Central Valley Regional Water Quality Control Board

11 April 2025

Cody Ericksen
Contra Costa Water District
1331 Concord Avenue / P.O Box H20
Concord, CA 94524
CEricksen@ccwater.com

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER SB12006GN, AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS, STORM DAMAGE REPAIR AND RESTORATION OF PONDS D2, D5, H6, K3, & M1 PROJECT (WDID#5B07CR00269), CONTRA COSTA COUNTY

On 24 March 2025, the Contra Costa Water District (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. SB12006GN, *Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects*.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Storm Damage Repair and Restoration of Ponds D2, D5, H6, K3, & M1 Project (Project) meets the requirements of, and is hereby enrolled under, Order No. SB12006GN. You may proceed with your Project in accordance with the Order.

A copy of Order SB12006GN (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/shrpcert032713.pdf) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. SB12006GN. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. SB12006GN constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:
The Project consists of restoration of the dam embankments of 5 out of 105 ponds (Ponds D2, D5, H6, K3, & M1) managed by the Permittee and located on the Watershed and Conservation Lands to support breeding habitat for the California red-legged frog and the California tiger salamander. The five pond embankments were damaged by the 2023 winter storms which affects the ability of the ponds to hold water

and put them and their associated habitat at risk of further deterioration in future winter seasons. This Project will restore the damaged ponds and sensitive species habitats, making them more resilient to future storm events and promote native vegetation.

Project elements that affect aquatic resources include the restoration of the dam embankments and improving the existing earthen spillways or culvert spillways at each of the ponds to meet the 25-year storm event. Below is a description of restoration activities at each of the five ponds:

Pond D2

- Repair the breach within the dam embankment with 200 cubic yards of imported engineered fill.
- Replace and upsize the culvert spillways to two 42-inch side-by-side culvert spillways that meet the 25-year storm.
- Construct riprap aprons around the culvert inlets and outlets to help prevent erosion.
- Plant native plant species (narrowleaf milkweed) around a portion of the pond shoreline.

Pond D5

- Import approximately 410 cubic yards of fill to restore the pond embankment.
- Install a new 42-inch culvert spillway in the location of the dam breach. The existing 36-inch culvert spillway will remain in place.
- Construct riprap aprons around the culvert inlets and outlets.
- Line the pond with a thick layer of bentonite chips to encourage a longer hydroperiod.
- Realign fencing within the pond to fully enclose Pond D5 and the intermittent stream connected to a downstream pond.
- Install two turtle ramps.

Pond H6

- Restore the eroded dam face with approximately 275 cubic yards of imported fill.
- Replace and upsize the existing culvert with a 42-inch culvert spillway that is approximately 100 feet long to discharge downslope of the dam.
- Construct riprap aprons around the culvert inlets and outlets.
- Plant native plant species (narrowleaf milkweed) around a portion of the pond shoreline.
- Install a turtle ramp.

Pond K3

- Repair the dam breach with approximately 55 cubic yards of imported engineered fill.
- Reconstruct the earthen spillway as a riprap-lined weir that spans across most of the dam.
- Plant native plant species (narrowleaf milkweed) around a portion of the pond shoreline.

- Install electric fencing around the pond surface area.
- Line the pond with a thick layer of bentonite chips to encourage a longer hydroperiod.
- Install a turtle ramp.

Pond M1

- Repair the erosion scar with approximately 70 cubic yards of imported engineered fill and recompact the area.
- Fill in the existing earthen spillway with approximately 600 cubic yards of imported engineered fill.
- Construct a new earthen spillway further away from the steep hillside to prevent future sedimentation issues.
- Plant native plant species (narrowleaf milkweed) around a portion of the pond shoreline.
- Install three to four turtle ramps.

The Project will temporarily impact 0.351 acre and permanently impact 0.134 acre of wetland, temporarily impact 0.005 acre and permanently impact 0.098 acre of riparian, and temporarily impact 0.451 acre and permanently impact 0.089 acre of stream channel. Temporarily impacted areas will be restored to pre-Project conditions. The Project will not result in a net loss of wetland function. Since the damaged area prevents the ponds from holding the designed capacity of water volume, the Project activities will restore the functions of the wetlands that the California red-legged frog and the California tiger salamander rely on, provide long-term increase in wetland and habitat quality, as well as prevent or resist future damage from storms and livestock.

