



Central Valley Regional Water Quality Control Board

17 June 2026

Adam McKannay
California Department of Fish and Wildlife
601 Locust Street
Redding, CA 96001

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD ORDER FOR WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE (ORDER NO. WQ 2022-0048-DWQ), CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, UPPER MILL CREEK DAM TEMPORARY FISH LADDER EXTENSION PROJECT, TEHAMA COUNTY, W DID NO. 5A52CR00256

On 2 June 2026, California Department of Fish and Wildlife (Applicant) filed a Notice of Intent (NOI) requesting coverage under State Water Resources Control Board's Order for Waste Discharge Requirements for Restoration Projects Statewide, Order No. WQ 2022-0048-DWQ (Statewide Restoration General Order) for the Upper Mill Creek Dam Temporary Fish Ladder Extension Project (Project). After review of the NOI 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 Statewide Restoration General Order.

This Notice of Applicability (NOA) is being issued at the request of California Department of Fish and Wildlife (hereinafter Enrollee) under the Statewide Restoration General Order pursuant to Section 3838 of the California Code of Regulations. Although the Statewide Restoration General Order may also serve as a Clean Water Act Section 401 Water Quality Certification, this NOA is being issued solely as waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (California Water Code, § 13000 et seq.)

NOA Effective Date: 17 June 2026

NOA Expiration Date: 17 June 2031

A copy of the Statewide Restoration General Order is enclosed. You may also access the Statewide Restoration General Order on State Water Resources Control Board's General Orders Web Page: [Order WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf).

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

The Project must proceed in accordance with the requirements contained in this NOA and the Statewide Restoration General Order. Failure to comply with this NOA and the Statewide Restoration General Order constitutes a violation of the California Water Code and may result in enforcement action and/or termination of enrollment under the Statewide Restoration General Order. The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). Coverage under the Statewide Restoration General Order is no longer valid if the Project is modified from that described in the Application Package.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 5 June 2026 to 26 June 2026.

II. Project Description

The Project will construct a temporary extension of an existing fish ladder that is currently undermined and unable to pass critical runs of special status salmonids. The streambed below the dam has degraded several feet in recent years and it is now more than three feet from the downstream water surface to the floor of the fish ladder's first cell. The fish ladder is no longer functioning, and salmon, steelhead, pike minnow, hardheads and Sacramento suckers cannot get upstream of the dam. The long-term solution to fix the problem permanently is two to four years from being constructed, so a temporary solution is needed to maintain passage.

The Project will create three more fish ladder cells using a temporary structure that will be installed by hand. The extension will consist of a steel tubing frame with chain-link fencing attached between the frame members, custom fabricated to fit the streambed and designed to be held in place using native rock as ballast. Once it's full of rock, a steel plate will be placed over the top of the frame to create a single solid object that can handle flood flow events. Wooden fish ladder panels will be placed on top of the steel plate to complete the work. The wooden fish ladder cells will be designed to break away from the steel plate during flooding events and replaced when flows reduce. The rock ballast used for this project will be taken from onsite stockpiles that were removed from the canal following the high flow events of 2024/2025.

III. Project Location

County: Tehama

Assessor's Parcel Number: 078-140-005-000

Section 01, Township 25 North, Range 02 West, MDB&M.

Latitude: 40.0549° and Longitude: -122.0321°

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

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/) (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 quantity are shown in Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.0069	5	30

VI. Project Schedule

The Project is estimated to occur between 15 August 2026 and 15 September 2026 over a total of 10 work days.

VII. California Environmental Quality Act (CEQA)

The Central Valley Water Board, as lead agency, determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14,

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.

section 15061.

Specifically, the project is categorically exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15333, Small Habitat Restoration Projects. Class 33 consists of projects not to exceed five acres in size to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

Pursuant to CEQA, the Central Valley Water Board has made Findings of Fact which support the issuance of this Order and are included in Attachment C.

VIII. Fees Received

- A.** An application fee of \$1,123.00 was received on 5 June 2026. 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.
- B. Annual Fees:** This Order is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Central Valley Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D of Statewide Restoration General Order). Annual invoices for fill and excavation projects are issued for projects active for any amount of time in the current fiscal year (July 1 – June 30). Annual invoices for dredging projects are based on the quantity of dredged material in the previous fiscal year. Invoices are usually sent out at the end of each calendar year.

To stop annual billing, the Enrollee must request a Notice of Project Complete Letter from the Water Board. Central Valley Water Board staff will verify if the conditions of the Order are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the State Water Board's [Water Quality Fees Web page](https://www.waterboards.ca.gov/resources/fees/water_quality/) (https://www.waterboards.ca.gov/resources/fees/water_quality/), under Water Quality Certification (WQC) Program Fees.

IX. Findings of Applicability

This letter serves as formal notice that Order No. WQ 2022-0048-DWQ is applicable to this habitat restoration project. Your waste discharge identification (WDID) number is 5A52CR00256.

X. Conditions

The Enrollee shall comply with all applicable conditions of the Statewide Restoration General Order, including but not limited to the following:

A. Reporting and Notification Requirements

1. In-Water Work and Diversions:

The Enrollee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via email, delivered written notice, or other verifiable means.

