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## Central Valley Regional Water Quality Control Board

25 October 2023

Chad Fien  
Reclamation District 2110  
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### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE RECLAMATION DISTRICT 2110, MCCORMACK-WILLIAMSON TRACT 2023 EMERGENCY REPAIRS PROJECT RPG 8 (WDID#5A34CR00880), SACRAMENTO COUNTY**

On 23 August 2023, Reclamation District 2110 (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 McCormack-Williamson Tract 2023 (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 taking place in 1.03 acres/2,950 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)) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

The Project is being 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 23 August 2023, 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 1.03-acre McCormack-Williamson Tract 2023 Emergency Repairs Project RGP8 (Project) consists of repairing breaches of levees resulting from the winter 2023 storms where the Mokelumne River Levee overtopped and subsequently breached in January 2023. This resulted in the complete inundation of the McCormack-Williamson Tract. Other breaches occurred along Dead Horse Cut and Snodgrass Slough.

The Project will permanently impact 1.03 acres/2,950 linear feet of waters of the United States.

**PROJECT LOCATION:**

The Project is located along the McCormack-Williamson Tract (MWT) levees/including the right bank of the Mokelumne River, left bank of Lost Slough, left bank of Snodgrass Slough, and left bank of Dead Horse Cut.

The following is a detailed description of the project elements.

**Mokelumne River Emergency Erosion Repairs:** Two sites along the Mokelumne River are considered critical and pose an immediate risk of failing the levee. These are Sites MR2301E (Station 01+60 to 10+40) and MR2302E (Station 18+40 to 25+00). These sites are considered critical and require emergency repair because the waterside levee slope has been eroded to vertical or near vertical for the entire slope height from top of levee to below water line. The waterside levee slope is unstable, vegetation has been stripped by erosion, and the erodible soils are bare. If the levee were to fail at this location access to the Mokelumne River breach would be impacted and the Phase A Mitigation Area 1 would be severely damaged and become inaccessible for maintenance and repair. Erosion repairs would consist of stripping any remaining vegetation on the levee slope and placement of rip rap erosion protection to reconstruct the waterside levee slope. Work could be accomplished from either the levee crest or by barge.

**Snodgrass Slough and Lost Slough Emergency Erosion Repairs:** Three sites along Snodgrass Slough and one site along Lost Slough within the Tower Levee/Ring Levee area are considered critical and pose an immediate risk of failing the levee. These are Sites SS2301E (Station 312+00 to 313+00), SS2302E (Station 317+00 to 326+00), SS2303E (Station 329+50 to 333+50), and LS2301E (Station 339+00 to 344+00). Additionally, there is a landside (interior) erosion site along Lost Slough at Site LS2302E (Station 367+00 to 379+00); however, there will be no in-water work at this location and therefore the site is not included in this permit application. These sites are considered critical and require emergency repair because the waterside levee slope has been eroded to vertical/near vertical for the at least half to the entire levee slope height. The waterside levee slope is unstable, the levee embankment has been undercut by erosion, and cracking in the levee crest has been observed. The Tower Levee/Ring

Levee area protects the remaining infrastructure, including the KCRA/Hearst Communication Tower, which was not inundated as a result of the 2023 levee breaches because it is protected by the interior ring levee. The levee access along Lost Slough is the only access to the tower, the ring levee, and to Mitigation Areas 3 and 4. Mitigation Areas 2A and 2B are located along Lost Slough and would be damaged if the Lost Slough Levee were to fail. A levee failure in this area would damage the communication tower, existing mitigation areas, and further impede access. Erosion repairs would consist of stripping any remaining vegetation on the levee slope and placement of rip rap erosion protection on the waterside levee slope. Work could be accomplished from either the levee crest or by barge.

**Levee Breach Stabilization:** There are three levee breaches – Mokelumne River Levee Breach (Site MR2301B, Levee Station 27+00 to 31+00), Snodgrass Slough Levee Breach (Site SS2301B, Station 235+50 to 236+50), and Deadhorse Cut Levee Breach (Site DH2301B, Station 184+00 to 187+50). These breaches require stabilization prior to the next flood season to reduce the likelihood that they continue to deepen and widen. Stabilization of the breaches will also protect the opportunity to continue Phase B of the restoration project to maximize habitat benefits and protect existing and future mitigation investments on the tract. At a minimum, stabilization of the existing breaches would include placement of rip rap erosion protection on the ends of the breach sites. The Snodgrass and Mokelumne Breaches will be raised to reduce the flow velocities coming into and out of the district as well as facilitate access to the district's levees. Work could be accomplished by barge or from the levee crest.

