



Central Valley Regional Water Quality Control Board

20 August 2024

Damon Goodman
California Trout
435 Pacific Ave, Suite 200
San Francisco, CA 94133

**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 TROUT, BIG CHICO CREEK IRON CANYON
FISH PASSAGE PROJECT (WDID NO. 5A04CR00365), BUTTE COUNTY**

On 12 July 2024, California Trout (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Big Chico Creek Iron Canyon Fish Passage 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 Big Chico Creek Iron Canyon Fish Passage 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 California Trout (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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.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 12 July 2024 to 2 August 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The proposed project is part of a larger restoration effort that aims to modify a fish passage barrier. The purpose of this project is to improve Park Road to accommodate large equipment access and material delivery. Improvements to Park Road will involve vertical and horizontal curve modifications and removal or limbing of trees. Direct impacts are the result of fill due to the grading, widening, and smoothing of the road. At parking lot P, a temporary access road with a looped turnaround will need to be constructed to access the contractor use area, in which equipment and materials will be staged. Fabric will be laid over existing grade and filled with all-weather rock. Upon completion of construction, the Park Road and the contractor use area access road will be repaired as necessary. Immediately following construction, the site will be revegetated with native plants. This NOA only applies to improvements to Park Road relevant to the project; a separate application will be submitted to request certification for in-work activities to modify a fish passage barrier within Big Chico Creek, which is part of the larger restoration project.

III. Project Location

Address: Park Road, Upper Bidwell Park, Chico

County: Butte

Section 3, 8, 9, 10, 17, Township 22 North, Range 02 East, MDB&M.

Latitude: 39.77204° and Longitude: -121.77897°

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

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	0.007	9.4	98.7

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.007	11.8	29.3
Wetland	0.0003	0.5	9.8

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 Project was determined to qualify as a statutorily exempt restoration project under CEQA pursuant to California Public Resources Code, section 21080.56 (Statutory Exemption for Restoration Projects). The lead agency, City of Chico, received concurrence of the statutory exemption from California Department of Fish and Wildlife on 5 January 2024 and filed a Notice of Exemption (NOE) at the State Clearinghouse (SCH) on 17 May 2024 (SCH No. 2024050797).

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.

The Central Valley Water Board has determined that the issuance of this Order is exempt by statute pursuant to California Public Resources Code, section 21080.56 and 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.).

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.

VIII. Fees Received

An application fee of \$2,985.00 was received on 10 July 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 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.

1. Purchase of Mitigation Credits by Enrollee for Compensatory Mitigation

- a. 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.
- b. 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.

2. Total Required Compensatory Mitigation

- a. The Enrollee is required to provide compensatory mitigation for the authorized impact to 0.007 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 Aquatic Resource Service Area.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [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 Credits	Credit						0.01

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Carson Blodow at (530) 224-4994 or Carson.Blodow@waterboards.ca.gov.

Original Signed by Clint E. Snyder, AEO
 For PATRICK PULUPA, Executive Officer
 Central Valley Regional Water Quality Control Board

8/20/2024
 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, Impact, and Mitigation Information
 Attachment C - CEQA

