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## Central Valley Regional Water Quality Control Board

29 October 2024

Zane Peterson  
Mossback Land Company, LLC  
1562 Branstetter Lane  
Redding, CA 96001

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION; MOSSBACK LAND COMPANY, LLC, MOSSBACK LAND COMPANY CONTRACTOR STORAGE YARD DEVELOPMENT PROJECT (WDID NO. 5A45CR00662), SHASTA COUNTY**

On 20 June 2024, Mossback Land Company, LLC (Applicant) submitted a Notice of Intent (NOI) requesting coverage for the Mossback Land Company Contractors Storage Yard Development Project under State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction (General Order). Following a Notification of an Incomplete Application issued on 2 July 2024 and a Denial Without Prejudice issued on 2 August 2024, all requested information was received on 16 September 2024. 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 Mossback Land Company Contractors Storage Yard Development Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order No. 2004-0004-DWQ. This Notice of Applicability (NOA) is being issued at the request of Mossback Land Company, LLC (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

**Effective Date:** 29 October 2024

**Expiration Date:** 29 October 2029

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's Adopted Orders Web Page](#)

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

([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2004/wqo/wqo2004-0004.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf)).

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.

### **I. Project Description**

The project consists of the construction of a contractor's storage yard. Phase 1 will consist of the development of a 5-acre outdoor storage area for logging equipment, including but not limited to excavators, skidders, and log loaders. Grading will result in the fill of two identified wetland areas and a remnant irrigation canal with approximately 16 cubic yards of native material. Gravel surfacing may be placed above the native fill material during Phase 2 or 3 of development.

### **II. Project Location**

County: Shasta County

Address: Kimberly Road and Panorama Point Road

Nearest City: Anderson, CA

Latitude: 40.433871° and Longitude: -122.267008°

Maps showing the Project location are found in Attachment A of this NOA.

### **III. 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/](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 Table 2 of Attachment B.

#### IV. Description of Direct Impacts to Waters of the United States

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

**Table 1: Total Project Fill/Excavation Quantity for Permanent Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	0.017	16	61
Stream Channel	0.003		45

#### V. California Environmental Quality Act (CEQA)

On 12 September 2024, Shasta County Planning Commission, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024080303) for the Project and filed a Notice of Determination (NOD) at the SCH on 22 October 2024. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

#### VI. 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.

#### VII. Fees Received

An application fee of \$2985.00 was received on 24 June 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.

#### VIII. Compensatory Mitigation

##### A. Compensatory Mitigation for Permanent Impacts

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 initiation of authorized 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 impacts to 0.017 acre of wetland and 0.003 acre of stream channel by purchasing 0.02 Aquatic Resource Credits from the National Fish and Wildlife Foundation’s Sacramento District California In-Lieu Fee Program in the Northwest Sacramento River Aquatic Resource Service Area.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 2: 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
Wetland	In-Lieu Fee Credits	Aquatic Resource Credit						0.017
Stream Channel	In-Lieu Fee Credits	Aquatic Resource Credit						0.003

**IX. Central Valley Regional Water Quality Control Board Contact:**

If you have any questions regarding this Notice of Applicability, please contact Jerred Ferguson at (530) 224-4784 or [Jerred.Ferguson@waterboards.ca.gov](mailto:Jerred.Ferguson@waterboards.ca.gov).

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

10/29/2024  
 Date

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction

Attachments: Attachment A - Project Maps  
Attachment B - Receiving Water, Impact, and Mitigation Information  
Attachment C - CEQA

cc  
via email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Kristine Cloward, Project Manager, VESTRA Resources, Inc., Redding

