



Central Valley Regional Water Quality Control Board

Russell Nickerson
USDA Forest Service Lassen National Forest
P.O. Box 767
Chester, CA 96020

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 USDA FOREST SERVICE LASSEN NATIONAL FOREST, LOST CREEK CROSSING UPGRADE PROJECT, TEHAMA COUNTY, WDD NO. 5A52CR00236

On 4 March 2024, USDA Forest Service Lassen National Forest (Applicant) submitted a Notice of Intent (NOI) requesting coverage under the 27 March 2012 State Water Resources Control Board (State Water Board) Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (General Order) for the Lost Creek Crossing Upgrade Project (Project). After review of the NOI and the supplemental materials 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 Order.

This Notice of Applicability (NOA) is being issued to USDA Forest Service Lassen National Forest (hereinafter Enrollee) by the Central Valley Water Board under the General Order pursuant to Section 3838 of the California Code of Regulations.

NOA Effective Date: 16 April 2024

NOA Expiration Date: 16 April 2029

A copy of the General Order is enclosed. The General Order may also be accessed on the [State Water Resources Control Board's General Orders Web Page](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2013) (http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2013).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the NOI requesting coverage and supplemental information (Application Package) submitted by the Enrollee and is limited to the impacts identified in the Application Package and described in this NOA. If the

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

Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 8 March 2024 to 29 March 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

A. Project Purpose

The purpose of the Lost Creek Crossing Upgrade Project is to replace the existing multi-culvert design on the Lassen National Forest Road 29N19 crossing of Lost Creek, which is inadequately sized for the flow and debris regime of the watershed. The goal is to replace the existing crossing with a resilient low-water crossing design that restores aquatic organism passage, minimizes road-related sedimentation, and reduces crossing failure risk.

B. Removal of Existing Culvert Crossing

The proposed project involves removing the existing road crossing structure, consisting of three 24-inch-diameter culverts, 30 feet in length with an armored low-water crossing. Removal of the existing culverts will be performed by heavy equipment operating from the existing roadbed, outside of the existing stream channel, with all materials from the existing crossing being disposed of offsite in an appropriate disposal site.

C. Installation of New Crossing

A new multi-channel armored ford will be installed at the 29N19 Crossing of Lost Creek. This low water crossing will be approximately 190 feet in width and will contain both a low flow and overflow channel in order to pass the estimated 100-year flow event and associated debris. Work will be performed during the summer season when Lost Creek is naturally dewatered.

D. Additional Work Within Ordinary High Water Mark

The project also includes reconfiguration of the existing rock check dam built in the existing outlet pool. This feature has been constructed by users of the nearby campground and currently prevents aquatic organism passage above and below the feature.

E. Work Outside Ordinary High Water Mark

Additional road grading work will be performed on the southwestern road approach to the crossing. Road regrading will consist of raising the southwest road approach to 5122' elevation; this combined with the added conveyance capacity provided by the low-water crossing will significantly reduce the likelihood of road-stream capture.

III. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition. Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.004	N/A	37.32
Wetland	0.13	N/A	108.78

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.099	222	188.54
Wetland	0.25	N/A	580.45

IV. Project Schedule

The Project is estimated to be conducted over two months. The expected seasonal work period will be between 1 August 2025 and 30 November 2025.

V. Project Location

Address: The Project is located at the intersection of Lassen National Forest Road 29N19 and Lost Creek.

County: Tehama County

Nearest City: Mineral

Section 12, Township 28 North, Range 05 East, MDB&M.

Latitude: 40.3054428° and Longitude: -121.3792038°

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

Maps showing the Project location are found in Attachment A of this Notice of Applicability.

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

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.

VIII. Findings of Applicability

This letter serves as formal notice that Order No. SB12006GN is applicable to this small habitat restoration project. Your waste discharge identification (WDID) number is 5A52CR00236.

IX. Reporting

A Notice of Completion (NOC) shall be submitted by the Enrollee 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 Enrollee's NOI.