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Attachment A – Project Maps

Figure 1: Project Location Map



Figure 2: Project Impacts Map 1 of 5

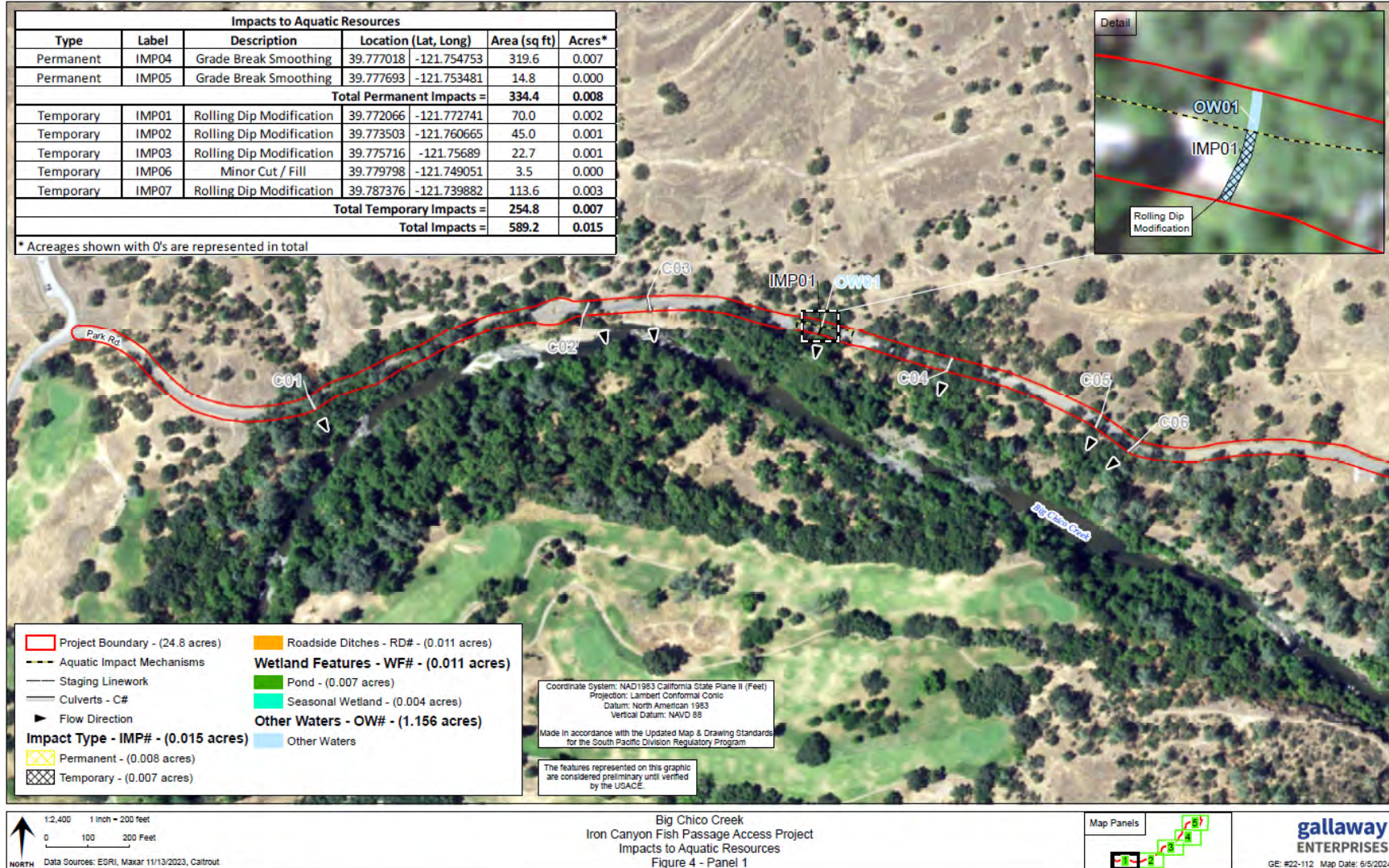


Figure 3: Project Impacts Map 2 of 5

