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## Central Valley Regional Water Quality Control Board

20 February 2025

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### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, 01-0P770 EMERGENCY SLIPOUT REPAIR PROJECT (WDID# 5A17CR00198), LAKE COUNTY**

On 14 January 2025, the California Department of Transportation (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 (WQ 2023-0061-DWQ) (General Certification Order) for the 01-0P770 Emergency Slipout Repair 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 will take place in 0.37 acre/150 linear feet 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 must proceed 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 14 January 2025, and supplementary information (Application Package). Coverage

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

under the General Certification Order is no longer valid if the Project (as described) is modified.

**PROJECT DESCRIPTION:**

The 0.37-acre 01-0P770 Emergency Slipout Repair Project (Project) consists of repairing a collapsed gabion basket wall. To facilitate the repair, approximately 100 linear feet of gabion basket wall will need to be reconstructed. Repair and slope stabilization activities, including excavation and placement of rock slope protection, will occur in an unnamed intermittent drainage adjacent to the gabion wall.

The Project will permanently impact 0.007 acre/60 linear feet and temporarily impact 0.023 acre/90 linear feet of waters of the United States.

**PROJECT LOCATION:**

The Project is located on Highway 20 Lake County Post Mile 45.04, near Walker Ridge Road, Clearlake Oaks, CA, 95423.

Latitude: 39.011230° and Longitude: -122.434115°

**PROJECT SCHEDULE:**

The approximate timeframe of Project construction is 30 days. Project start and end dates will be determined and relayed to Central Valley Water Board staff once a Health and Safety Plan has been completed.

**ADDITIONAL CONDITION:**

**1. Mercury**

Prior to construction activities, the Permittee shall submit a mercury sampling plan for Central Valley Water Board staff approval. The plan shall include procedures and descriptions of locations and frequency for aqueous methylmercury and sediment total mercury sampling.

Aqueous methylmercury sampling shall occur prior to construction and after construction is complete, at sampling points located upstream outside of the influence of the project, a minimum 300 feet downstream from the project area, and at one location in the middle of the project area. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific aqueous methylmercury monitoring locations. Aqueous methylmercury sampling shall occur at the same locations throughout the sampling period.

Sampling for total mercury in sediment shall occur prior to construction activities for excavated material that will be placed as fill into waters of the state, and after construction activities are complete in areas that contain fine grained sediments (grain size less than 63 microns) that will be inundated. Samples must be representative of the entire depth and volume to be excavated. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific total mercury sediment monitoring locations. If the median concentration of total mercury on fine

grained sediments (grain size less than 63 microns) is greater than 0.1 mg/kg [dry weight], the Permittee shall submit for Executive Officer approval a mercury-contaminated sediment management plan. The mercury-contaminated sediment management plan shall describe actions the Permittee will implement to isolate, remove, and/or prevent downstream transport of mercury-contaminated sediments once flows are reestablished in the graded areas. The Permittee is required to implement the plan upon Executive Officer approval.

After each sampling event, the Permittee shall submit the laboratory results to Central Valley Water Board staff and upload the results to the California Environmental Data Exchange Network's website: [CEDEN - California Environmental Data Exchange Network](http://ceden.org/) (<http://ceden.org/>). Water Quality Monitoring Templates for data submittal can be found on the same website.

**APPLICATION FEE RECEIVED:**

An application fee of \$4,212.00 was received on 21 January 2025.

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 Olivia Ilsley at (916) 464-4673 or [Olivia.Ilsley@waterboards.ca.gov](mailto:Olivia.Ilsley@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

Attachment: Figure 1 – Project Impact Map

cc: Distribution List, page 4

**DISTRIBUTION LIST**  
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
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Figure 1: Project Impact Map



EA 01-0P770: Emergency Slipout Repair LAK 20 PM 45.04  
Temporary and Permanent Impacts Map

Legend

-  Project Area (0.374 Acre)
-  Intermittent Tributary to North Fork Cache Creek (HSA #513.32)
-  Temporary Creek Diversion System (0.023 Acre)
-  Permanent Rock Slope Protection in Streambed (0.007 Acre)
-  Upland Rock Slope Protection
-  Gabion Basket Wall
-  Upland Ground Disturbance