PROJECT LOCATION:

Pond D2 – Latitude: 37.84383, Longitude: -121.70351; APN: 005-110-003-0

Pond D5 – Latitude: 37.83059, Longitude: -121.70821; APN: 005-100-004-0

Pond M1 – Latitude: 37.85000, Longitude: -121.74619; APN: 005-020-001-0

Pond K3 – Latitude: 37.83488, Longitude: -121.75638; APN: 005-010-005-0

Pond H6 – Latitude: 37.77661, Longitude: -121.75070; APN: 005-060-201-0

PROJECT SCHEDULE:

Restoration of the ponds will occur between 1 July and 31 October in 2025 and 2026. If ponds are dry, work on the pond embankments will occur between 1 July and 31 October. If ponds are wet, work on pond embankments will occur between 1 September and 31 October. If any of the ponds are wet, draining of the ponds to lower the water level will need to occur at the beginning of September 2025/2026 before restoration of the embankments can begin.

Ponds M1, K3, and D2 will be restored in 2025 for a construction duration of about 10 weeks. Ponds H6 and D5 will be restored in 2026 for a construction duration of 10 weeks.

APPLICATION FEE RECEIVED:
$1,123.00 was received on 24 March 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

ANNUAL FEES:
This NOA is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Central Valley Water Board receives an acceptable request for a Notice of Project Complete Letter. Invoices are usually sent out at the end of each calendar year. [1]

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Central Valley Water Board. Central Valley Water Board staff will verify if the conditions of the Certification are met and may conduct a site visit to confirm compliance. For more information on fees, visit the State Water Board's Water Quality Fees website (https://www.waterboards.ca.gov/resources/fees/water_quality/), under Water Quality Certification (WQC) Program Fees.

NOTICE OF COMPLETION:
Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Jenna Yang by phone at (916) 464-4764 or by email at Jenna.Yang@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File # SB12006GN

Attachments: Figure 1 – Project Vicinity Map
Figure 2 – Project Impact Map at Pond D2
Figure 3 – Project Impact Map at Pond D5
Figure 4 – Project Impact Map at Pond H6
Figure 5 – Project Impact Map at Pond K3
Figure 6 – Project Impact Map at Pond M1

[1] Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).

DISTRIBUTION LIST
[Via email only]

United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 3
R3LSA@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: Project Vicinity Map

