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## Central Valley Regional Water Quality Control Board

20 September 2019

Scott De Leon  
County of Lake  
Public Works Department  
255 North Forbes Street Room 309  
Lakeport, CA 95453

**CERTIFIED MAIL**  
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### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE COUNTY OF LAKE PUBLIC WORKS DEPARTMENT, SCOTTS CREEK ROAD EMERGENCY REPAIR PROJECT (WDID#5A17CR00168), LAKE COUNTY**

On 22 August 2019, the County of Lake Public Works Department (Applicant) filed a notification requesting coverage under the 9 October 2018 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 (General Certification Order) for the Scotts Creek Road Emergency Repair Project (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 is taking place in 0.072 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 § 3838 of the California Code of Regulations.

A copy of the General Certification Order can be found on the [State Water Resources Control Board's General Orders webpage](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/rgp8\\_cert.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf)).

The Project is being 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 22

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

August 2019, 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 Project consists of erosion repair along Scotts Creek Road caused by heavy rains. The Project is located in the proximity of 2969 and 2979 Scotts Creek Road, on the south side of Scotts Creek.

Approximately 420 cubic yards of loose soil and debris will be excavated to repair the eroded area. Approximately 400 cubic yards of rock slope protection and 900 cubic yards of soil will be placed at the existing vertical embankment. The Project will permanently impact 0.072 acre/130 linear feet of waters of the United States by installing 130 linear feet of rock slope protection when the creek is naturally dry.

**ADDITIONAL CONDITION:**

Pursuant to section IX.D.8. of the General Certification Order, “[p]ermitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board.” Scotts Creek is the receiving waterbody and is listed in the Central Valley Region Basin Plan for Water Contact Recreation (REC-1) and Non-contact Water Recreation (REC-2) beneficial uses.

A copy of the Central Valley Region Basin Plan can be found on the [Central Valley Water Board’s Basin Plan webpage](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf) (https://www.waterboards.ca.gov/centralvalley/water\_issues/basin\_plans/sacsjr\_201805.pdf).

**PROJECT LOCATION:**

Section 10, Township 14 North, Range 10 West, MDB&M  
Latitude: 39.0401° N and Longitude: 121.9682° W

**PROJECT SCHEDULE:**

The Project will be constructed from 3 September 2019 to 31 October 2019.

**APPLICATION FEE RECEIVED:**

An application fee of \$1,638.00 was received on 10 September 2019. 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 G - 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](mailto:PeterG.Minkel@waterboards.ca.gov).

*Original Signed By James Marshall for:*

Patrick Pulupa  
Executive Officer

cc: [Via email only]

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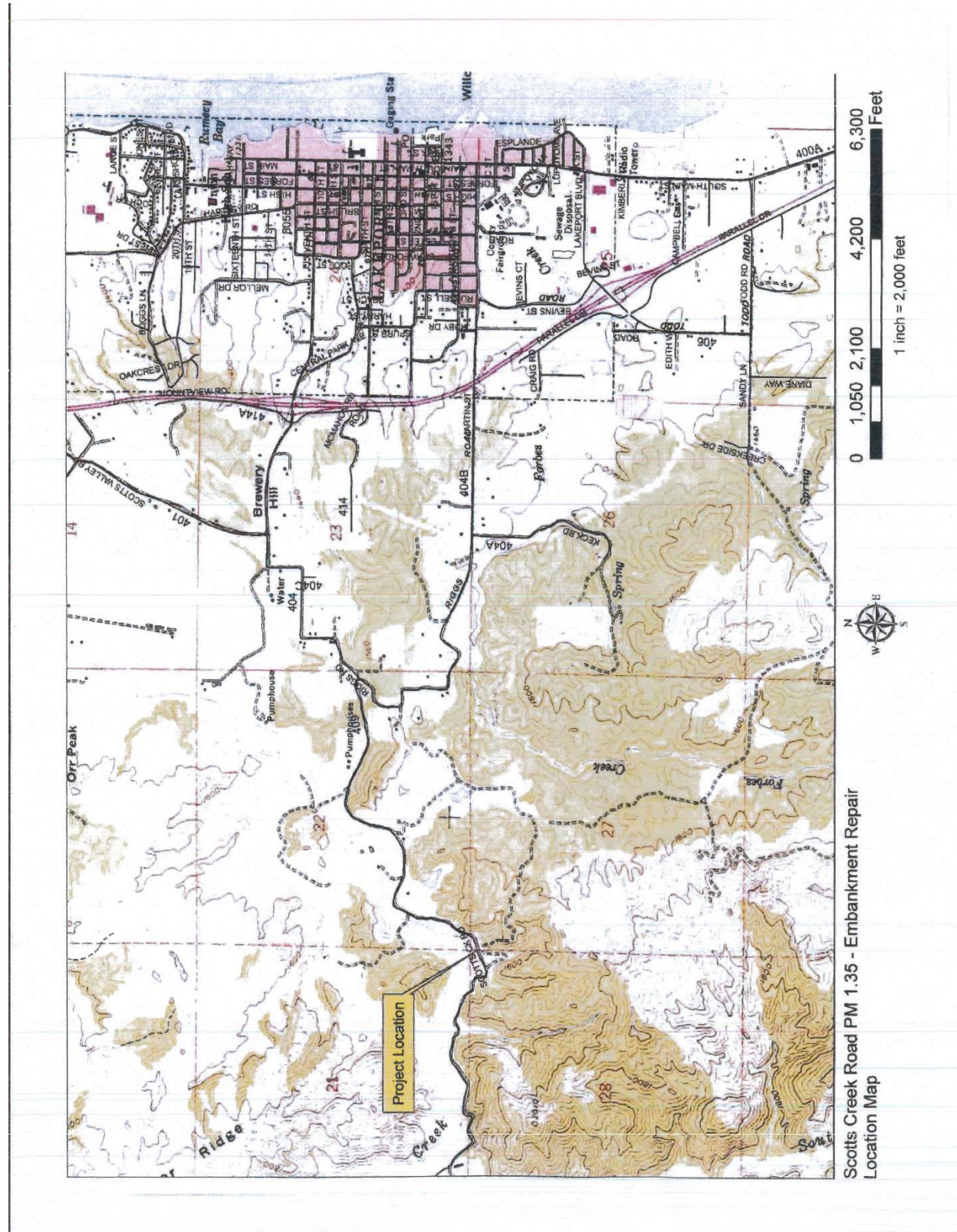