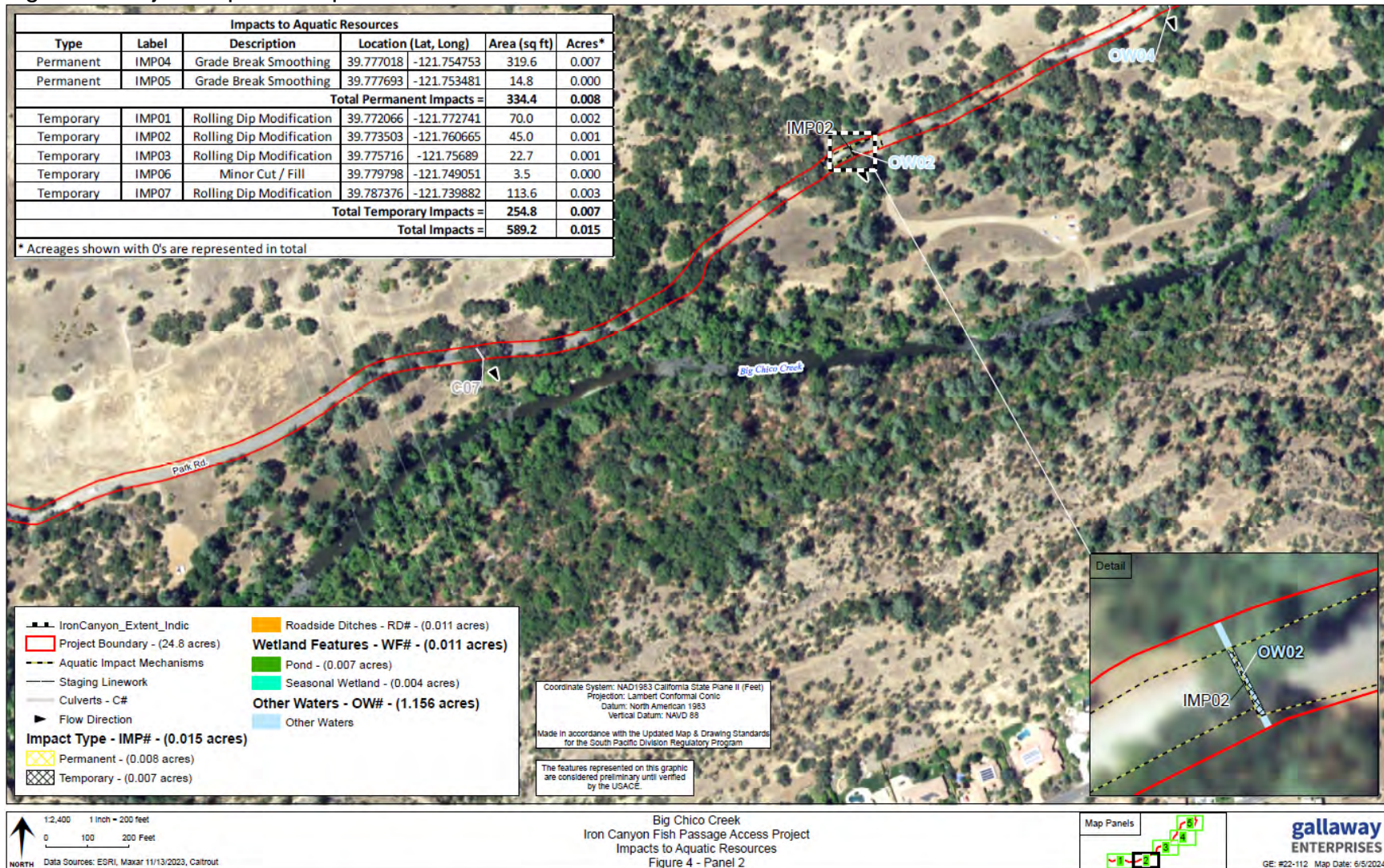


Figure 4: Project Impacts Map 3 of 5

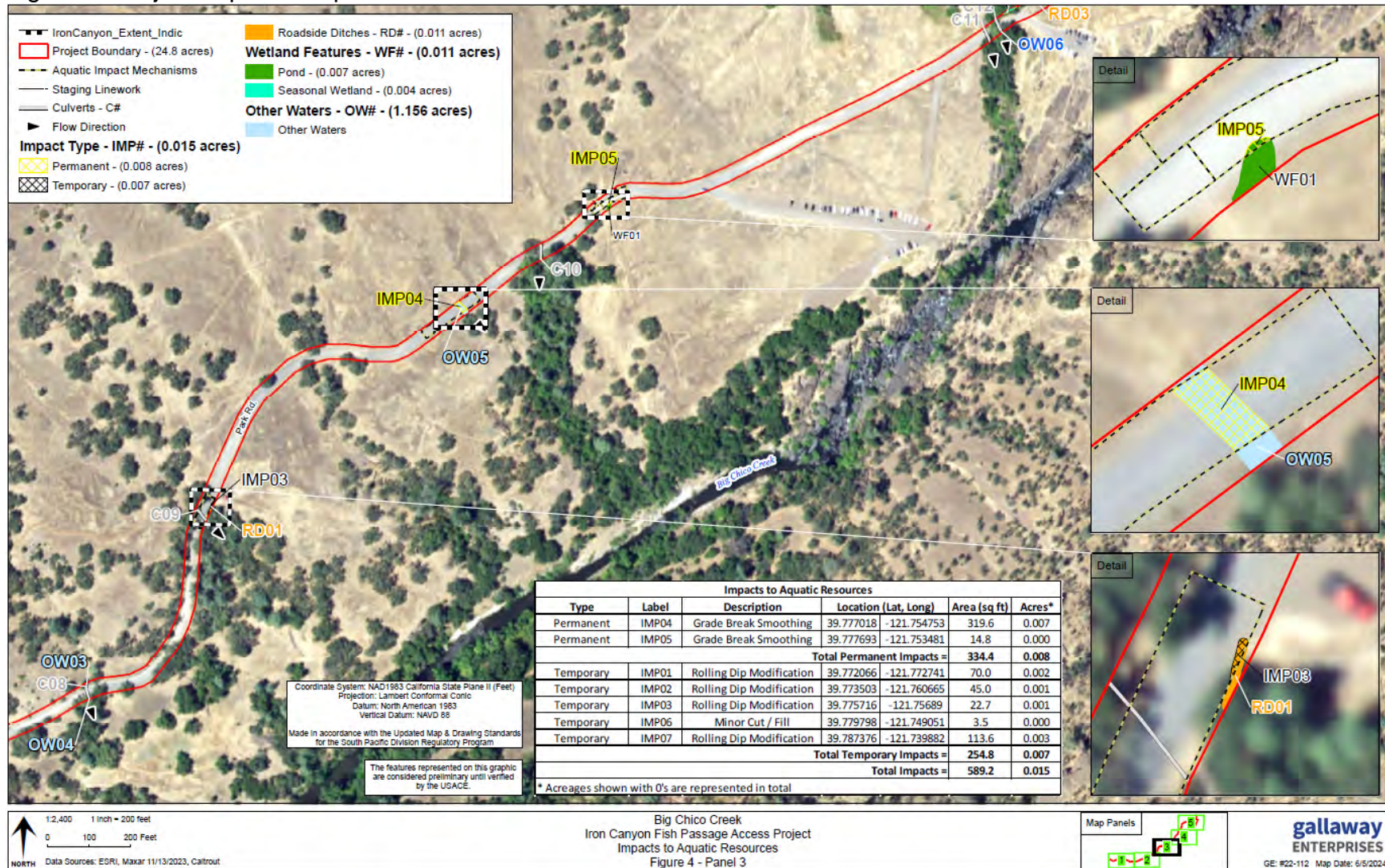