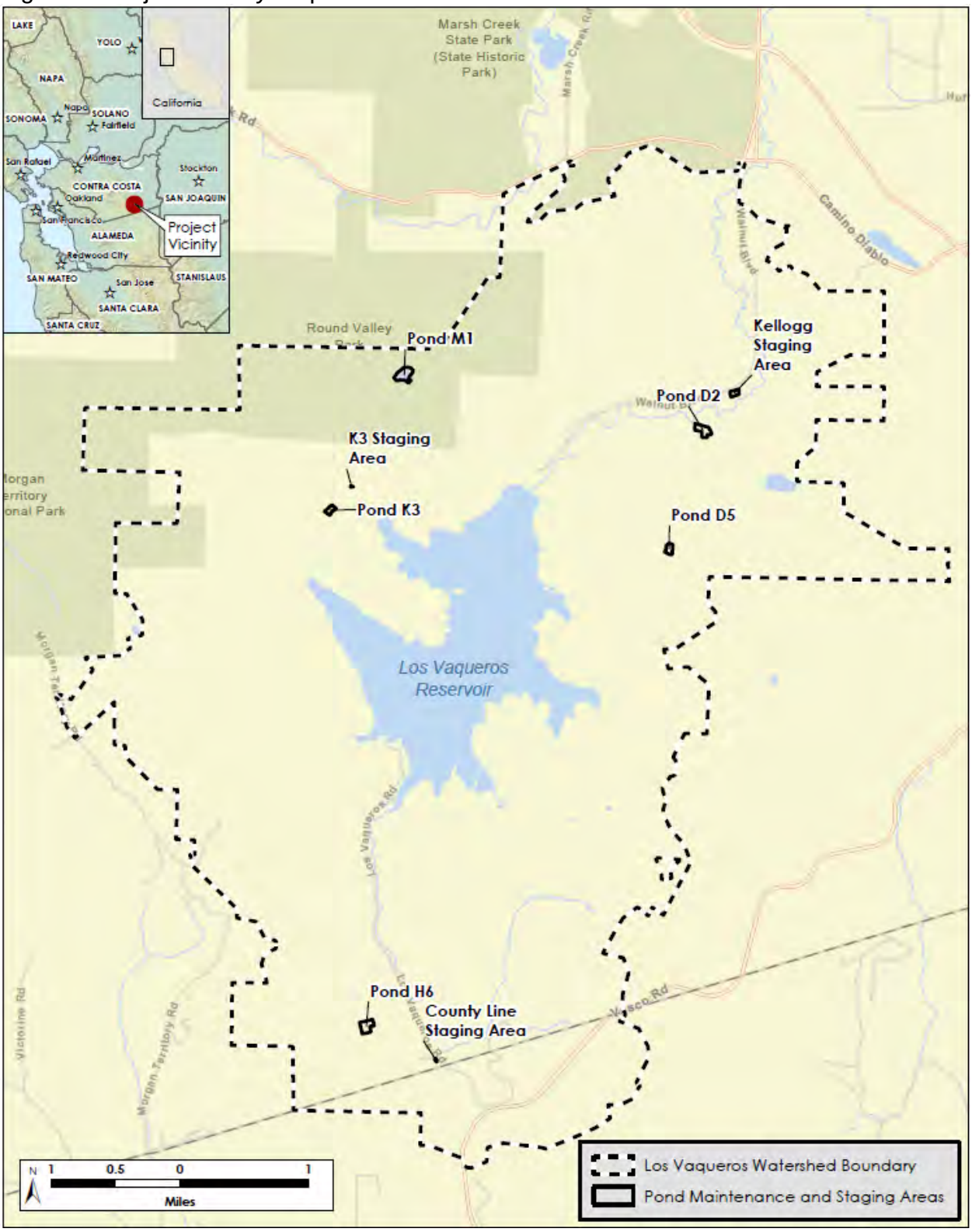

Figure 2: Project Impact Map at Pond D2

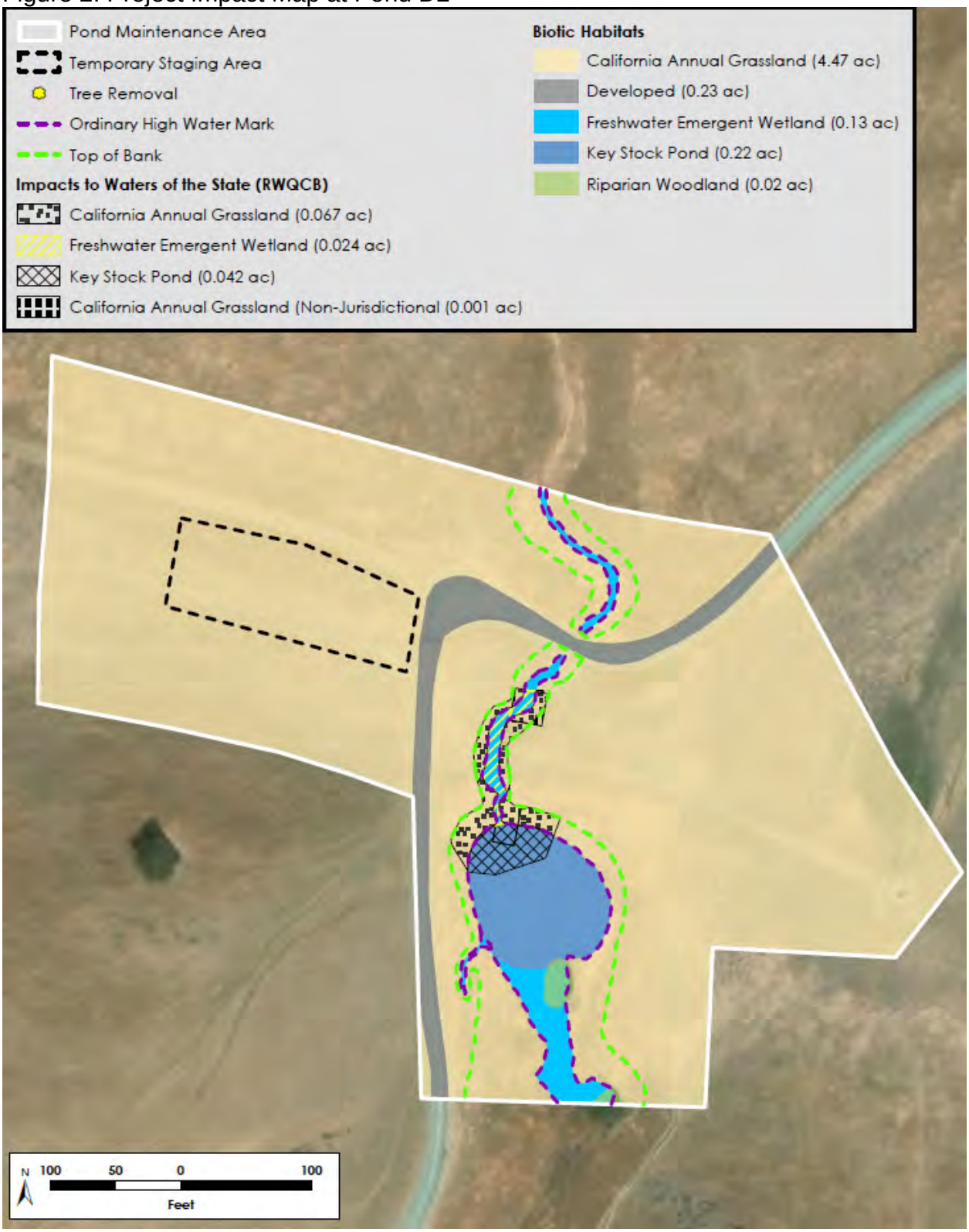

