacts Map

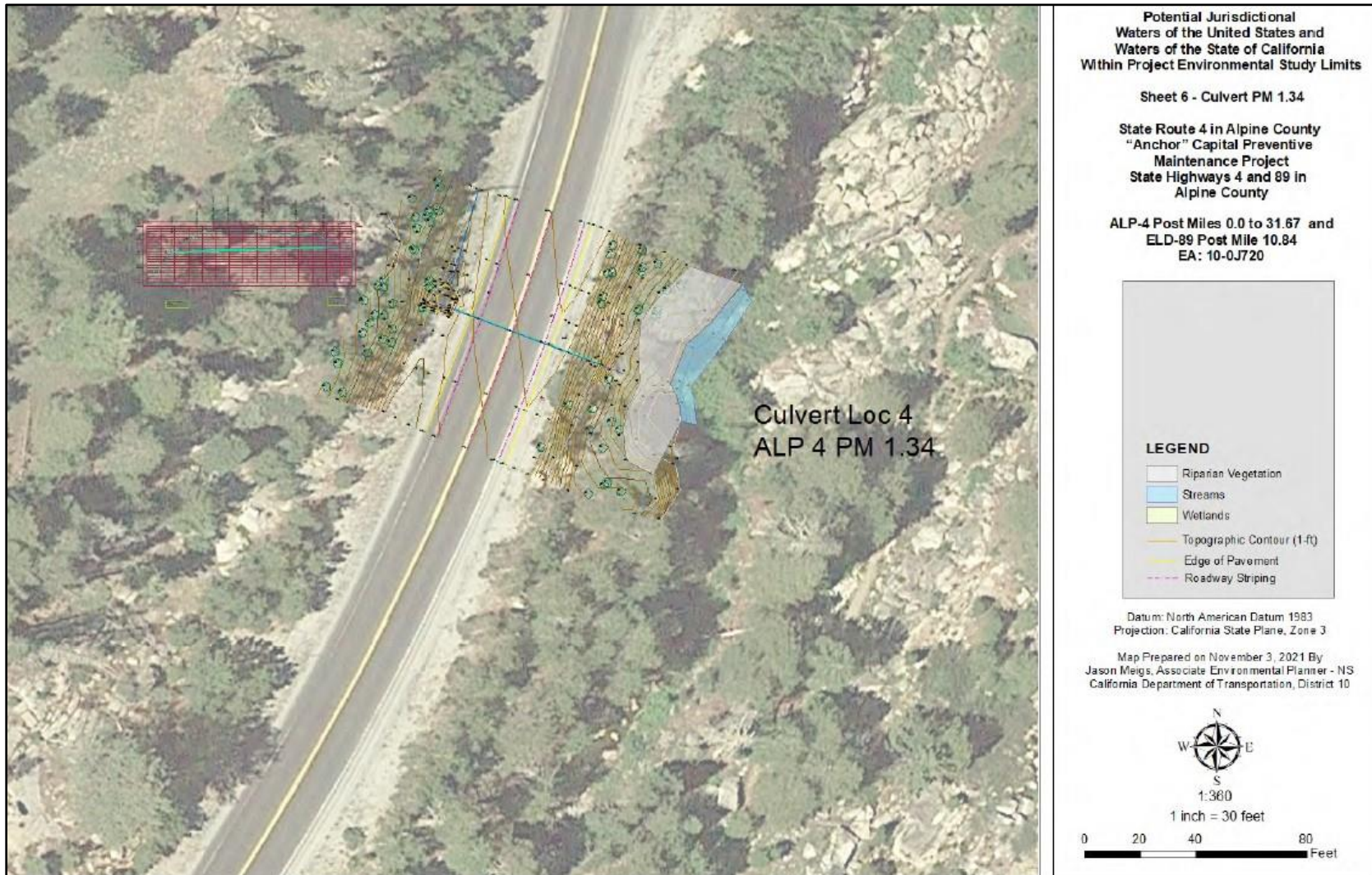


Figure 6: Project Impacts Map

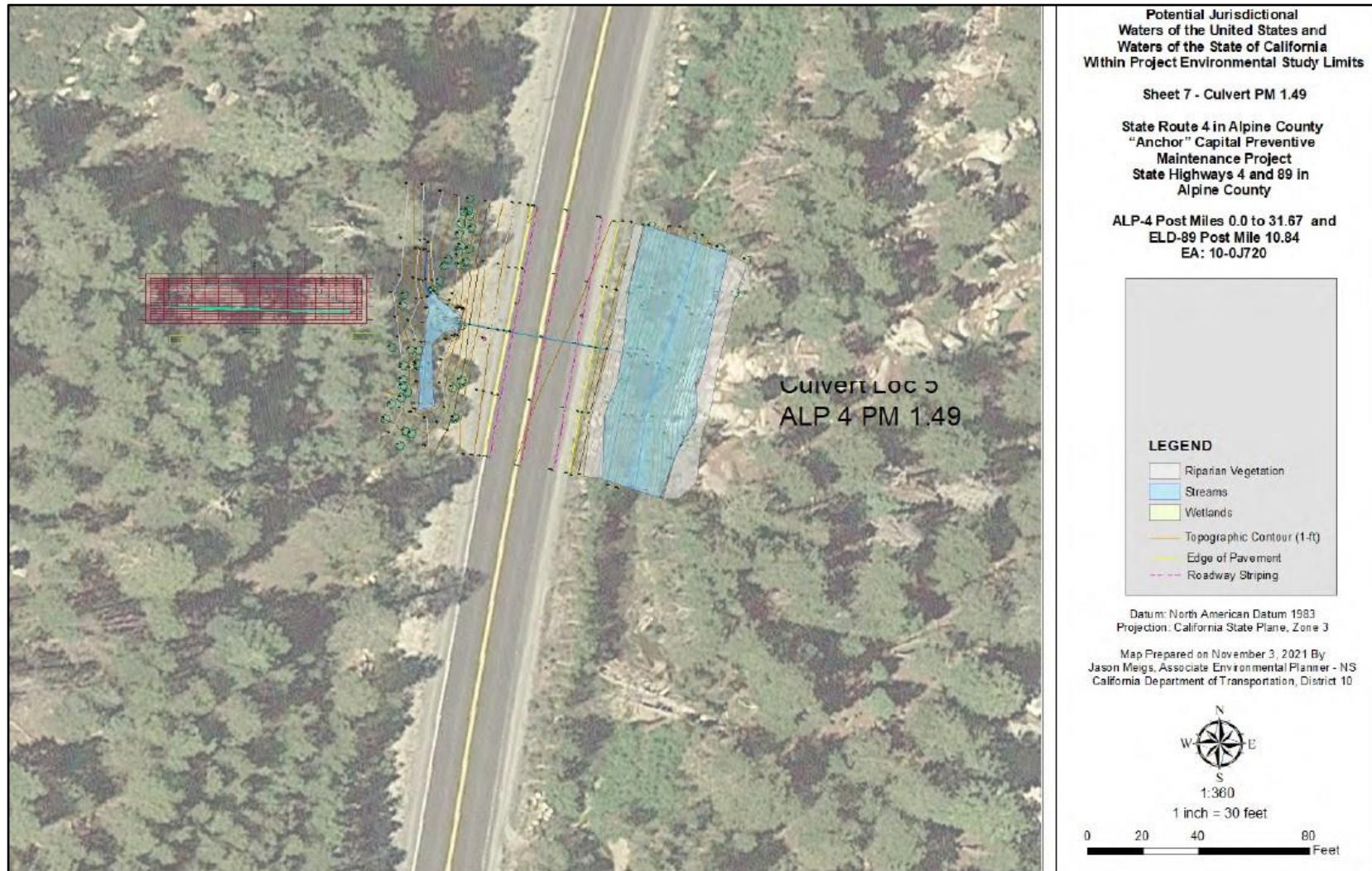


Figure 7: Project Impacts Map



Figure 8: Project Impacts Map



Figure 9: Project Impacts 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
Pothole Locations	Unnamed ephemeral and intermittent streams and wetlands	Stream Channel and Wetland	534.50	North Fork Stanislaus River	AGR, COLD, MUN, REC1, REC2, SPWN, WARM, 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
Pothole Locations	Start: 38.45601° End: 38.48285°	Start: -119.9908° End: -120.0533°	No	0.0002		13

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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, section 15304, Minor Alterations to Land, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

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.)