



Central Valley Regional Water Quality Control Board

6 August 2024

Jim Simon
Tehama County Public Works
9380 San Benito Avenue
Gerber, CA 96035

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, TEHAMA COUNTY PUBLIC WORKS, OAK KNOLL DRIVE CULVERT EMERGENCY REPAIR PROJECT (WDID NO. 5A52CR00240), TEHAMA COUNTY

On 1 July 2024, Tehama County Public Works (Applicant) submitted a Notice of Intent (NOI) requesting coverage for the Oak Knoll Drive Culvert Emergency Repair 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). 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 Oak Knoll Drive Culvert Emergency Repair 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 Tehama County Public Works (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

Effective Date: 6 August 2024

Expiration Date: 6 August 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](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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.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. Public Notice

The Central Valley Water Board provided public notice of the application from 5 July 2024 to 26 July 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The Project will address storm-related damage below the outlet of the corrugated metal pipe (CMP) culverts associated with the unnamed tributary that crosses underneath Oak Knoll Drive, along with roadside embankment erosion damage.

The project includes armoring the outfall at the culvert outlets and reinforcing degraded portions of the base of the concrete wing walls adjacent to the culvert outlets. The project will rebuild eroded upland road embankments and road edge surface to prevent further erosion and potential road and/or culvert failure.

For damage and vulnerability below the ordinary high water mark (OHWM), the project proposes to armor the culvert outfall with the minimum but sufficient amount of rock slope protection (RSP) locked in place with a concrete slurry to prevent further erosion. Placement of an estimated 28.57 cubic yards of ¼-ton RSP at the culvert outfall is proposed, followed by the application of concrete slurry poured over and within the RSP, resulting in approximately 0.005 acre of permanent impacts below the OHWM.

Placement of RSP will be accomplished with heavy equipment (backhoe, loader and skidsteer) entering and working within the creek bed. Work will occur when the creek is dry. A total of 0.02 acre of temporary impacts are anticipated below the OHWM.

III. Project Location

County: Tehama County

Address: Intersection of Oak Street and Main Street in Red Bluff

Nearest City: Red Bluff, CA

Latitude: 40.22688° and Longitude: -122.34164°

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

IV. 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/). 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 Tables 2 and 3 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.02	Not Applicable	35

Table 2: Total Project Fill/Excavation Quantity for Permanent Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.005	28.57	9

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VI. California Environmental Quality Act (CEQA)

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 issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, section 15301 – Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

VII. 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.

VIII. Fees Received

An application fee of \$2,985.00 was received on 12 July 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.

IX. 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 the initiation of in water 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

- b. The Enrollee is required to provide compensatory mitigation for the authorized impact to 0.005 acre of stream channel by purchasing 0.01 Aquatic Resource Credit from National Fish and Wildlife Foundation’s (NFWF) Sacramento District In-Lieu Fee Program for 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 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: 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
Aquatic Resource Credit	In-Lieu Fee Credits	Credits						0.01

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

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

8/6/2024
 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
Christy Morgan, U.S. Army Corps of Engineers, Sacramento District
Scott Salembier, Dokken Engineering, Folsom
Mark Fogiel, Dokken Engineering, Folsom

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Figure 1: Project Vicinity Map

