
Central Valley Regional Water Quality Control Board

6 February 2025

Elizabeth Gutberlet
California State Parks
Diablo Range District
15751 Tesla Road
Livermore, CA 94550
Elizabeth.Gutberlet@parks.ca.gov

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CALIFORNIA STATE PARKS, TESLA MINE EMERGENCY REPAIR PROJECT - RGP8 (WDID#5B01CR00049), ALAMEDA COUNTY

On 15 May 2024, California State Parks (Applicant) filed a notification requesting coverage under the 1 August 2023 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (WQ 2023-0061-DWQ) (General Certification Order) for the Tesla Mine Emergency Repair Project -RGP8 (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity took place in less than 0.01 acre/130 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). 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 the [General Certification Order](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2023/rgp-8-certification-mainbody.pdf) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

The Project was conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 15 May 2024, and supplementary information (Application Package). Coverage under

the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The 0.01-acre Tesla Mine Emergency Repair Project (Project) consisted of armoring an approximately 177-foot-long section of McLaughlin Road where it abuts Corral Hollow Creek to prevent potential loss of an historic feature and an important access road used for maintenance and during emergencies. The base of the road was armored with 18-inch minus rock, approximately 3-feet high, for a length of approximately 177 feet along the toe of the slope to protect the existing road from being eroded by Corral Hollow Creek.

Straw wattles were used to filter sediment from any in-water work. In-water work included a water quality monitor on site to visually monitor for changes to water conditions. The project area was hydroseeded with native seed as the final stage of construction.

The Project temporarily impacted 0.001 acre/130 linear feet of waters of the United States.

PROJECT LOCATION:

The Project was located at McLaughlin Road in Livermore.

Section 25, Township 3 South, Range 3 East, MDB&M

Latitude: 37.6404° N and Longitude: -121.5944°

PROJECT SCHEDULE:

The Project started construction on 27 February 2024 and was completed on 7 March 2024.

APPLICATION FEE RECEIVED:

An application fee of \$ 2,985.00 was received on 15 May 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 H- Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Peter Minkel at (916) 464-4684 or PeterG.Minkel@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Enclosure: Water Quality Order No. 2023-0061-DWQ Clean Water Act Section 401
Water Quality Certification for Regional General Permit 8 for Emergency
Repair and Protection Activities

Attachment: Figure 1: Site Location Map

cc: [Via email only]

Sara Costellanos Cortez (SPK-2024-00166)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Richard McHenry
CA Sportfishing Protection Alliance
RMcHenry@calsport.org

Figure 1: Site Location Map

