



Central Valley Regional Water Quality Control Board

4 November 2019

James Newcomb
Department of Water Resources
3500 Industrial Boulevard
West Sacramento, CA 95691

CERTIFIED MAIL
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NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE DEPARTMENT OF WATER RESOURCES, GEOTECHNICAL DRILLING EXPLORATION FOR YOLO BYPASS SALMONID HABITAT RESTORATION AND FISH PASSAGE PROJECT (WDID#5A57CR00186), YOLO COUNTY

On 9 September 2019, the Department of Water Resources (Applicant) filed a notification requesting coverage under the 17 March 2017 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification and Order of the United States Army Corps of Engineers 2017 Nationwide Permits (General Certification Order) for the Geotechnical Drilling Exploration for Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project (Project). After review of the notification 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 this General Certification Order. The proposed activity will take place within less than 0.01 acre of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit #6 (Survey Activities), subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). 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](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nw_p_go.pdf) (http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nw_p_go.pdf) can be found on the State Water Resources Control Board's General Order webpage and is enclosed.

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 9 September 2019, and supplementary information (Application Package). Coverage

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The Project consists of conducting three standard penetration tests and one cone penetration test within wetland habitat during naturally dry conditions. The standard penetration test requires driving a 2-inch diameter sampler using an automatic hammer. The cone penetration test requires driving a 2.25-inch diameter drill, backfilling with cementitious grout using the tremie method to avoid mixing with wetland habitat, and adding a 1-inch, capped PVC pipe to monitor groundwater for three years. The borehole will be backfilled with cementitious grout to approximately 2 feet below ground surface and topped with the native soil cuttings to match the existing grade. All remaining drill fluids and cuttings will be stored in containers and transported off site for disposal at a State-licensed facility. The Permittee will remove the PVC pipes and restore the area to pre-project conditions after three years of monitoring.

The Project will temporarily impact less than 0.01 acre of waters of the United States. Wet cementitious grout will be placed into wetland habitat during naturally dry conditions, after sealing the area using the tremie method. The Project must adhere to Section XIII.H.7 in the General Certification Order.

AVOIDANCE AND MINIMIZATION MEASURES:

To minimize the potential effects of construction on water quality and resources, the Applicant shall implement all applicable measures required as described in the General Certification Order. According to the Applicant, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- If any wildlife is observed within the construction area, stop all work immediately and allow the wildlife to move out of the area on its own.
- Hazardous materials associated with construction activities must be stored and used in accordance with practices that prevent them from polluting receiving waters.
- Equipment must be kept in good working order and any petroleum or lubricant spills must be cleaned up immediately and reported to DES.
- All trash and debris must be removed at the end of the project.
- No vegetation will be removed as a part of this Project and all work (including access, staging, drilling, and spoiling) will be restricted to existing levee and maintenance roads.
- Vehicle travel associated with the Project will be restricted to 15 mph on roadways within the wildlife area and work area, when it is safe to do so. This restriction will serve to reduce the potential for noise and dust disturbance and vehicle strikes of giant garter snake and other wildlife.

- Bore holes will be moved an appropriate distance away if a potential nest or burrow is spotted near the original drilling location.
- A Worker Environmental Awareness Training Program for Project personnel shall be conducted by a biologist for all Project activities. This training shall include, at a minimum, instruction on how to recognize giant garter snake and their habitat, least Bell's vireo, western yellow-billed cuckoo, and other sensitive species.
- A biological monitor will be on site during all project activities.

ADDITIONAL CONDITIONS:

1. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of date the project is authorized by this General Certification Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the discharger after the PVC pipe are removed from wetland habitat. The discharger shall provide at least one annual report, in the event that the project is completed in less than one year. (See Section XIII.A.3.a and Attachment B in the General Certification Order.)
2. **Modifications to Project:** If the environmental monitor on-site moves the drilling locations, the Permittee shall give advance notice to the Central Valley Water Board and an amendment may be required. (See Section XIII.A.4.d in the General Certification Order.)
3. **Mitigation for Temporary Impacts:** If restoration of temporary impacts to waters of the United States is not completed within 365 days of the impacts, including the removal of the PVC pipe, compensatory mitigation may be required to offset temporal loss of waters of the United States. (See Section XIII.I.3 in the General Certification Order.)

