



Central Valley Regional Water Quality Control Board

22 May 2025

Annaly Ramirez
Tehama County Public Works
9380 San Benito Avenue
Gerber, CA 96035

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD
CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION
OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO.
WQ 2021-0048-DWQ), TEHAMA COUNTY PUBLIC WORKS, FLORES AT OAT
CREEK EMERGENCY REPAIR PROJECT (WDID NO. 5A52CR00247), TEHAMA
COUNTY**

On 9 April 2025, Tehama County Public Works (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Flores Avenue at Oat Creek Emergency Repair Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 14, Linear Transportation Projects. 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 Flores Avenue at Oat Creek Emergency Repair Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-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.

A copy of the General Order is enclosed. You may also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

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 supplemental 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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

I. Public Notice

The Central Valley Water Board provided public notice of the application from 11 April 2025 to 2 May 2025. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The Enrollee conducted repairs to the bridge abutment along Flores Avenue over Oat Creek (Bridge No. 08C-0280) to prevent further erosion and potential bridge failure. The repairs included the installation of rock slope protection (RSP) to armor scour features along the southeastern embankment and adjacent to the wingwall. Temporary access paths and staging areas were located outside of any sensitive habitats.

The emergency repair of the Oat Creek embankment near Flores Road resulted in a permanent impact of 0.001 acres to the Oat Creek channel due to the placement of RSP below the ordinary high water mark (OHWM) along the southeastern embankment and adjacent wingwall. Equipment access for the installation of the RSP was adequate from the roadway and surrounding ruderal habitat, so no temporary impacts to sensitive resources resulted from the Project. Construction activities within the Project area were completed as of 24 February 2024 by the Enrollee's maintenance crew; this NOA is an after-the-fact permit tied to an after-the-fact section 404 authorization that the Enrollee is concurrently seeking from U.S. Army Corps of Engineers.

III. Project Location

County: Tehama County

Nearest City: Proberta

Assessor's Parcel number: 910-000-143-000

Township 26 North, Range 03 West, MDB&M.

Latitude: 40.0818° and Longitude: -122.1831°

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 quantities 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 Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|------------------------|-------|-------------|-------------|
| Stream Channel | 0.001 | 4.2 | 9 |

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. 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 existing or former use.

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 \$4,212.00 was received on 30 April 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 E – Low Impact

Discharges authorized by a General Order (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

A. Compensatory Mitigation for Permanent Impacts

No compensatory mitigation was required for the permanent impacts due to the scope and nature of the impacts and waterbody affected. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

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) 224-4994 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

5/22/2025
Date

Enclosure: State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ)

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 Unit, SWRCB, Sacramento
Maya Bickner, U.S. Army Corps of Engineers, Sacramento District
Mark Fogal, Dokken Engineering, Folsom

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Figure 1. Project Vicinity Map