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### Attachment A - Maps

Figure 1: Project Location Map

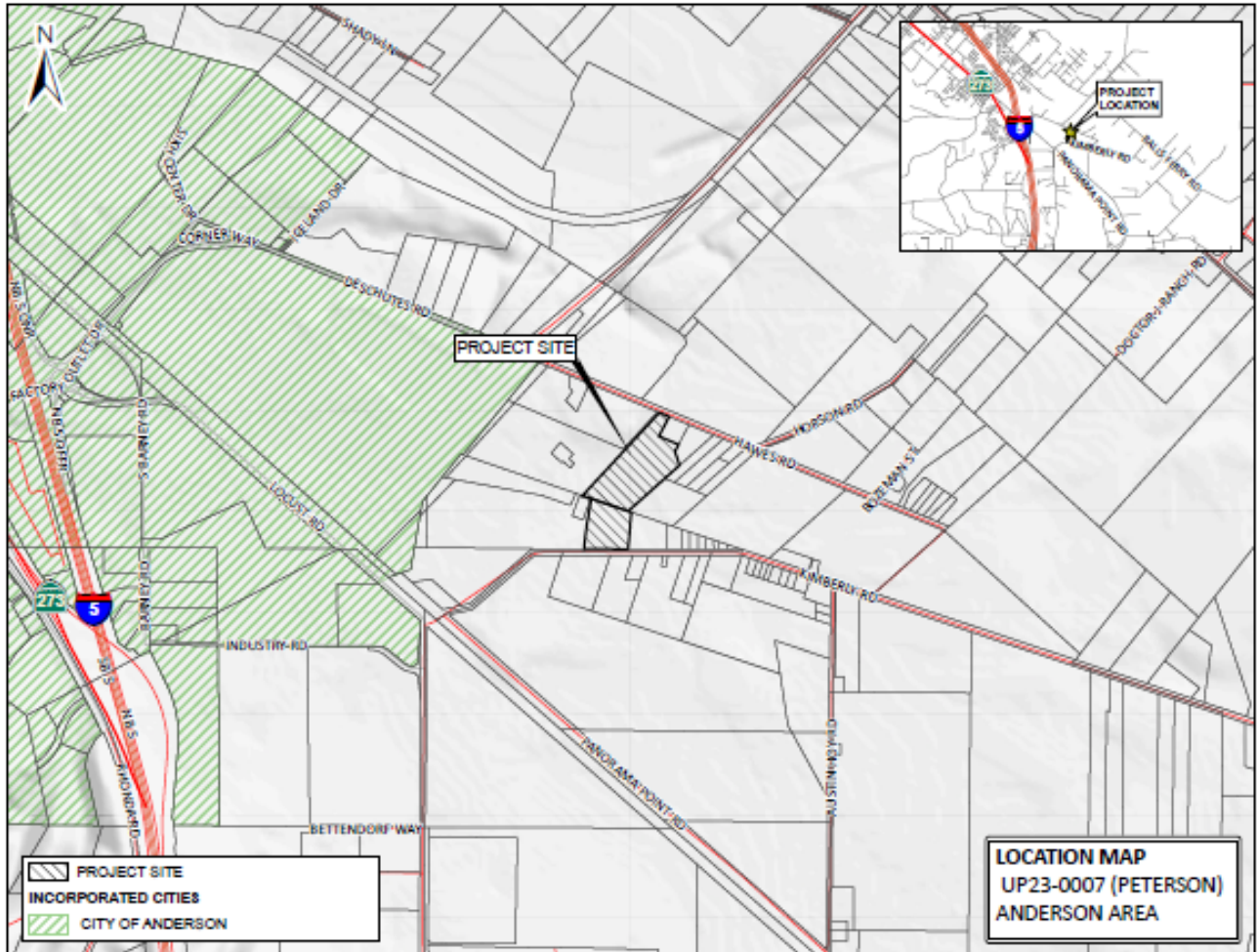
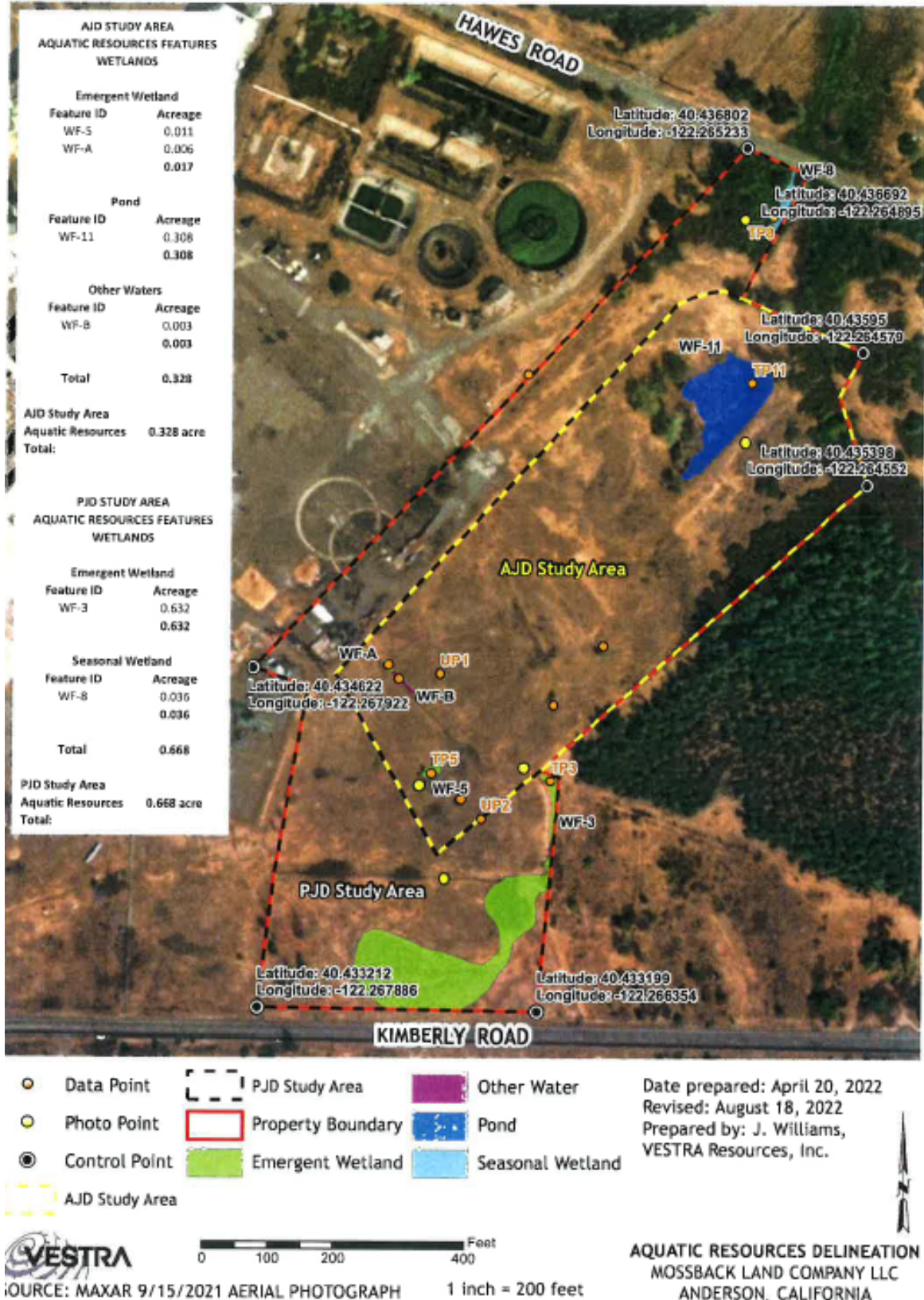