Figure 5: Project Impacts Map 4 of 5

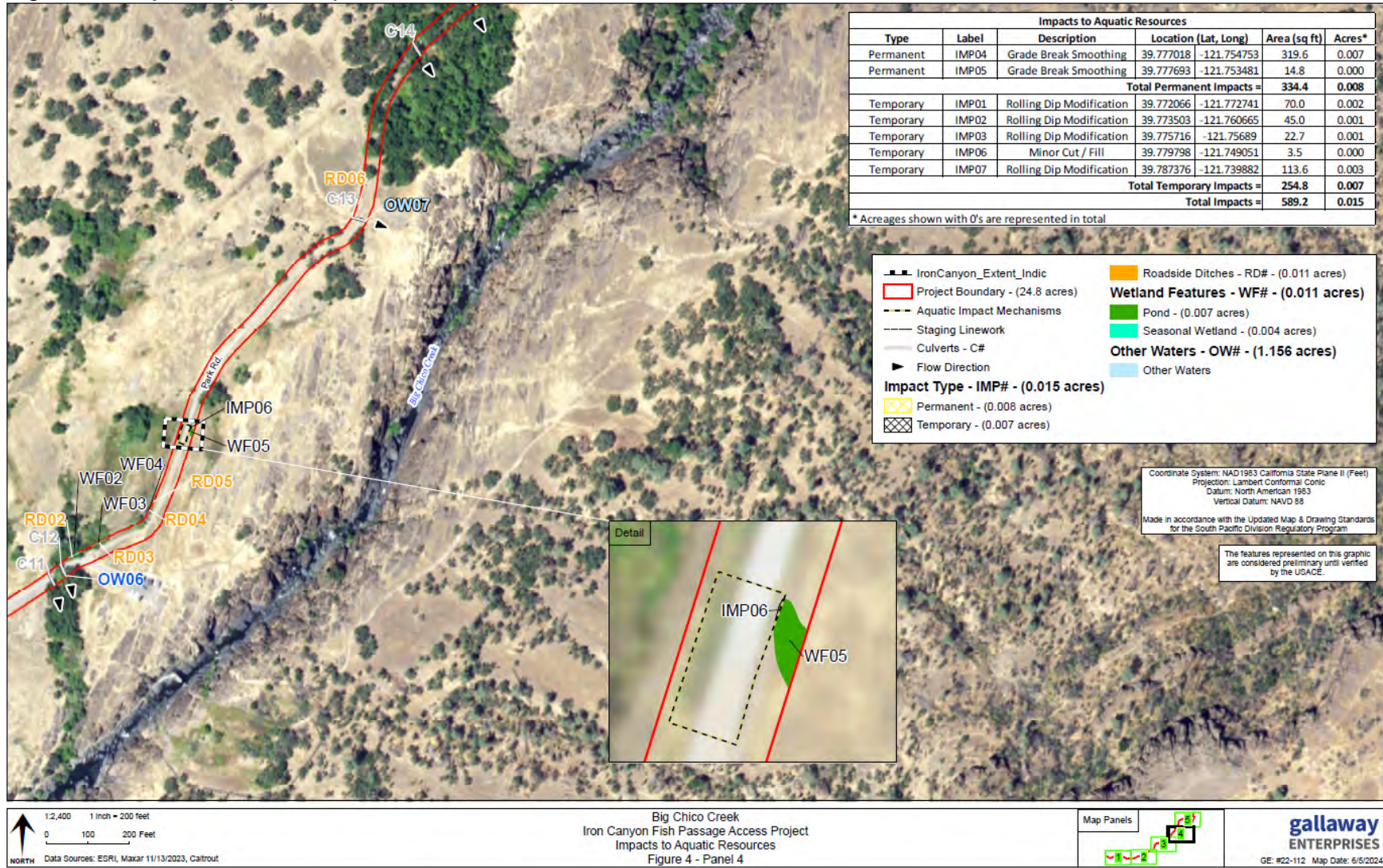
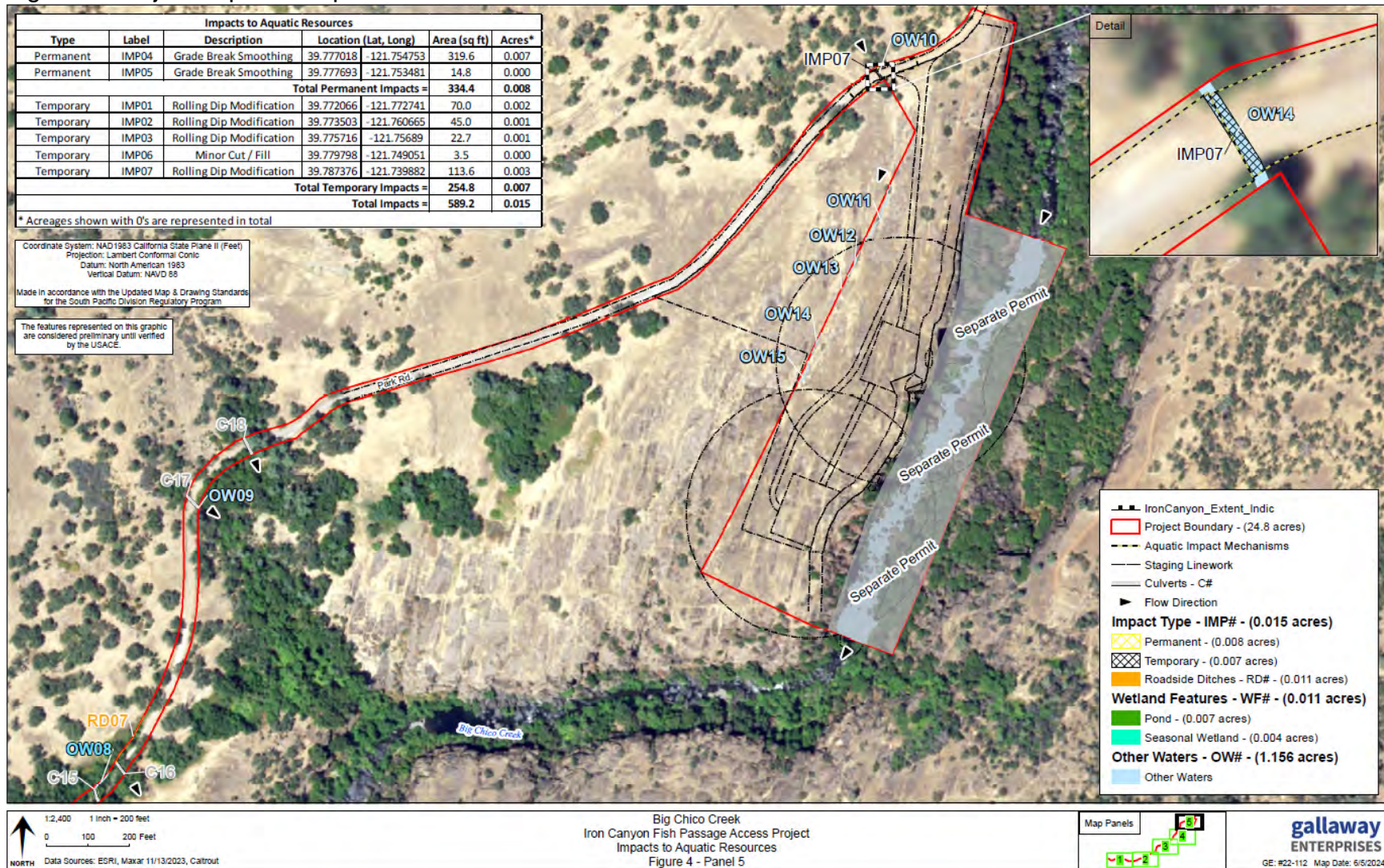