Section 34, Township 5 North, Range 4 East, MDB&M

Latitude: 38°15'34.15" and Longitude: -121°29'53.44"

**PROJECT SCHEDULE:**

The Project started construction on 6 September 2023 and will continue until 10 November 2023.

**APPLICATION FEE RECEIVED:**

An application fee of \$2,734.00 was received on 28 August 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 H- 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 Peter Minkel at (916) 464-4684 or [PeterG.Minkel@waterboards.ca.gov](mailto:PeterG.Minkel@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

Attachments: Figure 1: Project Location Map  
Figure 2: Project Site Map

cc: [Via email only]

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Figure 1: Project Location Map

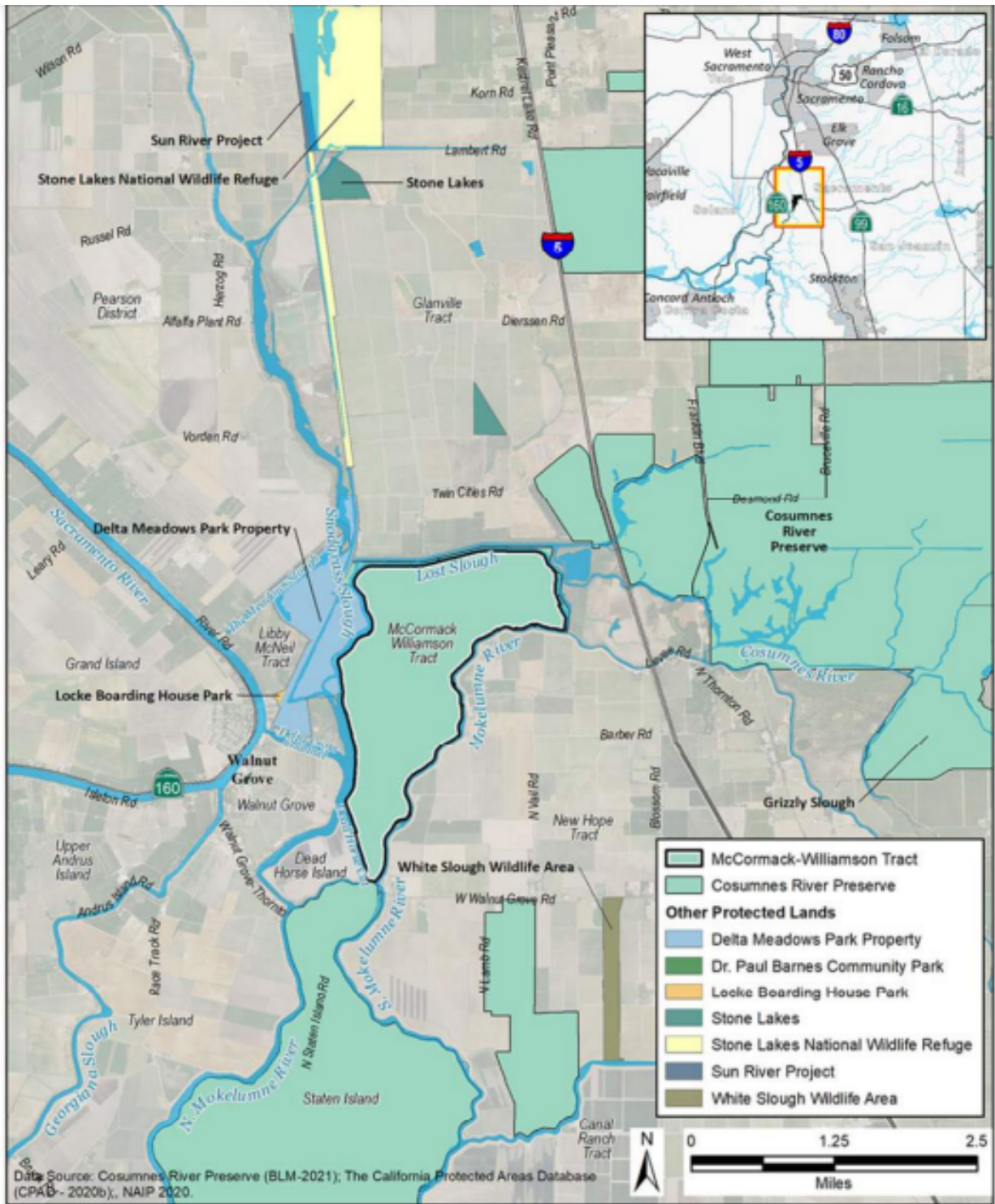




Figure 2: Project Site Map