PROJECT LOCATION:

Section 34, Township 11 North, Range 03 East and Section 03, Township 10 North, Range 03 East, MDB&M

Latitude: 38.74836° N and Longitude: 121.6345° W

PROJECT SCHEDULE:

4 November 2019 through 31 December 2019

APPLICATION FEE RECEIVED:

An application fee of \$1,638.00 was received on 26 September 2019. 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Jordan Hensley at (916) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

Department of Water Resources -4-
Geotechnical Drilling Exploration for Yolo
Bypass Salmonid Habitat Restoration and
Fish Passage Project

4 November 2019

Original Signed By Adam Laputz for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Site Impact Map

Enclosure: State Water Board Certification of the 2017 Nationwide Permits General
Water Quality Certification and Order

cc: [Via email only]

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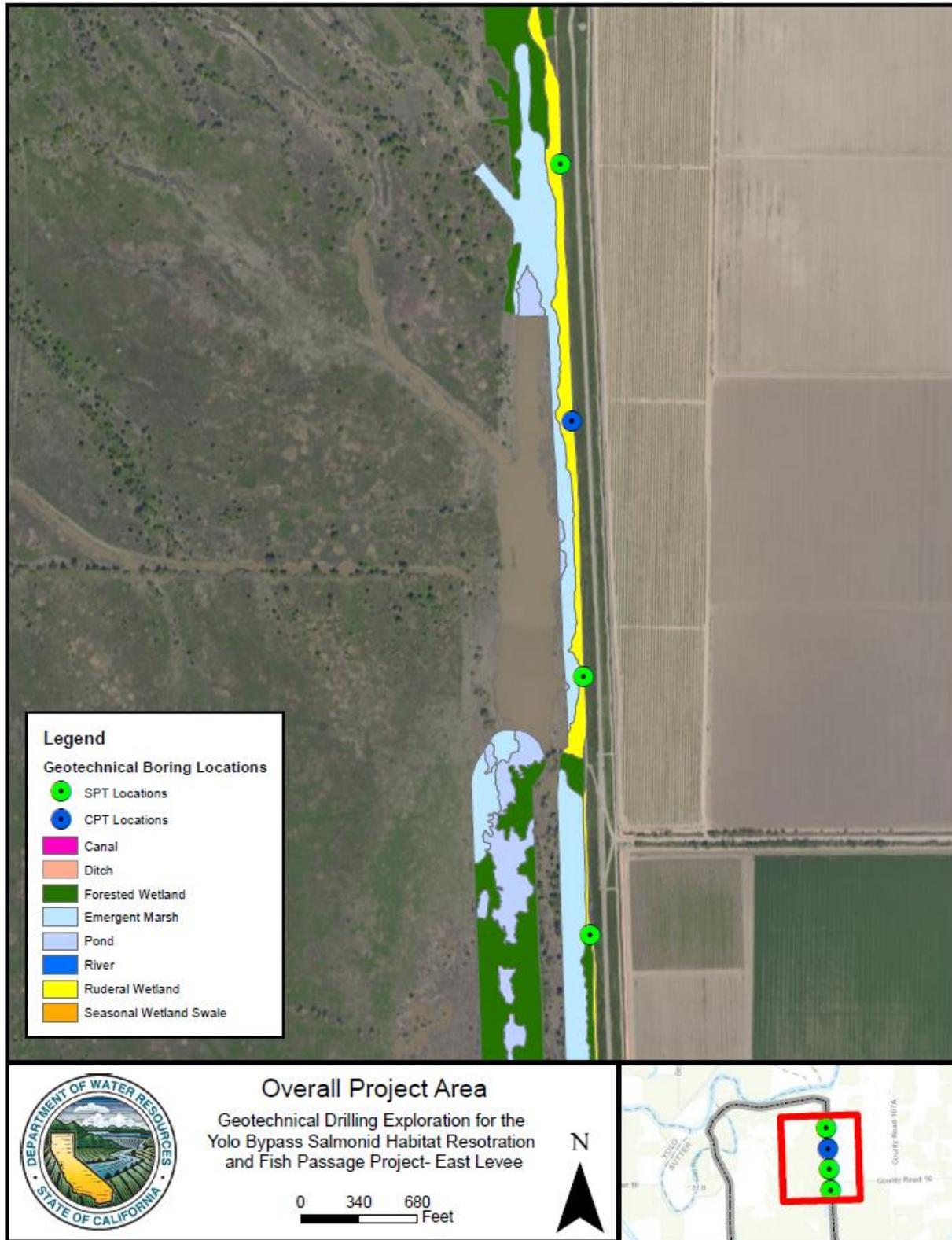


Figure 1 – Site Impact Map