



Central Valley Regional Water Quality Control Board

25 July 2023

William Vanderwaal
Reclamation District No. 108
975 Wilson Bend Road
Grimes, CA 95950

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS FILE NO. SB12006GN FOR RECLAMATION DISTRICT NO. 108, MIDDLE CREEK SALMON SPAWNING HABITAT PROJECT, SHASTA COUNTY, W DID NO. 5A45CR00643

On 22 June 2023, Reclamation District No. 108 (Applicant) filed a Notice of Intent (NOI) requesting coverage under the 27 March 2013 State Water Resources Control Board Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (General Certification Order) for the Middle Creek Salmon Spawning Habitat Project (Project). After review of the NOI 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 the General Certification Order.

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 is enclosed. The General Certification Order may also be accessed on the [State Water Resources Control Board's Clean Water Act Section 401 – Certification and Wetlands Program Web Page](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders_wb.shtml) (http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders_wb.shtml).

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 23 June 2023 to 14 July 2023. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The Project will provide improved spawning conditions along the right bank of the Sacramento River, immediately downstream of the confluence of Middle Creek and the Sacramento River. Fish spawn in areas that have moving, shallow water positioned next to deeper areas that can be used for refugia. Existing and new spawning gravel will be placed in a manner that creates additional spawning areas at this location, consisting of increased spawning bed areas at deeper depths. The right bank overburden material will be excavated and replaced with spawning gravel at a lower elevation, increasing the area available for spawning. The overburden material will be placed on higher ground. The expectation is that approximately 2,500 cubic yards of spawning gravel material will be brought into the site and no material will be removed from the site. The work will be performed by excavators, bulldozers, loaders and off-road trucks working both on land and in the water.

III. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream	0.5	2,500	460

IV. Project Schedule

Construction will be completed during a defined in-water work window as coordinated with the involved fisheries agencies, which is expected to be between 1 November 2024 and 15 December 2024. The work is expected to take approximately 6 weeks to complete.

V. Project Location

Address: Middle Creek Road

County: Shasta County

Nearest City: Redding

Latitude: 40.596662° and Longitude: -122.439449°

VI. California Environmental Quality Act (CEQA)

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15333, Small Habitat Restoration Projects, which consists of projects not to exceed five acres to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

VII. Fees Received

An application fee of \$729.00 was received on 27 June 2023. 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

VIII. Findings of Applicability

This letter serves as formal notice that Order No. SB12006GN is applicable to this fish habitat restoration project. Your waste discharge identification (WDID) number is 5A45CR00643.

IX. Reporting

A Notice of Completion (NOC) shall be submitted by the applicant no later than 30 days after the work has been completed. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the applicant's Notice of Intent.

Failure to comply with the terms and conditions of Order No. SB12006GN may expose Reclamation District No. 108 to enforcement action pursuant to the Clean Water Act and California Water Code.

If you require further assistance, please contact me by phone at (530) 224-3212 or by email at Katie.Gilman@waterboards.ca.gov. You may also contact Lynn Coster, Senior Environmental Scientist of the Storm Water and Water Quality Certification Unit, by phone at (530) 224-2437 or by email at Lynn.Coster@waterboards.ca.gov.

Original Signed by Clint Snyder
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

7/25/2023
Date

- Attachment A:** Project Map(s)
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (Applicant Only)

cc email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Lillian Jepson, U.S. Army Corps of Engineers, Sacramento
Debra Hawk, California Department of Fish & Wildlife, Redding

