



Central Valley Regional Water Quality Control Board

16 December 2022

Andrea Meier
United States Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

NOTICE OF APPLICABILITY FOR COVERAGE UNDER CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF THE AMERICAN RIVER WATERSHED COMMON FEATURES 2016 PROJECT, SACRAMENTO RIVER EROSION CONTRACT 2 PROJECT (WDID#5A34CR00819-006), SACRAMENTO COUNTY

On 27 September 2022, the United States Army Corps of Engineers (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) Clean Water Act Section 401 Water Quality Certification of the American River Watershed Common Features (ARCF) 2016 Project Certification and Order (Order)(WDID#5A34CR00819).

The Central Valley Water Board has reviewed your enrollment materials and finds the ARCF 2016 Sacramento River Erosion Contract 2 Project (Project) meets the requirements of and is hereby enrolled under the Order. You may proceed with your Project in accordance with the Order.

A copy of the Certification can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/5A34CR00819.pdf) (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/5A34CR00819.pdf)

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

PROJECT DESCRIPTION:

The purpose of the Project is to improve Sacramento River's east levee through installation of approximately 2.8 miles of bank protection to stop erosion and scour damage and provide riverbank resistance to wave wash. The project footprint includes the water side levee slope, below the ordinary high-water mark (OHWM), the river for barge access, two land side access points, and staging areas.

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

The Project will replace four pipes on the water side of the levee, replace the headwall, and utilize a cofferdam to dewater if the area is not naturally dewatered. A launchable Grade C quarry stone will be placed above and below the water surface to protect the bank from scour, erosion, wave wash generated by boat wakes and wind waves. Where native bank materials are highly erodible, tiebacks and key-ins can be used to prevent erosion from occurring upslope of the revetment. Rock keys will be installed perpendicular to high-flow and will be used to connect a rock tieback or the upstream and downstream ends of the revetment into the bank. A launchable rock toe will be placed at the waterside edge of the bank protection or a constructed planting bench to allow riparian vegetation to grow next to the water's edge. Soil and rock above the wetted channel will be moved from the barge to the bank with an excavator. Once on land, it will be placed by a bulldozer or an excavator. Rock below the wetted channel will be placed by an excavator that is parked either on the barge or on the riverbank.

Ground clearing and preparation would be completed as necessary at the beginning of construction by small equipment brought in by barge. Surface material including vegetation, soil, and old bank protection features will be removed below the OHWM of the Sacramento River. Approximately 62 trees will need to be removed. Replanting would be done once construction is completed. Planting benches will be constructed and vary in width and elevation to allow for planting of native riparian species. In-stream woody material would be placed below the planting bench and along the rock revetment to create in-stream cover for fisheries year-round. The material being removed from the site will be legally disposed of by the contractor.

To the maximum extent practical, site access and construction will be done by barge. Where land side access is necessary, construction traffic will travel along highways, major streets, and the levee crown. Staging areas can be used for offices, boat and vehicle parking, offloading, and changing equipment and maneuvering materials between the barge and its final location. Waterside staging areas will be subject to strict containment and spill prevention BMPs. Staging areas would be returned to pre-project conditions.

PROJECT TYPE:

Non-Bioengineered Channel Construction, Maintenance, and/or Bank Stabilization

ADDITIONAL CONDITION:

The Permittee 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 at various sites, totaling 2.8 miles, along the Sacramento River east levee starting at the confluence with the American River and ending at the City of Freeport, CA.

PROJECT SCHEDULE:

October 2022 through December 2024

COMPENSATORY MITIGATION:

The Project will permanently impact 30.92 acres of the bank slope below the OHWM. The permanent impacts result from the placement of bank protection in the form of rip rap and construction of planting benches. The 2.8 miles of bank protection will require approximately 333,500 cubic yards of material to be placed below the OHWM.

To mitigate for the permanent impacts to 30.92 acres, the Permittee shall provide compensatory mitigation as described in Section XV.K of the Order. The Permittee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

APPLICATION FEE RECEIVED:

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

The Permittee shall implement the Impact Avoidance and Minimization Measures described in Section 3.5.6 of the American River Common Features Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Project, as described in the Order. Additionally, the Permittee shall implement the impact avoidance and minimization measures described in Section 4 of the Notice of Intent for the Project.

WATER QUALITY MONITORING:

The Permittee shall implement water quality monitoring as described in Section XIV.B of the General Certification for WDID#5A34CR00819.

If you have any questions regarding this Notice of Applicability, please contact Jenna Yang at (916) 464-4764 or Jenna.Yang@waterboards.ca.gov.

Original Signed by Adam Laputz for:
Patrick Pulupa
Executive Officer

Enclosure: Clean Water Act Section 401 Water Quality Certification of the American
River Watershed Common Features 2016 Project Certification and Order
(WDID#5A34CR00819)

Attachments: Figure 1 – Project Location Map

cc: Distribution List, page 5

Distribution List (email only)

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Figure 1 – Project Location Map

