
Central Valley Regional Water Quality Control Board

21 July 2022

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2020-0048, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE WESTERN PLACER COUNTY HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, HEMPHILL DIVERSION FISH PASSAGE PROJECT (WDID#5A31CR00534-012), PLACER COUNTY

On 5 May 2022, the Nevada Irrigation District (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) General Order R5-2020-0048, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the Western Placer County Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the Hemphill Diversion Fish Passage Project (Project) meets the eligibility requirements of, and is hereby enrolled under, General Order R5-2020-0048. You may proceed with your Project in accordance with the Order.

A copy of General Order R5-2020-0048 can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5a31cr00534.pdf).

Please familiarize yourself with the requirements of General Order R5-2020-0048. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2020-0048 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 2.26-acre Project consists of removing the existing Hemphill Diversion Structure and Hemphill Canal inlet structure located in Auburn Ravine. The existing diversion structure creates an impediment to fish migration under most flow conditions. A cone

fish screen intake structure will be installed at the entrance of Hemphill Canal, and a rough-rock ramp structure will be installed on the bed of the stream channel to simulate the natural streambed and to facilitate fish passage.

A reach of Auburn Ravine will be temporarily dewatered to facilitate demolishing the existing diversion structure, removing the existing canal inlet structure, and installing of the rough rock ramp structure and the new cone fish screen intake structure. Cofferdams will be installed upstream and downstream of the work area, and a bypass pipe will reroute water flow downstream of the work area, and into Hemphill canal.

To construct the roughened ramp fishway, the banks of Auburn Ravine would require approximately 85 linear feet of riparian vegetation to be cleared and grubbed, and the removal of 60 linear feet of rock slope protection and 237 linear feet of shotcrete to accommodate the improvements to fish passage and improve riparian habitat. Removal will result in a temporary impact that will be improved by replacement with engineered streambed material (ESM) to simulate a more natural stream bank condition and willow plantings to further stabilize the banks and improve riparian conditions.

Constructing the new roughened rock ramp and removing the existing diversion structure will result in the need for the Hemphill Canal to be lowered to compensate for the loss of headwater. The canal will be reshaped and lowered from 1.5 feet to 0.0 feet to accommodate water flow.

Upon completion of the in-water work, the cofferdam and pipeline will be removed, and flow will be restored to Auburn Ravine. In-water work is anticipated to occur between 15 June and 15 October. A fish rescue and relocation plan will be submitted to necessary permitting agencies for approval prior to any in-water work occurring.

The Project proposes to install a maintenance access road to provide direct access to the proposed facility. This road will be a 15-foot-wide gravel surfaced road and will extend approximately 279 linear feet from the end of the existing public access road along the southern bank of Auburn Ravine and terminate at the cone screen structure within the existing NID easement.

The Project will temporarily impact 0.08 acre/171 linear feet and permanently impact 0.57 acre/249 linear feet of aquatic resources. Temporarily impacted areas will be restored to pre-Project condition.

PROJECT TYPE: Ecological Aquatic/Stream/Habitat Restoration

ADDITIONAL CONDITION:

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.

PROJECT LOCATION:

The Project is located north of State Highway 193, northeast of Turkey Creek Golf Club, and south of Virginiatown Road in Placer County.

Sections 12 and 13, Township 10N, Range 5E, MDB&M

Latitude: 38.896731° and Longitude: -121.251886°

PROJECT SCHEDULE:

1 June 2022 to 14 June 2023

PUBLIC NOTICE

The Regional Water Quality Control Board (Regional Water Board) provided public notice of the application from 1 July 2022 to 22 July 2022. The Central Valley Water Board will respond to any comments received during this period.

COMPENSATORY MITIGATION

Compensatory mitigation is not required since the Project will result in net improvements for target special-status species, and will improve aquatic habitat within Auburn Ravine.

APPLICATION FEE RECEIVED:

An application fee of \$551.00 was received on 28 April 2022. The remaining application fee balance of \$94.00 was received on 29 June 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 D – Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

The applicant will adhere to all applicable Avoidance and Minimization Measures outlined in the Western Placer County Habitat Conservation Plan.

WATER QUALITY MONITORING:

Water quality monitoring shall be in conformance with the monitoring plan submitted on 8 July 2022.

PETITIONS FOR RECONSIDERATION

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with California Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of

this NOA, except that if the thirtieth day following the date of this NOA falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Links to the law and regulations applicable to filing petitions may be found on the Water Quality Petitions Page (http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request."