Figure 3: Project Impact Map at Pond D5

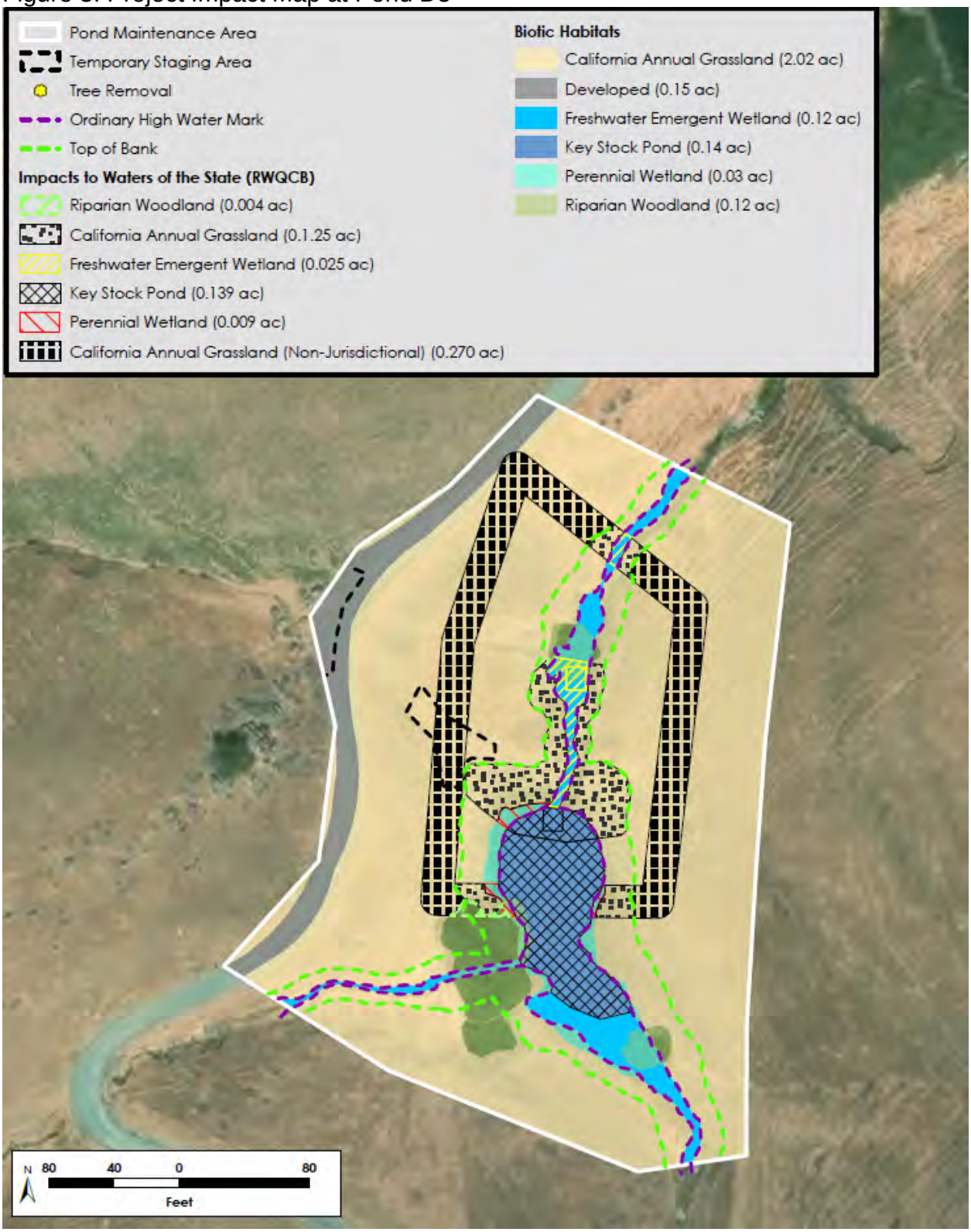

