



Central Valley Regional Water Quality Control Board

21 February 2025

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, SALMON AND PACKER CREEK ASPEN RESTORATION PROJECT (WDID#5A46CR00035), SIERRA COUNTY

On 10 January 2025, the South Yuba River Citizens League submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order).

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Salmon and Packer Creek Aspen Restoration Project (Project) meets the requirements of, and is hereby enrolled under, Order No. WQ 2022-0048-DWQ. You may proceed with your Project in accordance with the Order. 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 [Order No. WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

Please familiarize yourself with the requirements of Order No. WQ 2022-0048-DWQ. You are responsible for complying with all applicable Order requirements. Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with Order No. WQ 2022-0048-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

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

PROJECT DESCRIPTION:

The 292-acre Project consists of restoring aspen stands, promoting forest health, and restoring meadow and meadow edge habitat through conifer thinning activities and the installation of beaver dam analogs (BDAs).

Approximately 190 acres within the Project area are designated for conifer thinning activities with the aim of promoting aspen regeneration. Thinning will include the removal of selected trees and the piling of removed trees in preparation for future prescribed burning to be led by the Tahoe National Forest at a later date. Thinning will be done both by hand and with the use of heavy equipment such as feller bunchers, loaders, and chippers. Heavy equipment will not be used in stream channels, wetlands, and riparian areas. Equipment used for forest thinning will enter the Project Area using existing road infrastructure; no new access roads will be required. All skid trails and other access areas will occur outside of riparian buffers and wetland areas. Crossing over perennial streams with heavy machinery will only be done using existing bridge infrastructure. Staging of equipment and materials will be stored in existing pullouts on Forest Service and special use camp permit access roads. Wetlands, riparian zones, and stream channels will be flagged in the field to ensure contractors only remove trees along the edge of these areas and to ensure that no tree piling occurs within these areas.

In Salmon Creek Meadow, approximately 15 BDAs will be constructed. The BDAs will be spaced as necessary along the length of stream channels to optimize sediment accretion, channel complexity, and aggradation. Each structure will be between 1-4 cubic yards and will be constructed out of conifer or alder materials that will be harvested within or adjacent to the meadow. The Structures will be stabilized with 2 to 3-inch softwood posts driven with a man-portable hydraulic post driver as needed. BDA focused work would include the use of hand tools such as a chain saw, shovels, and clippers. Materials would be mostly moved by hand, and if necessary, with an all-terrain vehicle and trailer. All BDA work will be done in September once the intermittent and ephemeral streams are dry to minimize impacts to waters of the state.

Project elements that affect aquatic resources include the construction of BDAs, which will permanently impact approximately 0.01-acre of stream channel habitat. BDA structures are expected to enhance the existing 15 acres of wetland habitat, resulting in a net increase in wetland functions and services within the Project area.

PROJECT LOCATION:

The Project is located within the Tahoe National Forest (TNF) in Sierra County north of the unincorporated community of Bassetts. The approximate center of the Project area is located at latitude 39.632685° and longitude -120.637516°.

PROJECT SCHEDULE:

July 2025 through November 2028.

APPLICATION FEE RECEIVED:

\$1,123.00 was received on 10 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

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 Central Valley Water Board has determined that the issuance of this Order is exempt by the CEQA Statutory Exemption for Restoration Projects (SERP) pursuant to California Public Resources Code, Division 13, section 21080.56.

The California Department of Fish and Wildlife concurred that the Project is exempt from review under CEQA by the CEQA Statutory Exemption for Restoration Projects (SERP) pursuant to California Public Resources Code, Division 13, section 21080.56 and notified the Water Board on 20 February 2025.

The Central Valley Regional Water Quality Control Board will file a Notice of Exemption at the State Clearinghouse upon issuance of this Notice of Applicability.

REPORTING AND NOTIFICATION REQUIREMENTS

The Permittee shall follow notification and reporting requirements described in this Notice of Applicability (NOA), and those found in Attachment D of the Order WQ 2022-0048-DWQ, unless specified as an optional requirement and excluded from this NOA.

1. Annual Reporting

The Permittee shall submit an Annual Report each year within one month of the anniversary of the effective date of this Notice of Applicability. Annual reporting shall continue until the active discharge period is complete and the project enters the post-construction monitoring phase where upon the Permittee shall annually submit a Post-Construction Monitoring Report (Report Type 2) The Post-Construction Monitoring Report shall be submitted on the anniversary of the date that the project restoration activities were completed.