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino at (916) 464-4920 or Nicholas.Savino@waterboards.ca.gov.

Original Signed By Adam Laputz for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1: Project location
Figure 2: Project Impacts

cc: [Via email only]

United States Army Corps of Engineers
Sacramento District Office
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Figure 1: Project Location

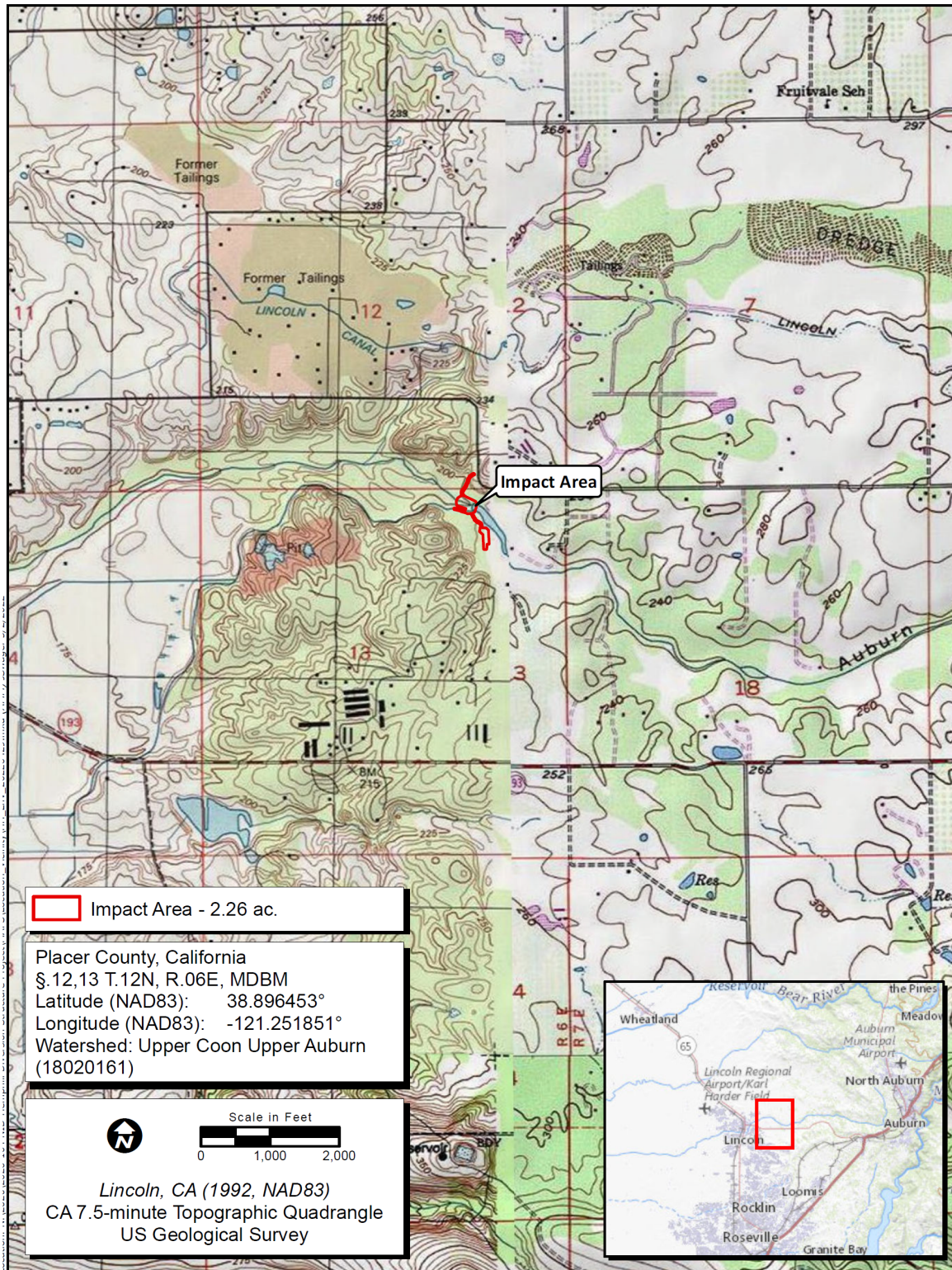
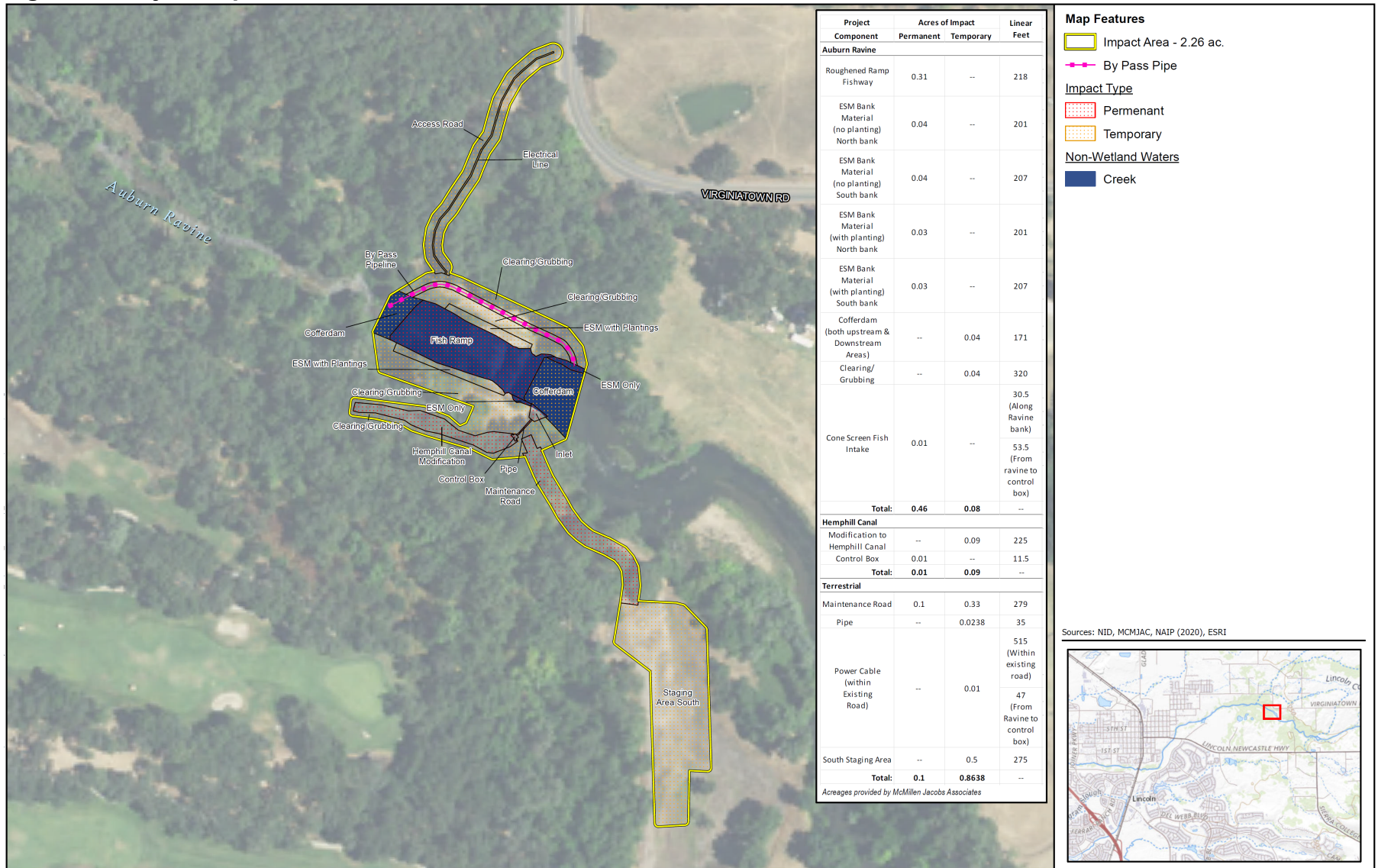


Figure 10.3.2. Project Location and Vicinity

Figure 2: Project Impacts



Sources: NID, MCMJAC, NAIP (2020), ESRI

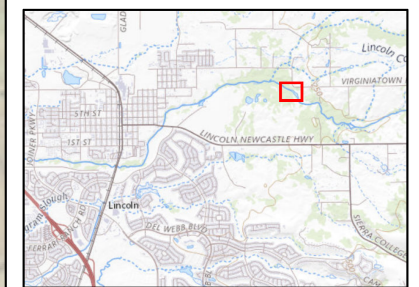


Figure 10.3.3. Impacts to Aquatic Resources

2020-104 Hemphill Diversion Structure Project

