



Central Valley Regional Water Quality Control Board

28 October 2022

Joel Bonilla
California State Parks
2241 Harvard St, Suite 200
Sacramento, CA 95815
joel.bonilla@parks.ca.gov

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CALIFORNIA STATE PARKS, EMERGENCY INTERIM REMEDIAL MEASURES FOR SAND DAM EMBANKMENT AND SPILLWAY PROJECT (WDID#5A29CR00134), NEVADA COUNTY

On 4 October 2022, California State Parks (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 Emergency Interim Remedial Measures for Sand Dam Embankment and Spillway (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 will take place within 0.09 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/rgp8_cert.pdf) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

The Project must proceed 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 4 October 2022, and supplementary information (Application Package). Coverage under

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The 8.36-acre Project consists of installing interim remedial measures to ensure safety and reliability of the historic Sand Dam embankment and spillway at Empire Mine State Historic Park. The proposed interim remedial measures will be installed just upstream of the spillway inlet and at the base of the spillway chute.

Construction activities will include placing rock riprap at the base of the existing spillway chute to armor the native subgrade soil and protect against additional scouring. In addition, six gabion baskets will be installed to supplement the existing trash rack at the culvert inlet. The gabion baskets will be constructed and spaced apart to allow free flow of stormwater to the culvert and spillway.

The Project will temporarily impact 0.09 acre/239 linear feet of waters of the United States.

ADDITIONAL CONDITIONS:

1. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.
2. A site specific Stormwater Pollution Prevention Plan shall be prepared by the contractor prior to the start of construction.
3. The Applicant shall implement the minimization measures outlined in the supplemental pages of the Application Package.

PROJECT LOCATION:

The Project is located at the Hardrock Trail entrance at Empire State Mine Historic Park in Grass Valley, Nevada County, California.

Section 35, Township 16 North, Range 08 East, MDB&M

Latitude: 39°12'06" N and Longitude: 121°03'17" W

PROJECT SCHEDULE:

The approximate timeframe of Project construction is 13 October 2022 through 5 November 2022.

APPLICATION FEE RECEIVED:

An application fee of \$2,417.00 was received on 21 October 2022.

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 F - 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 Shawn Agarwal at (916) 464-4849 or Shawn.Agarwal@waterboards.ca.gov.

Original Signed by Adam Laputz for:
Patrick Pulupa
Executive Officer

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

cc: [Via email only]

Kristen Grabreck (SPK-2010-00126)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
kristen.r.grabreck@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

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com