



Central Valley Regional Water Quality Control Board

1 August 2024

Jim Simon
Tehama County Public Works
9380 San Benito Avenue
Gerber, CA 96035

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO. WQ 2021-0048-DWQ), TEHAMA COUNTY PUBLIC WORKS, KIRKWOOD ROAD AT BRANNIN CREEK BRIDGE EMERGENCY REPAIR PROJECT (WDID NO. 5A52CR00239), TEHAMA COUNTY

On 21 June 2024, Tehama County Public Works (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Kirkwood Road at Brannin Creek Bridge Emergency Repair Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 14, Linear Transportation Projects. After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Kirkwood Road at Brannin Creek Bridge Emergency Repair Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-DWQ. This Notice of Applicability (NOA) is being issued at the request of Tehama County Public Works (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You may also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the NOI Form requesting coverage and supplemental information (Application Package). If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

I. Public Notice

The Central Valley Water Board provided public notice of the application from 28 June 2024 to 19 July 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The Enrollee proposes repairs to the bridge along Kirkwood Road over Brannin Creek (Bridge No. #8C-0313) including the installation of rock slope protection (RSP) to armor scour features on a pier wall and the north bridge abutment and repair of degraded concrete on the leading edges of all six piers with reinforced concrete. Temporary access paths and staging areas will be located outside of any sensitive habitats.

Temporary impacts of 0.16 acre of Brannin Creek are limited to grading and reforming of concrete on the upstream edges of each of the 6 concrete piers to repair voids, dry pockets, and surface spalling evident on each pier. The concrete work will include placing temporary concrete forms against the structure and pouring in a low-aggregate concrete to return the columns to their original design dimensions. As this concrete work will not change the dimensions of the bridge columns, it will not result in a permanent loss of stream channel habitat.

Permanent impacts of 0.007 acre of Brannin Creek include placing ¼-ton RSP along the upstream wingwall and partial length of the north abutment, and the leading edge of the third of six piers from the north. RSP placement at each location is anticipated to be 24 feet in length, 5 feet in width, and keyed-in to a depth of 3 feet.

III. Project Location

County: Tehama County

Nearest City: Corning

Assessor's Parcel numbers: 087-300-020-000, 087-300-002-000, 087-300-001-000,
087-300-015-000, 910-001-854-000, 087-300-027-000

Section 02, Township 23 North, Range 03 West, MDB&M.

Latitude: 39.8750° and Longitude: -122.1739°

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

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](#)

(http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This NOA promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

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 quantities are shown in Tables 2 and 3 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

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.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.16	Not Applicable	59

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.007	26.67	24

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 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing,

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.

licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

VIII. Fees Received

An application fee of \$2985.00 was received on 12 July 2024. A total project fee of \$1,538.00 was submitted, with \$1,006.00 received on 12 July 2024 and the remaining project fee of \$532.00 received on 29 July 2024. 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 A – Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

A. Compensatory Mitigation for Permanent Impacts

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

1. Purchase of Mitigation Credits by Enrollee for Compensatory Mitigation

- a.** A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board **prior to the initiation of in water work.**
- b.** The Enrollee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Enrollee and the seller of credits.

2. Total Required Compensatory Mitigation

- a.** The Enrollee is required to provide compensatory mitigation for the authorized impact to 0.007 acre of stream channel by purchasing 0.01 Aquatic Resource Credit from the National Fish and Wildlife Foundation's (NFWF) Sacramento District In-Lieu Fee Program for the Northwest Sacramento River Aquatic Resource Service Area.
- b.** Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Aquatic Resource Credit	In-Lieu Fee Credits	Credit						0.01

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4994 or Daniel.Warner@waterboards.ca.gov.

Original Signed by Clint E. Snyder, AEO

 (for) Patrick Pulupa, Executive Officer
 Central Valley Regional Water Quality Control Board

8/1/2024

 Date

Enclosure: State Water Resources Control Board’s Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers’ 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
 Attachment B - Receiving Water, Impact, and Mitigation Information
 Attachment C - CEQA

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Figure 1. Project Location Map

