
Central Valley Regional Water Quality Control Board

19 February 2021

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NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE LOTUSLAND INVESTMENT HOLDINGS, INC., GUENOC VALLEY ROAD REPAIR PROJECT (WDID#5A17CR00181), LAKE COUNTY

On 6 November 2020, Lotusland Investment Holdings, Inc. (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 Guenoc Valley Road 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 activity permanently impacted 0.176 acre 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/generalorders/order_rgp8.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/order_rgp8.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 6 November 2020, 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under the General Certification Order is no longer valid if the Project (as described) is modified.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 2.36-acre Guenoc Valley Road Repair Project (Project) consisted of emergency repairs at 14 single and complete project sites in order to control post fire erosion, remove debris, and regrade areas damaged as a result of the LNU Lightning Complex Fire in August 2020. Existing damaged culverts were removed, and replacement culverts installed ranging in size from 15-45 inches in diameter and sized to withstand a 100-year storm event at no greater than 75% capacity. Specific impacts are identified in Table 1.

Table 1: Temporary and Permanent Impacts by Impact Site Number

Impact Site Number	Waterbody Type	Permanent Impacts (acre)	Temporary Impacts (acre)
3-1	Stream Channel	0.074	0.015
3-2	Stream Channel	0.005	0.000
3-3	Wetland	0.014	0.011
3-4	Stream Channel	0.008	0.058
3-5	Stream Channel	0.001	0.002
3-6	Stream Channel	0.003	0.004
3-7	Stream Channel	0.001	0.002
3-8	Stream Channel	0.002	0.003
3-9	Stream Channel	0.001	0.003
3-10	Stream Channel	0.009	0.011
3-11	Stream Channel	0.053	0.037
3-12	Stream Channel	0.003	0.004
3-19	Stream Channel	0.002	0.001
Total Impacts		0.176	0.151

The Project permanently impacted 0.176 acre and temporarily impacted 0.151 acre of waters of the United States. The Project also restored 0.25 acre of waters of the United States disturbed by the construction of a 2.64-acre emergency lay-down staging area created by Cal Fire personnel in connection with fire suppression activities. Due to a net gain of waters of the United States, no compensatory mitigation is required to address permanent or temporary impacts.

ADDITIONAL REQUIREMENTS:

According to the Applicant, the following best management practices (BMPs) were implemented during Project activities:

- An environmental awareness training program was provided to personnel working on the Emergency activities. The training included materials that describe the sensitive habitats and species present and the measures that have been incorporated into Emergency work to protect those habitats and species. The training materials were prepared by a qualified biologist who trained a member of the contractor's crew and provided follow-up trainings as needed to newly hired employees during the construction period. These materials were updated if new information became available.
- All work areas, including temporary staging areas, were the minimum size necessary to implement Emergency work and were clearly delimited prior to implementation of any work.
- All trash and debris were confined in enclosed bins located within staging areas.
- No pets were allowed within the construction area.
- Any soil or other material stockpiled during construction that could be easily transported by wind or rain was covered when not actively in use.
- No materials were placed where they may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion.
- Appropriate washout, track out, and dust control BMPs were implemented during construction.
- All vehicles and equipment scheduled for use in construction on the site were clean and free of mud or vegetation that could introduce plant pathogens or propagules of nonnative plants. This included equipment hauled into the site. The importance of this measure was discussed in the environmental awareness training materials.
- No construction vehicles or machinery were allowed outside of the delimited parking, staging, and work areas.
- All vehicles and equipment used on site were well maintained and checked upon site entry for fuel, oil, and hydraulic fluid leaks or other problems that would have resulted in spills of toxic materials. Drip pans were used under all vehicles and equipment when not in active use.
- All vehicle fueling and maintenance activities occurred at least 100 feet away from any wetland, stream, or other water body.
- A Stormwater Pollution Prevention Plan (SWPPP) was developed for Emergency work in accordance with the Lake County Clean Water Program and all

measures included in the SWPPP were implemented during all phases of construction, as appropriate.

- Temporary erosion control materials were inspected on a regular basis consistent with the SWPPP during construction, and any required repairs were implemented immediately.
- For any work within aquatic features or their setback, the contractor was prepared to handle any localized hazardous waste spills (e.g. gas, oil, or pesticides). Spill control and clean-up materials (e.g., oil absorbent pads, fiber rolls) were kept on-site at all times in case a spill occurs. Any waste materials including, but not limited to, raw cement/concrete or washings thereof, asphalt, paint, construction waste, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, were prevented from contaminating the soil and/or entering any waterways.
- All erosion control materials used were certified weed-free straw or other biodegradable, weed-free materials. No materials containing monofilament netting were used.
- All temporary flagging, fencing, and/or barriers were removed from the project sites upon completion of Emergency activities.

PROJECT LOCATION:

The Project is located at near Bucksnot Creek in Lake County.

Section 16, Township 10 North, Range 6 West, MDB&M

Latitude: 38.7335° N and Longitude: 122.5259° W

PROJECT SCHEDULE:

The Project started construction on 21 October 2020 and was completed on 23 November 2020.

APPLICATION FEE RECEIVED:

An application fee of \$309.00 was received on 9 February 2021.

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 Angela Nguyen-Tan at (916) 464-0335 or Angela.Nguyen-Tan@waterboards.ca.gov.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Enclosure: Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401

Water Quality Certification and Order

cc: Distribution List, page 5

cc: [Via email only]

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