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Attachment A – Project Maps

Figure 1. Project Location Map

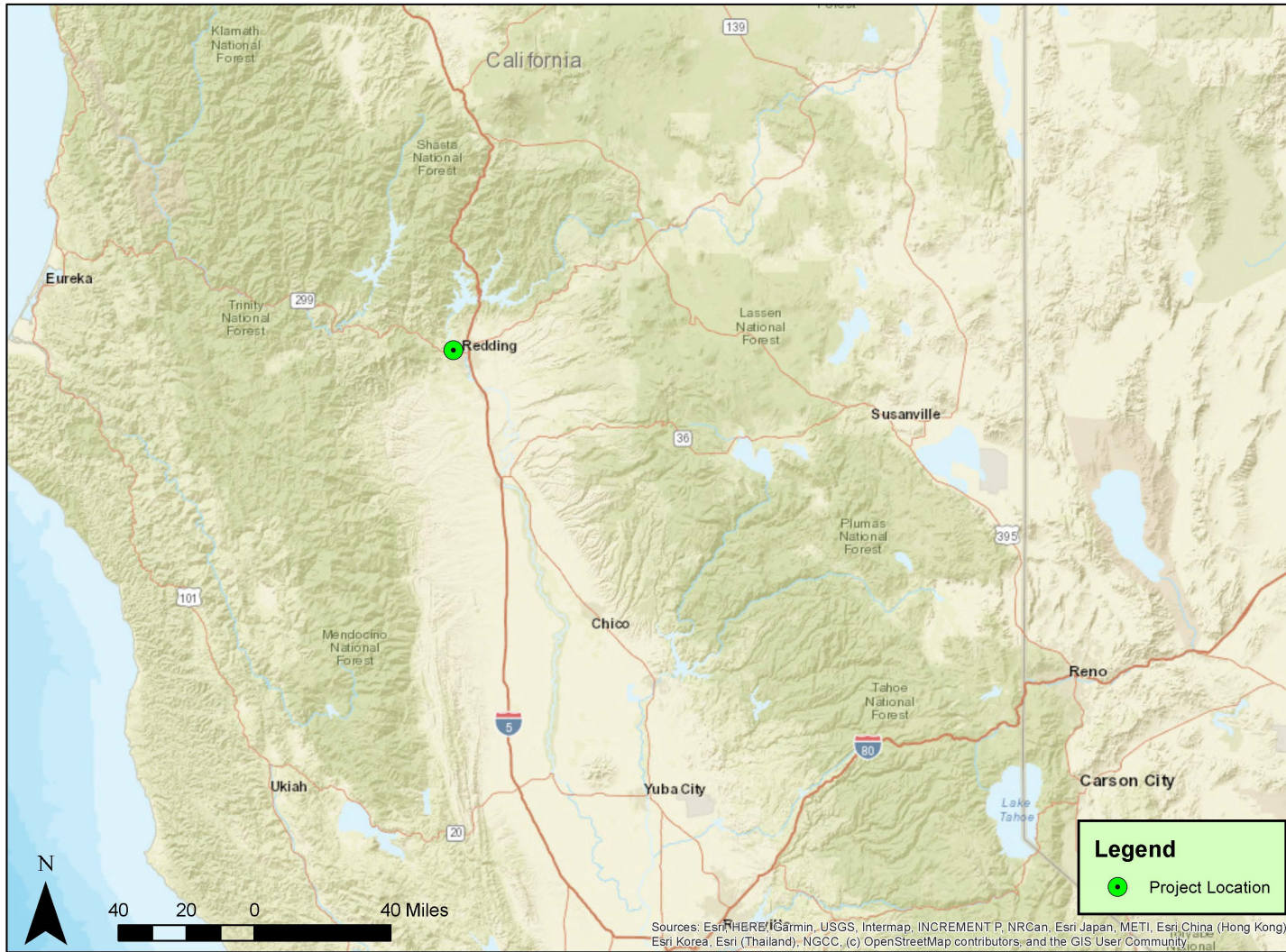
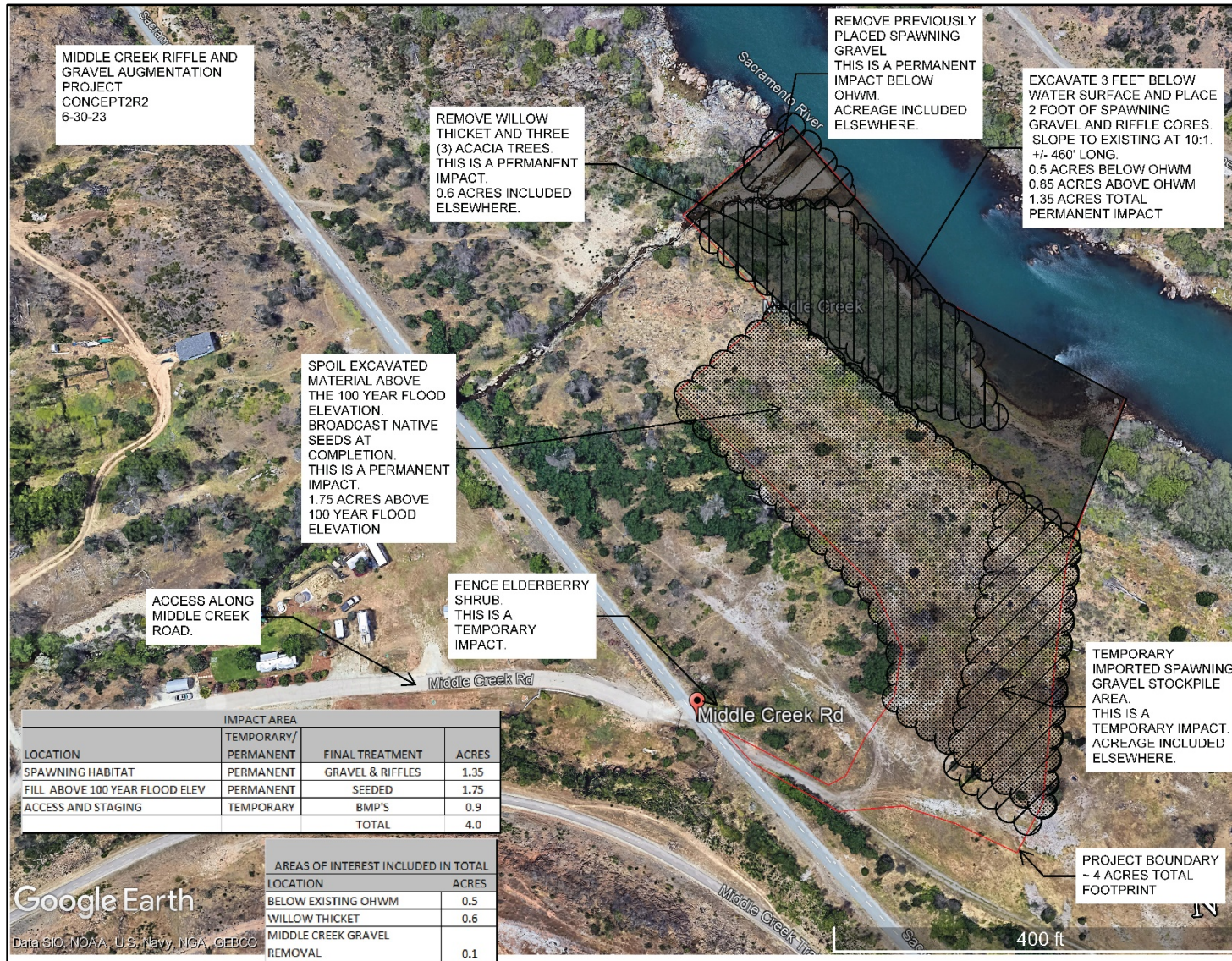


Figure 2. Project Impacts Map



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Attachment B – Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Middle Creek Salmon Spawning Habitat Project	Sacramento River	Stream	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Toxicity	Not Applicable

Individual Direct Impact Locations

The following table shows individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Middle Creek Salmon Spawning Habitat Project	40.596662°	-122.439449°	No	0.5	2500	460

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Attachment C – CEQA Findings of Fact

FINDINGS FOR CEQA EXEMPT PROJECT

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15333, Small Habitat Restoration Projects, which consists of projects not to exceed five acres to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)