The Annual Report and Post Construction Monitoring Report shall include the information specified in Attachment D, Part A of Order No. WQ 2022-0048-DWQ. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment D of Order No. WQ 2022-0048-DWQ and email it to centralvalleysacramento@waterboards.ca.gov and cc Nicholas Savino at Nicholas.Savino@waterboards.ca.gov.

2. Notification for In-Water Work and Diversions

The project proponent shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via e-mail, delivered written notice, or other verifiable means.

3. Environmental Monitoring

Per General Protection Measure 5 (GPM-5) of the Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

NOTICE OF COMPLETION:

Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Nicholas Savino by phone at (916) 464-4920 or by email at Nicholas.Savino@waterboards.ca.gov.

Original Signed by Anne Walters for:

Patrick Pulupa
Executive Officer

Attachments: Project Figures

cc: [Via email only]

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Figure 1: Project Area

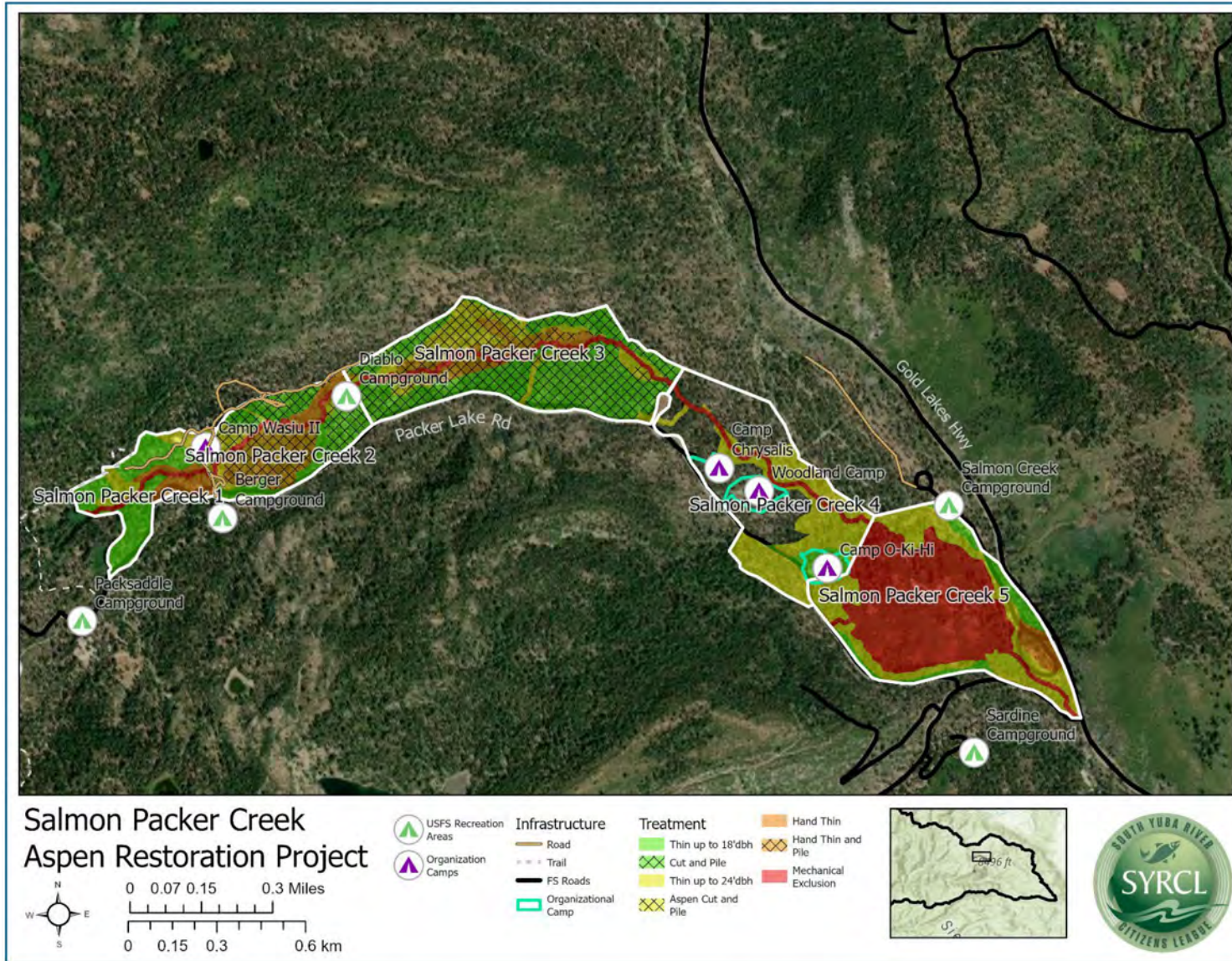


Figure 2: BDA Locations