Figure 4: Project Impacts Map at Pond H6

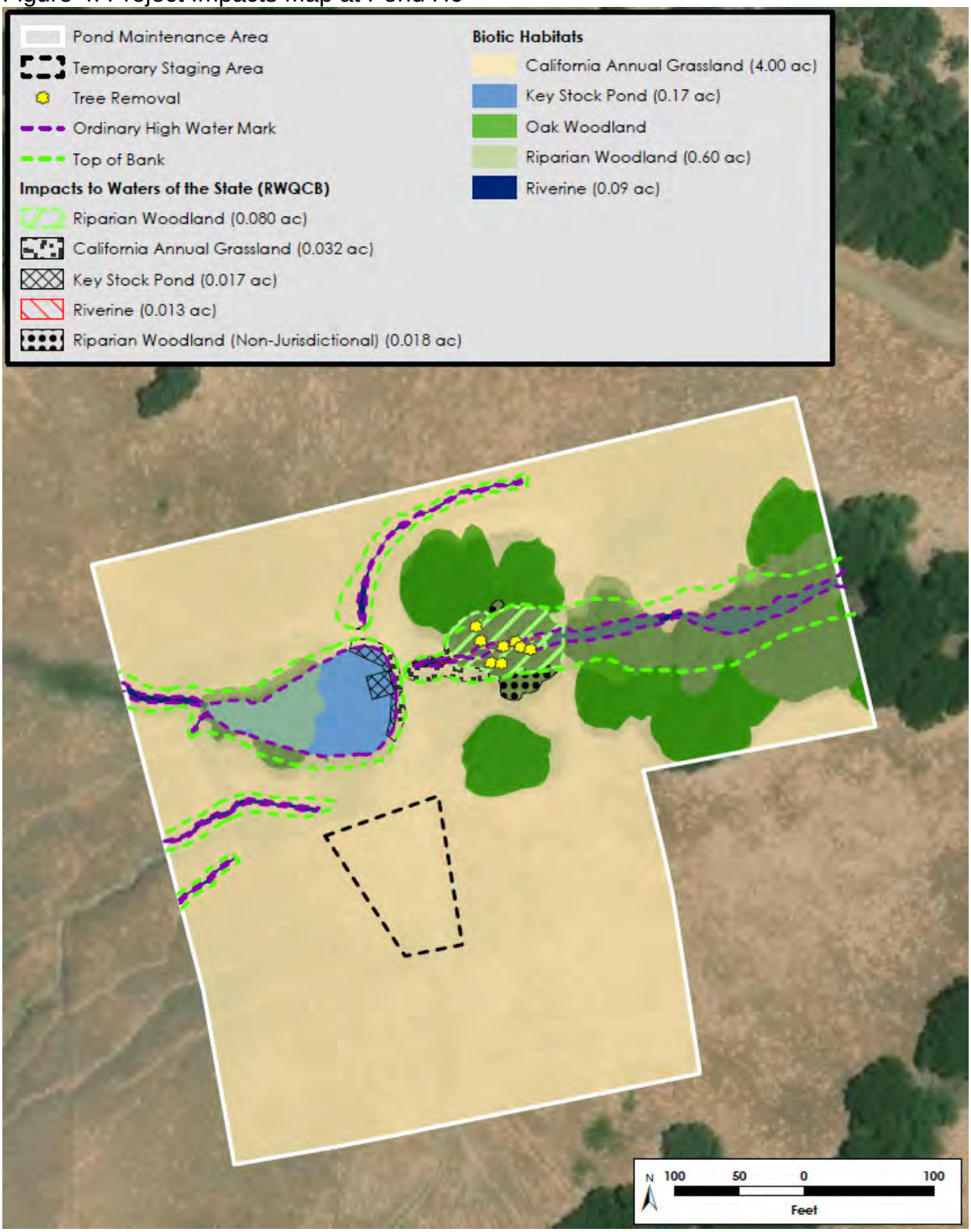

Figure 5: Project