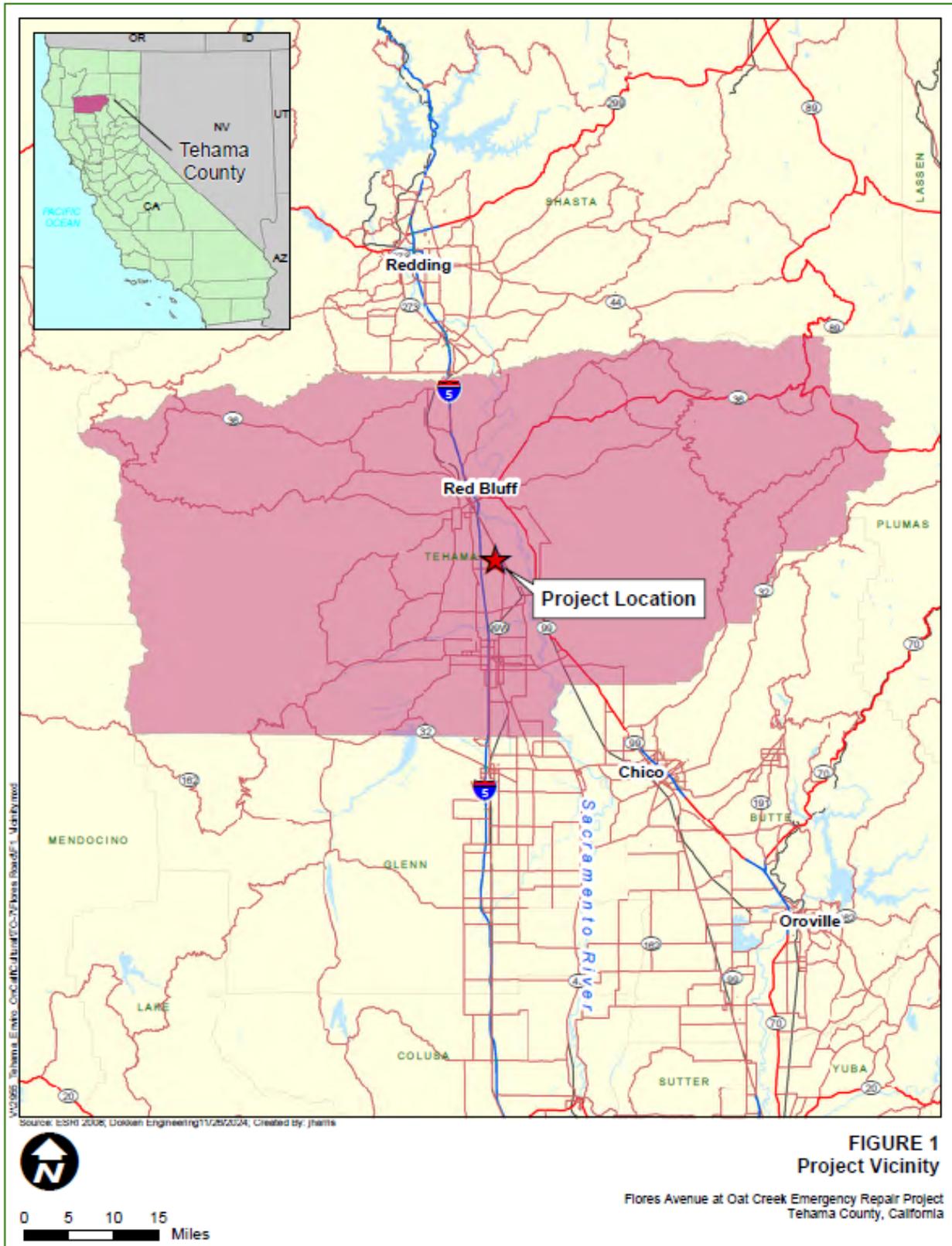
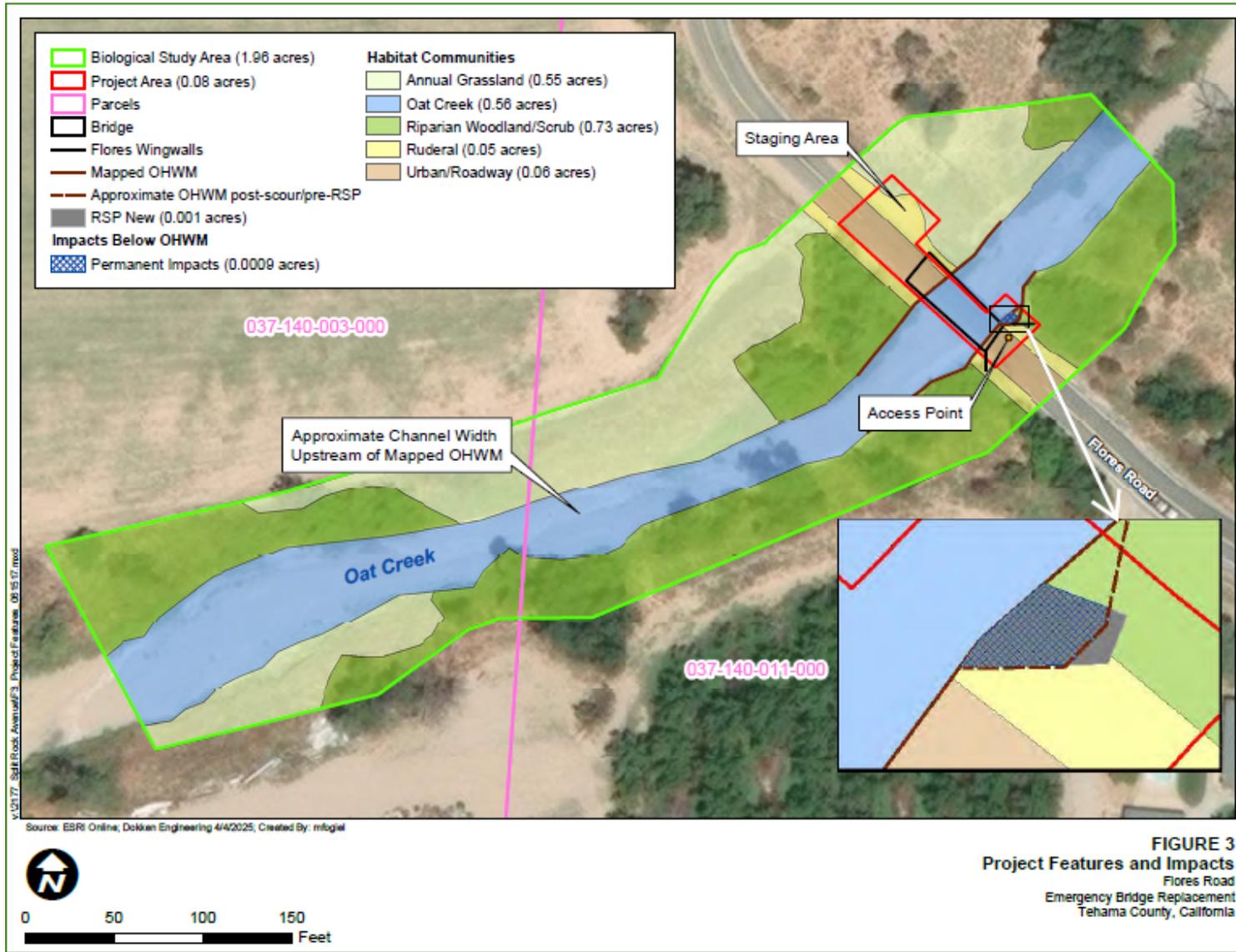


Figure 2: Project Location Map



Figure 3: Project Features and Impacts 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 |
|---|----------------|--------------------------------|------------------------------|---|---|------------------------|--|
| Flores Avenue at Oat Creek Emergency Repair Project | Oat 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 table shows individual impacts.

Table 3: Individual Permanent Fill/Excavation Impact Information

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acre | Cubic Yards | Linear Feet |
|---|----------|-----------|---------------------------------------|-------|-------------|-------------|
| Flores Avenue at Oat Creek Emergency Repair Project | 40.0818 | -122.1831 | No | 0.001 | 4.2 | 9 |

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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, which 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 existing or former use.

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.)