XI. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Jerred Ferguson at (530) 224-4784 or Jerred.Ferguson@waterboards.ca.gov.

Original Signed by Lynn Coster

6/17/2026

For Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

Date

Attachment A: Project Maps

Attachment B: Receiving Waters, Impacts, and Mitigation Information

Attachment C: CEQA Findings of Facts

Enclosure: State Water Resources Control Board Order for Waste Discharge Requirements for Restoration Projects Statewide, Order No. WQ 2022-0048-DWQ

cc email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Hillary Regnart, U.S. Army Corps of Engineers, Sacramento District
Matthew Mitchell, California Department of Fish and Wildlife, Redding

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Attachment A – Project Maps

Figure 1. Project Vicinity Map

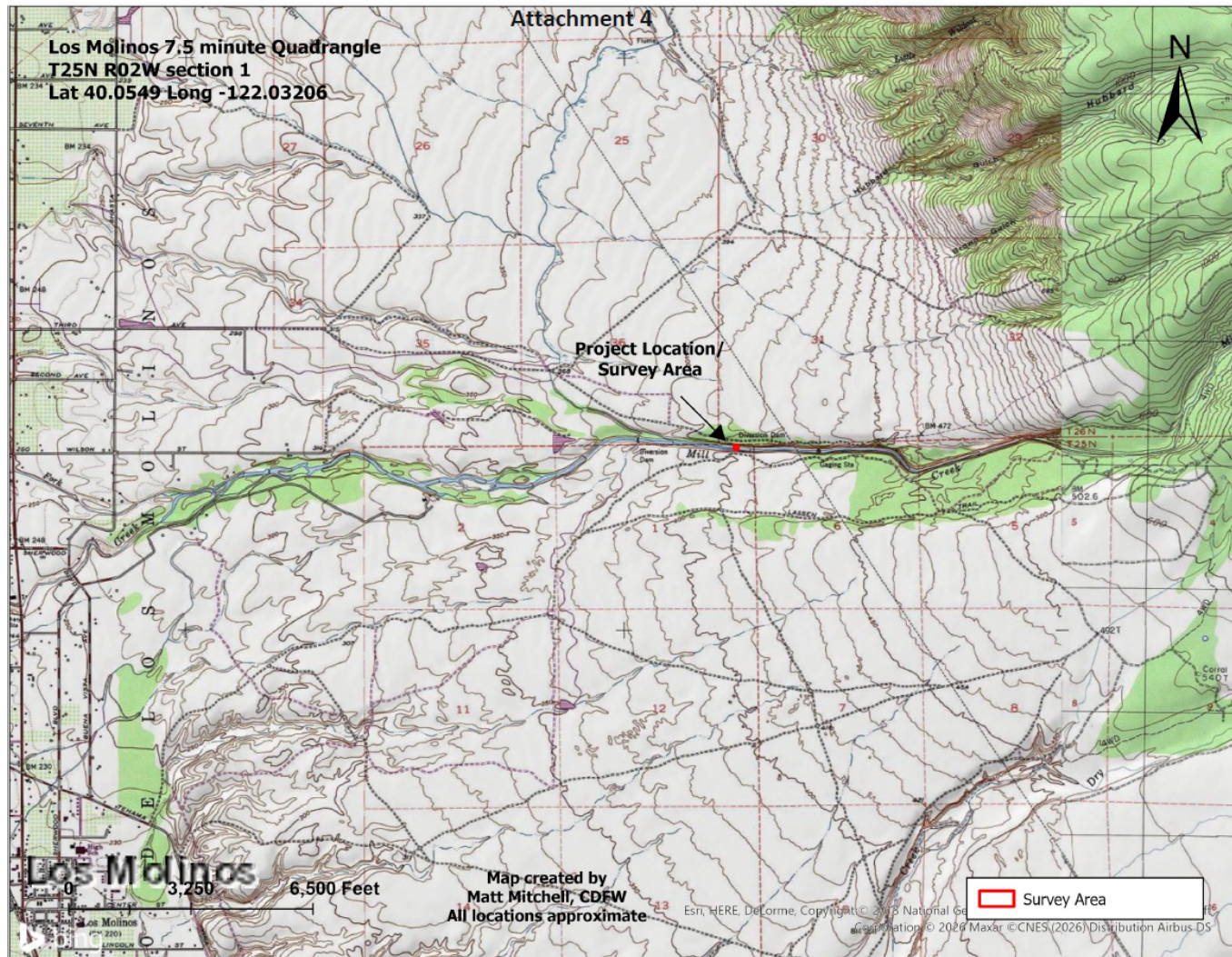


Figure 2: Project Site Overview Map



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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
Upper Mill Creek Dam Temporary Fish Ladder Extension Project	Mill Creek	Creek	509.42	Mill Creek	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Boron, Aluminum	Not Applicable

Individual Direct Impact Locations

The following table shows individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Upper Mill Creek Dam Temporary Fish Ladder Extension Project	40.0549°	-122.0321°	No	0.0069	5	30

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Attachment C – CEQA Findings of Fact

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

Specifically, the project is categorically exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15333, Small Habitat Restoration Projects. Class 33 consists of projects not to exceed five acres in size 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.)