Impacts Map at Pond K3

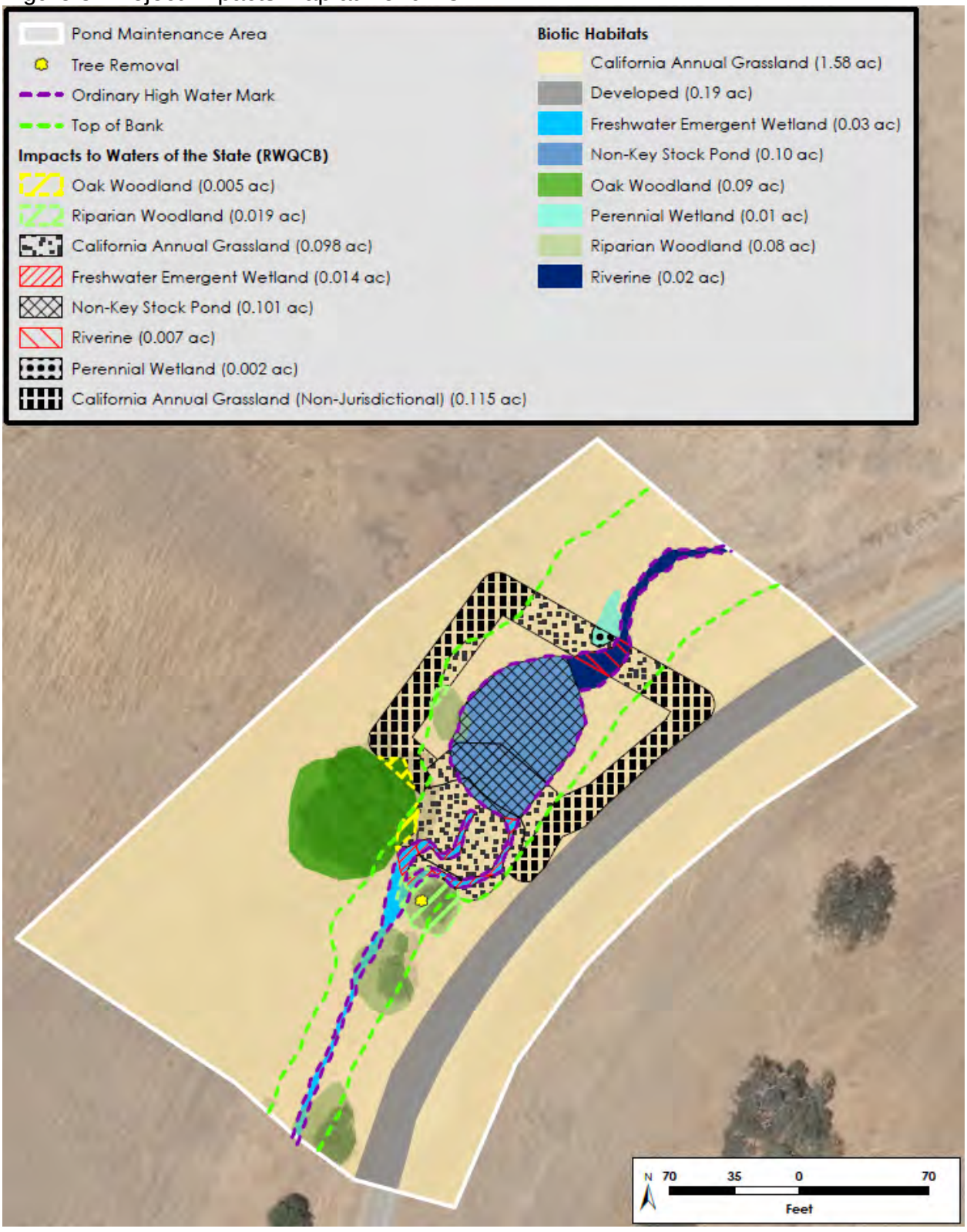

Figure 6: Projects Impact Map at Pond M1