Failure to comply with the terms and conditions of Order No. SB12006GN may expose USDA Forest Service Lassen National Forest 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) 224-4994 or by email at Carson.Blodow@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, AEO
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

4/16/2024
Date

- Attachment A:** Project Maps
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

cc email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Christy Morgan, U.S. Army Corps of Engineers, Sacramento
Heather Reineking, Sierra Institute for Community and Environment, Taylorsville
Sophie Castleton, Sierra Institute for Community and Environment, Taylorsville

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Attachment A – Project Maps

Figure 1: Project Location Map

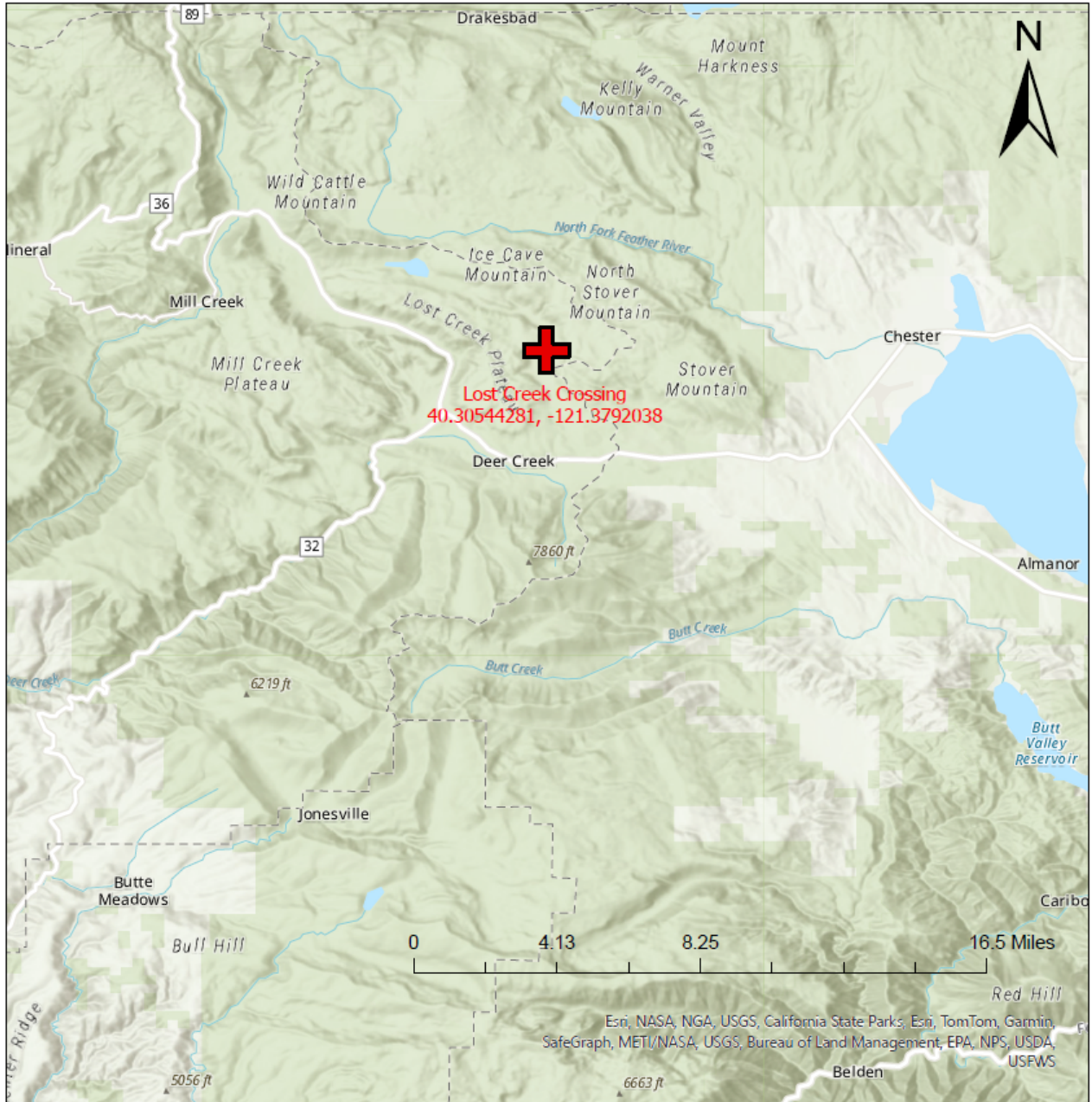
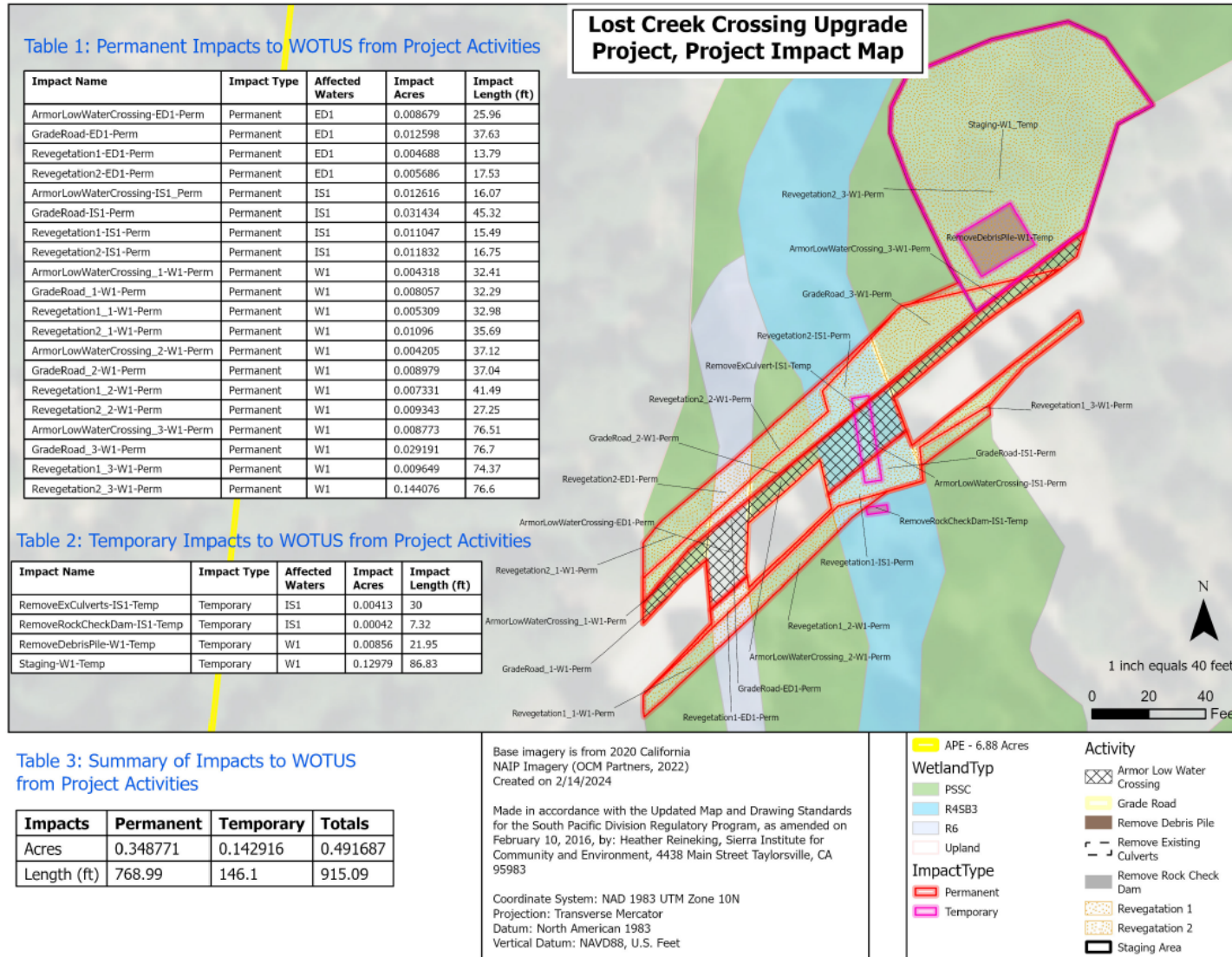


Figure 2: Project Impacts Map



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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
Lost Creek (ED1 and IS1)	Lost Creek	Stream	509.20	Deer Creek	MUN, AGR, REC-1, REC-2, WARM, COLD MIGR, SPWN, WILD	Not Applicable	Not Applicable
Wetland (W1)	Unnamed Wetland	Wetland	509.20	Deer Creek	MUN, AGR, REC-1, REC-2, WARM, COLD MIGR, SPWN, WILD	Not Applicable	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Lost Creek (ED1 and IS1)	40.3054428°	-121.3792038°	No	0.00455	N/A	37.32
Wetland (W1)	40.3054428°	-121.3792038°	No	0.138	N/A	108.78

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Lost Creek (ED1 and IS1)	40.3054428°	-121.3792038°	No	0.0986	222	188.54
Wetland (W1)	40.3054428°	-121.3792038°	No	0.250	N/A	580.45

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Attachment C – CEQA Findings of Fact

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 15601.

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.)