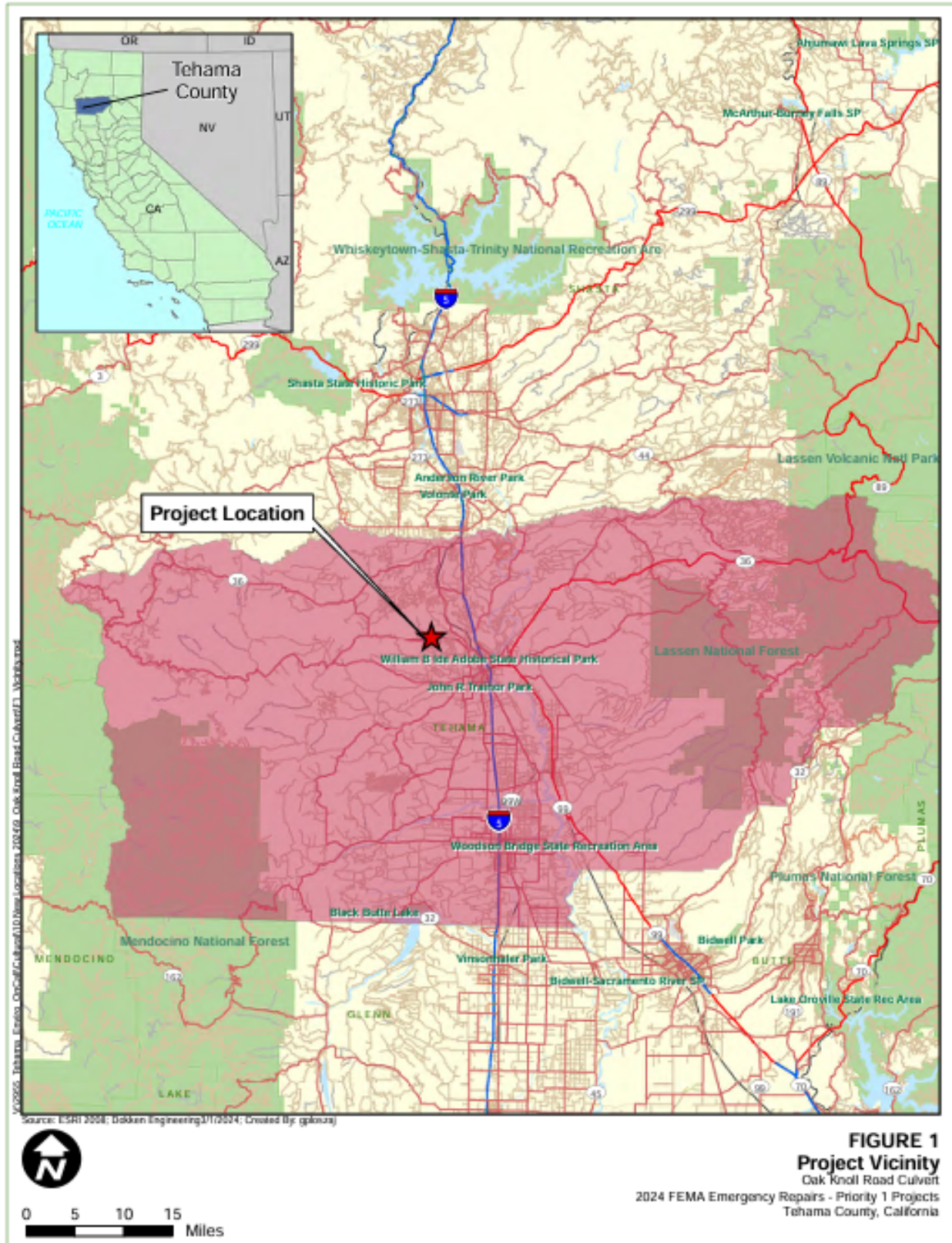
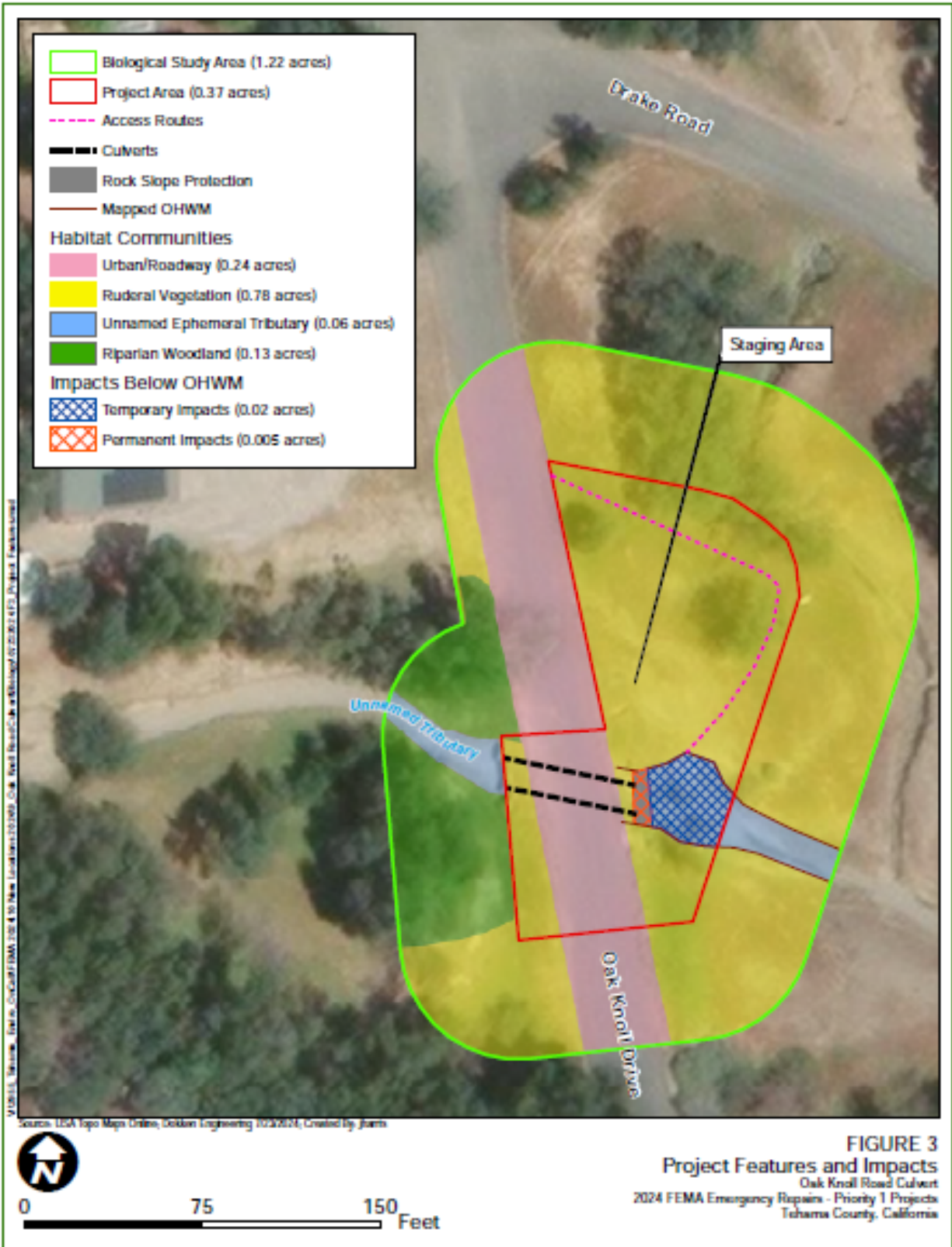


Figure 2: Project Location Map



Figure 3: Project Features and Impact Map



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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
Oak Knoll Drive Culvert	Unnamed tributary to Dibble Creek	Stream Channel	504.20	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 Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Oak Knoll Drive Culvert	40.22688°	-122.34164°	No	0.02	Not Applicable	35

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Oak Knoll Drive Culvert	40.22688°	-122.34164°	No	0.005	28.57	9

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations.

Enrollee Responsible Compensatory Mitigation Site Information

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	National Fish and Wildlife Foundation's (NFWF) Sacramento District In-Lieu Fee Program
Website:	Sacramento District California In-Lieu Fee Program NFWF (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program)
In-Lieu Fee Program Contact Name:	Heather Broda
Phone:	(415) 243-3105
Email:	Heather.broda@nfwf.org
In-Lieu Fee Program Location	Northwest Sacramento River Aquatic Resource Service Area
Latitude:	Not Applicable
Longitude:	Not Applicable

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Aquatic Resource Credits	0.01		Not Yet Purchased

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FINDINGS FOR CEQA EXEMPT PROJECT

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 issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, Title 14, section 15301 – Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.