Figure 1 – Project Location Map



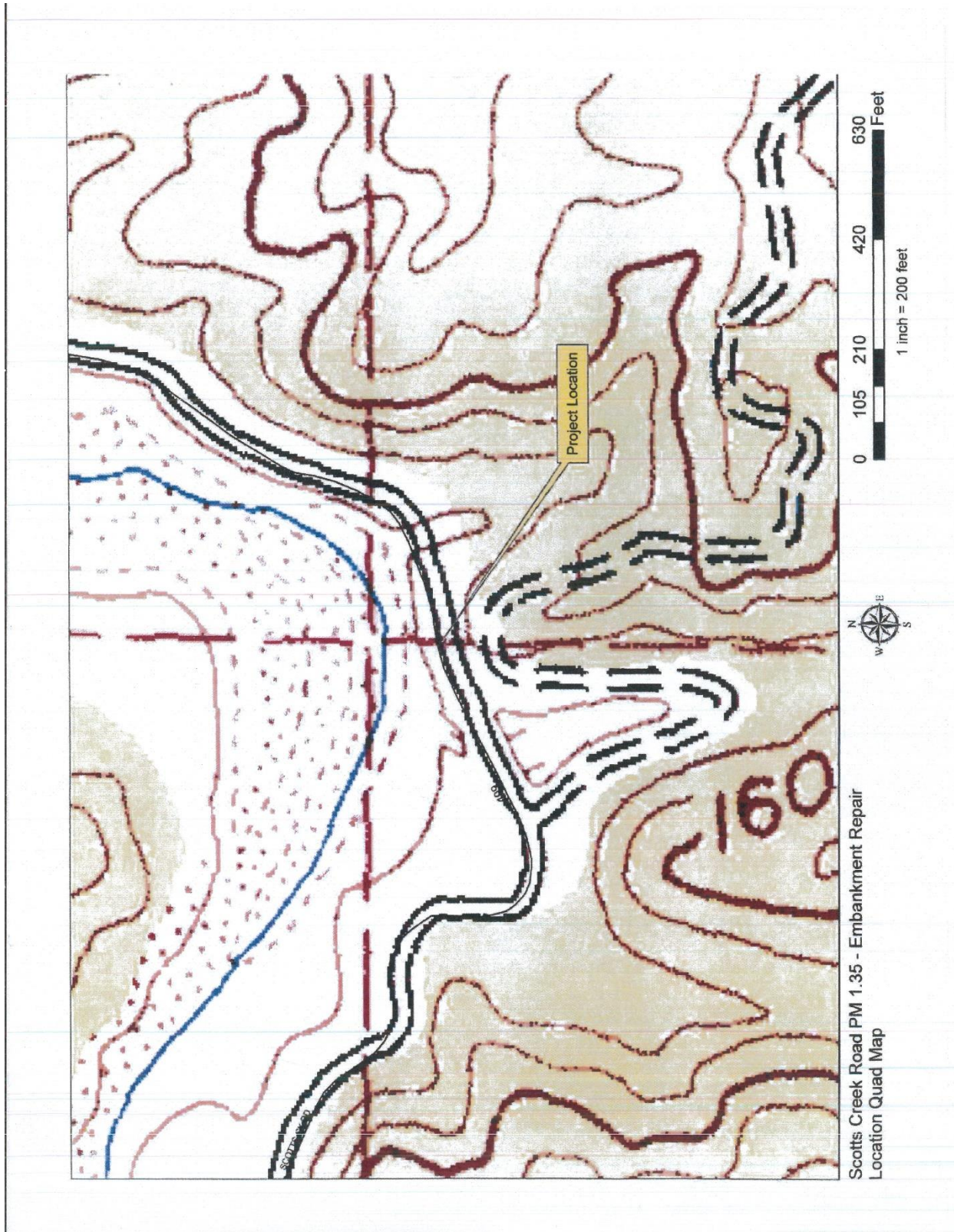


Figure 2 – Topographic Map Showing Scotts Creek Road and Scotts Creek