Figure 2: Project Impact Map





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**Attachment B**

**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
Mossback Land Company Contractor Storage Yard Development Project	Wetland	Wetland	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2 WARM, COLD, MIGR, SPWN, WILD, NAV	Not Applicable	Not Applicable
Mossback Land Company Contractor Storage Yard Development Project (stream channel)	Stream Channel	Stream Channel	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2 WARM, COLD, MIGR, SPWN, WILD, NAV	Not Applicable	Not Applicable

**Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

<b>Impact Site ID</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Indirect Impact Requiring Mitigation?</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Mossback Land Company Contractor Storage Yard Development Project (wetland)	40.433871°	-122.267008°	No	0.017	16	61
Mossback Land Company Contractor Storage Yard Development Project (stream channel)	40.433871°	-122.267008°	No	0.003		45

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## **ATTACHMENT C - FINDINGS FOR CEQA EXEMPT PROJECT**

### **A. Environmental Review**

On 12 September 2024, Shasta County Planning Commission, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024080303) for the Project and filed a Notice of Determination (NOD) at the SCH on 22 October 2024. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Shasta County's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Shasta County addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Shasta County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

### **B. Incorporation by Reference**

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: [Use Permit 23-0007 \(ca.gov\)](https://ceqanet.opr.ca.gov/2024080303) (<https://ceqanet.opr.ca.gov/2024080303>).

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, are incorporated herein by reference.

### **C. Findings**

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.

**D. Determination**

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)