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## Central Valley Regional Water Quality Control Board

15 May 2024

Anitra Pawley  
California Department of Water Resources  
901 P Street  
Sacramento, CA 95814  
[Anitra.Pawley@water.ca.gov](mailto:Anitra.Pawley@water.ca.gov)

Angela Calderaro  
California Department of Water Resources  
715 P Street  
Sacramento, CA 95814  
[Angela.Calderaro@water.ca.gov](mailto:Angela.Calderaro@water.ca.gov)

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF WATER RESOURCES, GRIZZLY SLOUGH FLOODPLAIN RESTORATION PROJECT (WDID#5A34CR00782A1), SACRAMENTO COUNTY**

This Order responds to the 25 March 2024 request for an amendment of the Grizzly Slough Floodplain Restoration Project (Project) Section 401 Water Quality Certification (WDID#5A34CR00782). The original Water Quality Certification (Certification) was issued on 14 December 2020. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

The California Department of Water Resources is requesting a point of contact name change. The name change will allow Angela Calderaro to proceed with the Project described in the original Certification instead of Anitra Pawley.

The California Department of Water Resources is requesting a Nationwide Permit Number (NWP) 29 Residential Development change to a Nationwide Permit Number (NWP) 27 Aquatic Habitat Restoration Establishment, and Enhancement Activities and a time extension to proceed with the Project described in the new amendment project description. A time extension was authorized by the United States Army Corps of Engineers on 21 September 2022. The California Department of Water Resources provided documentation from the United States Army Corps of Engineers (SPK-2017-00030) authorizing in-water construction activities to continue until 31 May 2027.

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

Additionally, the California Department of Water Resources is seeking a revision to design plans in the northern and central part of the project area including:

- Levee Breach: shift location south by ~200 ft, to better fit to re-aligned segment of tidal channel.
- Tidal Channel Segment: realign ~1000-ft northern-most segment of restoration tidal channel westward by ~ 400 feet, to avoid direct impacts/construction within CDFW Delta Levees Program 'Phase I Mitigation Area.
- Tidal Channel Berm: construct new low berm with one-directional culvert/drainage outlet, along eastern edge of realigned tidal channel segment, to prevent regular tidal inundation and support drainage of the Phase 1 Mitigation Area east of the channel, while still allowing seasonal inundation during winter high-flow events.
- Additional ~3,300-ft tidal channel 'tendrils': excavate/create a new segment of restoration channel within the proposed tidal restoration channel network in the central area of the site.

Lastly, the California Department of Water Resources is requesting that conditions related to restricting in-channel work to dry periods or periods when the channel is dewatered completely (Certification Conditions #7,19) be eliminated, as the Applicant has clarified that the project's proposed levee breach to restore tidal connection to the newly graded interior sloughs and channels would occur in a channel area that is subject to potential temporary inundation from high tide or unusual fall season flows, but that this in-water work would cause lesser impacts to water quality and channel habitats than the installation of dewatering infrastructure such as a coffer dam, and the Applicant would still be required to comply with the Certification's water quality sampling conditions.

There will be no additional restoration impacts to the seasonal Grizzly Slough from the noted design revisions; instead, the design revisions will result in a reduction in impacts to waters as compared to the original approved project, for a grand total of 0.01 acre.

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. A total fee of \$520.00 for the original Certification was received on 24 December 2019. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Sara Gevorgyan, Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[Sara.Gevorgyan@waterboards.ca.gov](mailto:Sara.Gevorgyan@waterboards.ca.gov)  
(916) 464-4710

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Grizzly Slough Floodplain Restoration Project (WDID#5A34CR00782A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Attachment: Figure 1 – Project Location Map

cc: [Via email only]

Kelley Herbel (SPK-2017-00030)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil)  
[Kelley.C.Herbel@usace.army.mil](mailto:Kelley.C.Herbel@usace.army.mil)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

Harvey Tran  
Dylan Wood  
California Department of Fish and Wildlife, Region 2  
[R2LSA@wildlife.ca.gov](mailto:R2LSA@wildlife.ca.gov)  
[Harvey.Tran@Wildlife.ca.gov](mailto:Harvey.Tran@Wildlife.ca.gov)  
[Dylan.Wood@wildlife.ca.gov](mailto:Dylan.Wood@wildlife.ca.gov)

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
[StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)

Priya Finnemore  
Senior Permitting Specialist  
[PFinnemore@esassoc.com](mailto:PFinnemore@esassoc.com)

Figure 1 – Project Location Map