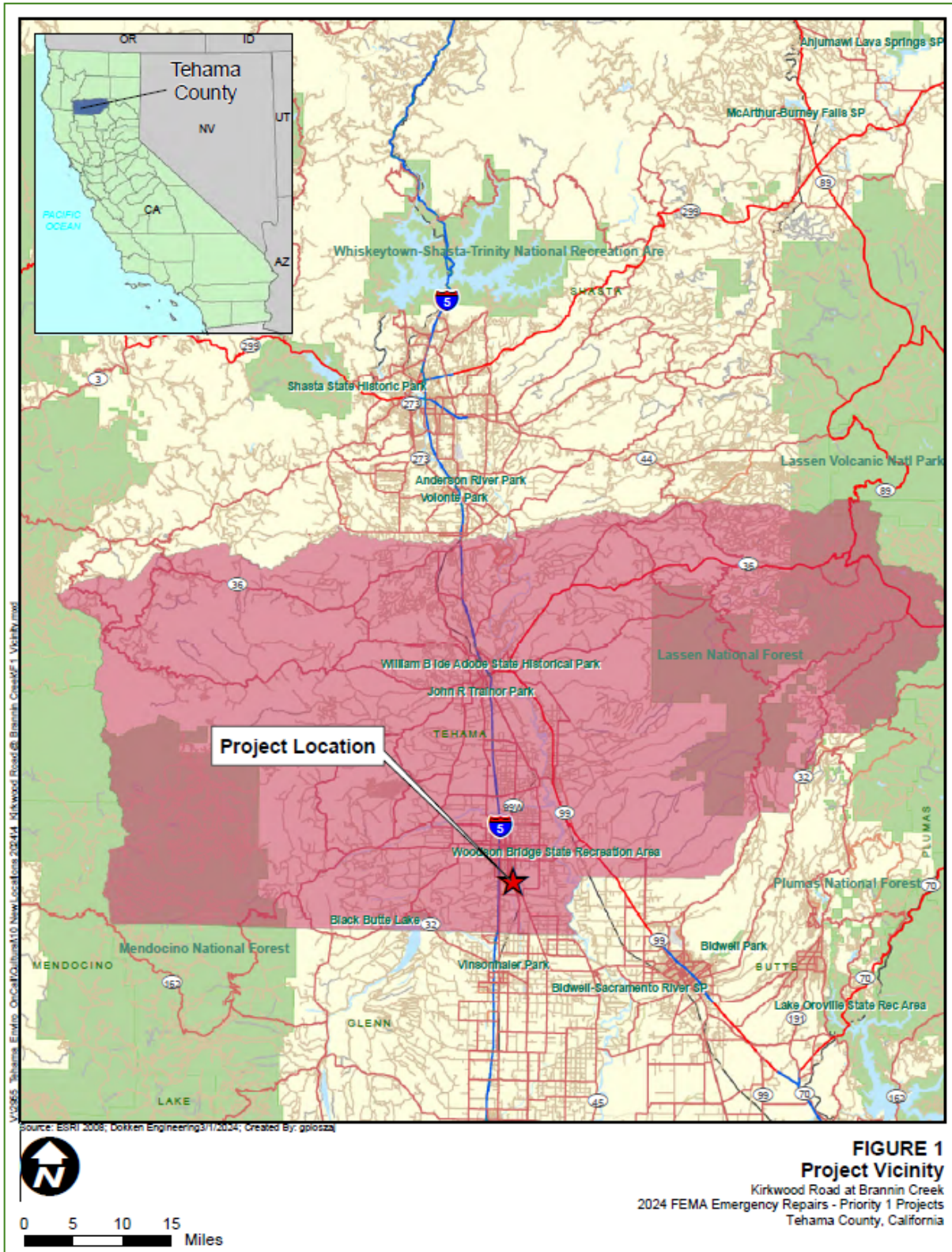
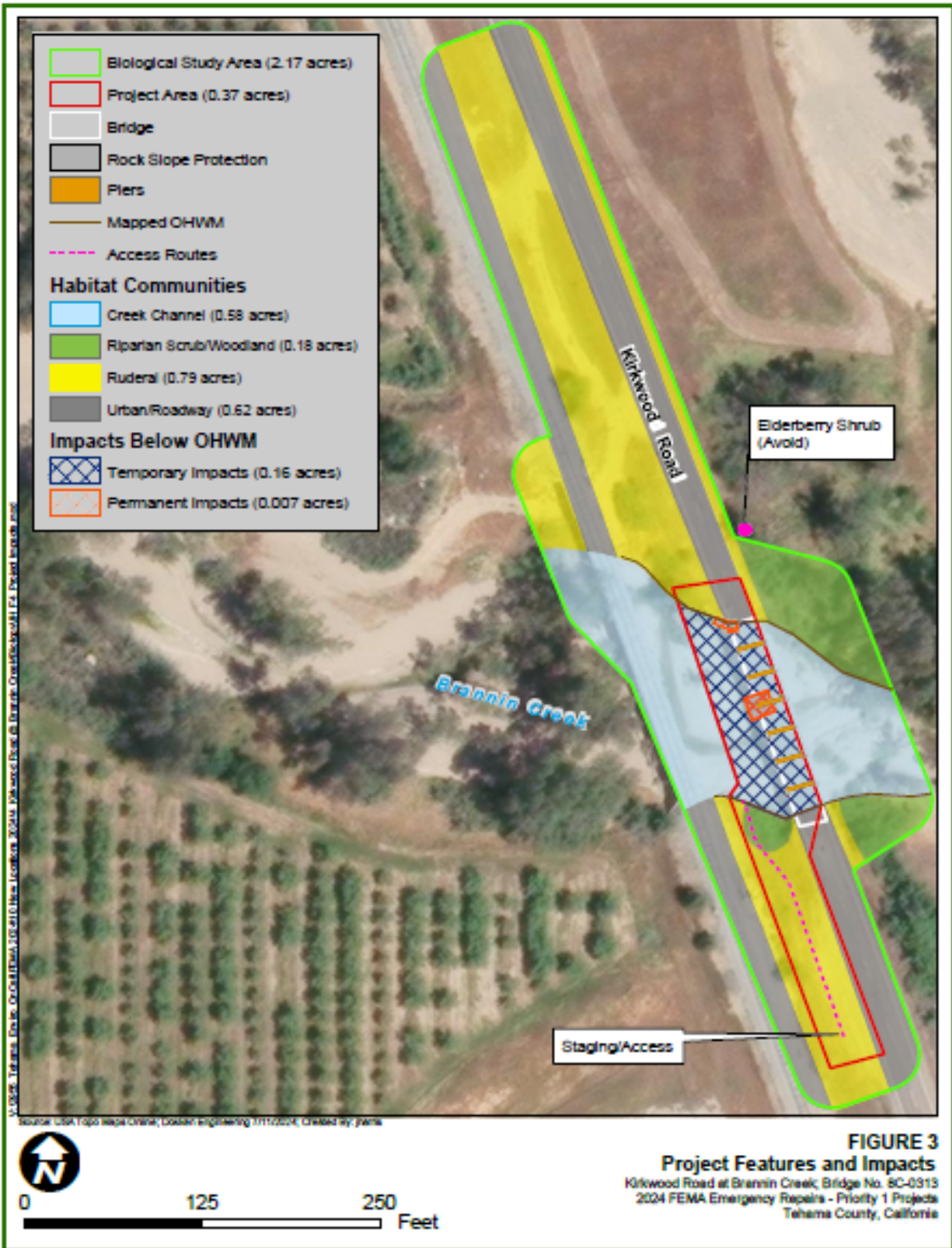


Figure 2: Project Features and Impacts Map



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Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Waters Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Kirkwood Road at Brannin Creek Bridge Emergency Repair Project	Brannin Creek	Stream Channel	504.20	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	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?	Acres	Cubic Yards	Linear Feet
Kirkwood Road at Brannin Creek Bridge Emergency Repair Project	39.8750	-122.1739	No	0.16	Not Applicable	59

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Kirkwood Road at Brannin Creek Bridge Emergency Repair Project	39.8750	-121.1739	No	0.007	26.67	24

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations.

Enrollee Responsible Compensatory Mitigation Site Information

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	National Fish and Wildlife Foundation’s (NFWF) Sacramento District In-Lieu Fee Program
Website:	Sacramento District California In-Lieu Fee Program NFWF (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program)
In-Lieu Fee Program Contact Name:	Heather Broda
Phone:	(415) 243-3105
Email:	Heather.broda@nfwf.org
In-Lieu Fee Program Location - County:	Northwest Sacramento River Aquatic Resource Service Area
Latitude:	Not Applicable
Longitude:	Not Applicable

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Aquatic Resource Credits	0.01		Not Yet Purchased

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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 15301, Existing Facilities, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

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.)

DISTRIBUTION LIST

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