Figure 6: Project Impacts Map 5 of 5



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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
Big Chico Creek Iron Canyon Fish Passage Project	Big Chico Creek	Stream	509.14	Big Chico Creek	AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Bifenthrin, Mercury, Chromium, Indicator Bacteria, Nickel, Dissolved Oxygen, pH, Pyrethroids, Toxicity	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
IMP01	39.772066	-121.772741	No	0.002	2.592	23.29
IMP02	39.773503	-121.760665	No	0.001	1.668	22.70
IMP03	39.775716	-121.75689	No	0.001	0.842	15.06
IMP06	39.779798	-121.749051	No	0.0001	0.130	8.65
IMP07	39.787376	-121.739882	No	0.003	4.206	29.04

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
IMP04	39.777018	-121.754753	No	0.007	11.837	29.36
IMP05	39.777693	-121.753481	No	0.0003	0.548	9.83

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations.

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	National Fish and Wildlife Foundation's (NFWF) Sacramento District In-Lieu Fee Program
Website:	Sacramento District California In-Lieu Fee Program NFWF (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program)
In-Lieu Fee Program Contact Name:	Heather Broda
Phone:	(415) 243-3105
Email:	Heather.broda@nfwf.org
In-Lieu Fee Program Location - County:	Northeast Sacramento River Aquatic Resource Service Area
Latitude:	Not Applicable
Longitude:	Not Applicable

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Aquatic Resource Credits	0.01		Not Yet Purchased

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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.

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The Central Valley Water Board has determined that the issuance of this Order is exempt by statute pursuant to California Public Resources Code, section 21080.56 and 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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