



Central Valley Regional Water Quality Control Board

17 May 2022

Carl Evers
AgIS Capital
3940-7 Broad Street
San Luis Obispo, CA 93401

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, YUBA-BEALE LEVEE REPAIR PROJECT (WDID#5A58CR00184), YUBA COUNTY

On 10 January 2022, the AgIS Capital submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Yuba-Beale Levee Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 0.80-acre Project consists of repairing a portion of an existing levee that was breached during the 2018-2019 storm season. The levee will be repaired utilizing material located onsite. To stabilize the restored levee, material will be compacted and

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

seeded with a native seed mix. No riparian vegetation or trees will be removed as a part of the Project.

The Project will permanently impact approximately 0.070 acre of wetland habitat located adjacent to Best Slough. No direct impacts to Best Slough will occur as a result of the Project.

PROJECT LOCATION:

The Project is located off a dirt access road off South Beal Road near the town of Wheatland. The approximate center of the Project area is located at latitude 39.054654° and longitude -121.444088°.

PROJECT SCHEDULE:

Construction is anticipated to start in July 2022 and will last approximately three months. No ground disturbance will occur during the wet season.

APPLICATION FEE RECEIVED:

An application fee of \$2,600.00 was received on 11 January 2022. 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.

MITIGATION AND MINIMIZATION MEASURES:

No compensatory mitigation is required for the 0.07 acre of permanent impacts to wetland habitat since the wetland was not formed naturally.

The following avoidance and minimization measures will be implemented by the Permittee:

- Construction will occur during the dry season when rain is not likely to occur.
- Silt fence or straw wattles will be placed between the work area and Best Slough to ensure no sediment falls within Best Slough.
- All disturbed soils will be compacted and seeded with a native seed mix at the completion of the Project.

TERMINATION OF COVERAGE:

Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Shawn Agarwal by phone at (916) 464-4849 or by email at Shawn.Agarwal@waterboards.ca.gov.

Original Signed by James Marshall (for)
Patrick Pulupa
Executive Officer

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ

cc: [Via email only]

Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com

Jason Peters
Madrone Ecological Consulting
jpeters@madroneeco.com

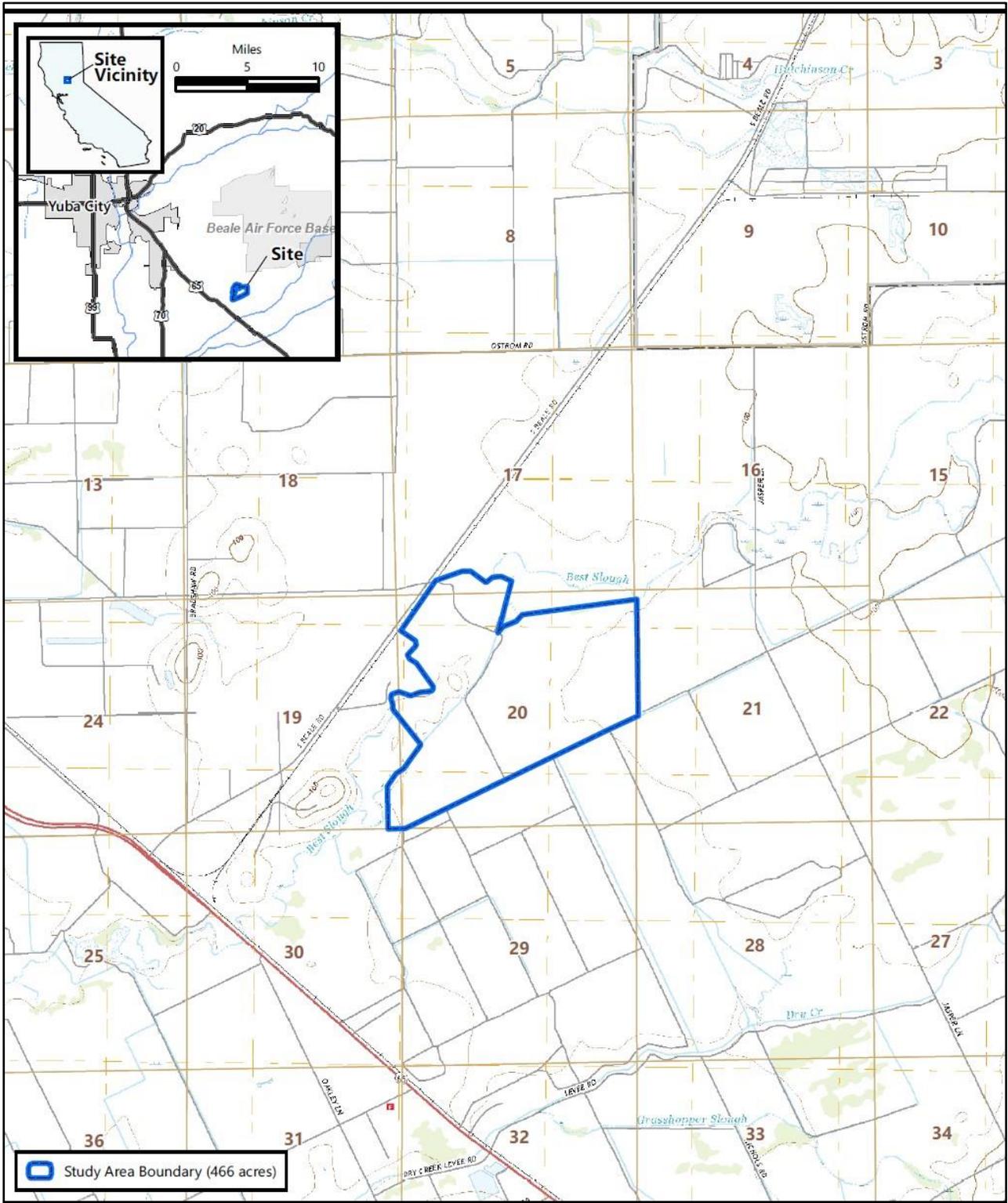


Figure 1: Project Location Map

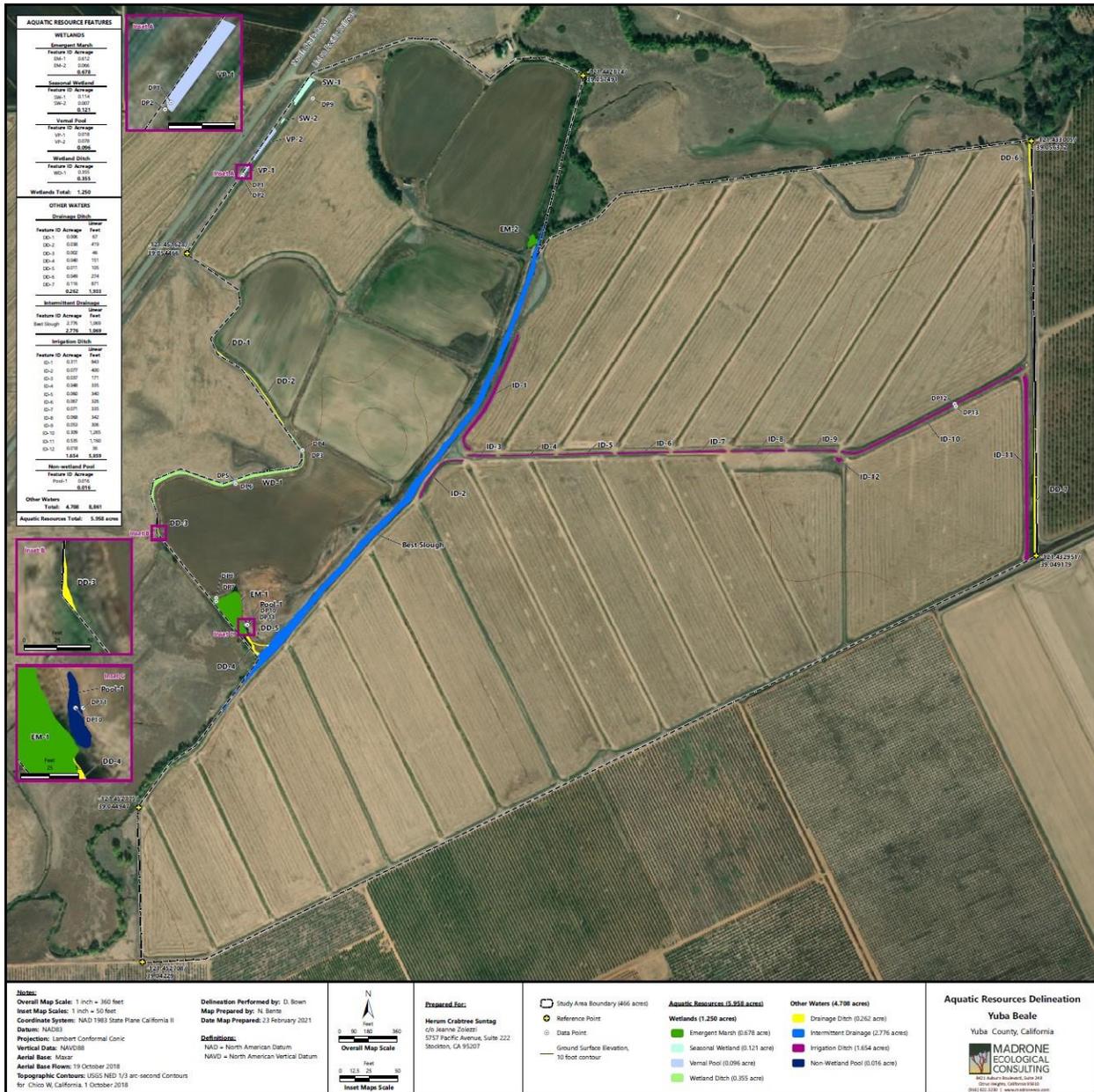


Figure 2: Aquatic Resources Map