



Central Valley Regional Water Quality Control Board

4 August 2022

Calvin Hendrix
Beale Air Force Base
6425 B Street
Beale, CA 95903

**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), BEALE AIR FORCE BASE, GEOTECHNICAL ENGINEERING AND
GEOLOGIC/SEISMIC HAZARDS INVESTIGATION BLACKBIRD MARSH DAM (WDID
NO. 5A58CR00185), YUBA COUNTY**

On 21 June 2022, the Beale Air Force Base (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Geotechnical Engineering and Geologic/Seismic Hazards Investigation Blackbird Marsh Dam (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). 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 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 the Beale Air Force Base (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 can 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 supplementary 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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.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 24 June 2022 to 15 July 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The purpose of the Project is to explore and characterize the subsurface and groundwater conditions of the Blackbird Marsh dam site. The Project consists of advancing three geotechnical borings at the Blackbird Marsh dam site. The borings will be advanced using hollow stem auger drilling method to maximum depth of 40 feet below ground surface. Two of the three borings will be located within wetland habitat.

III. Project Location

Address: Beale Air Force Base, Blackbird Marsh

County: Yuba

Nearest City: Marysville

Latitude: 39.1092° and Longitude: -121.3515°

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, May 2018 (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 Tables 2 and 3 of Attachment B.

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

Temporary impacts will result from the two borings within the Blackbird Marsh wetland. There are no permanent impacts associated with this Project. The boring holes will be backfilled, and disturbed areas will be returned to pre-existing condition by the end of the construction.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Table 1.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	0.05		

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 15304, Minor Alterations to Land.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the Central Valley 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

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.

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.

IX. Compensatory Mitigation

No compensatory mitigation is required because all Project impacts are temporary. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Shawn Agarwal at (916) 464-4849 or Shawn.Agarwal@waterboards.ca.gov.

Original Signed by Adam Laputz (for)

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

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

cc: Distribution List [Via Email Only]

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R9cwa401@epa.gov

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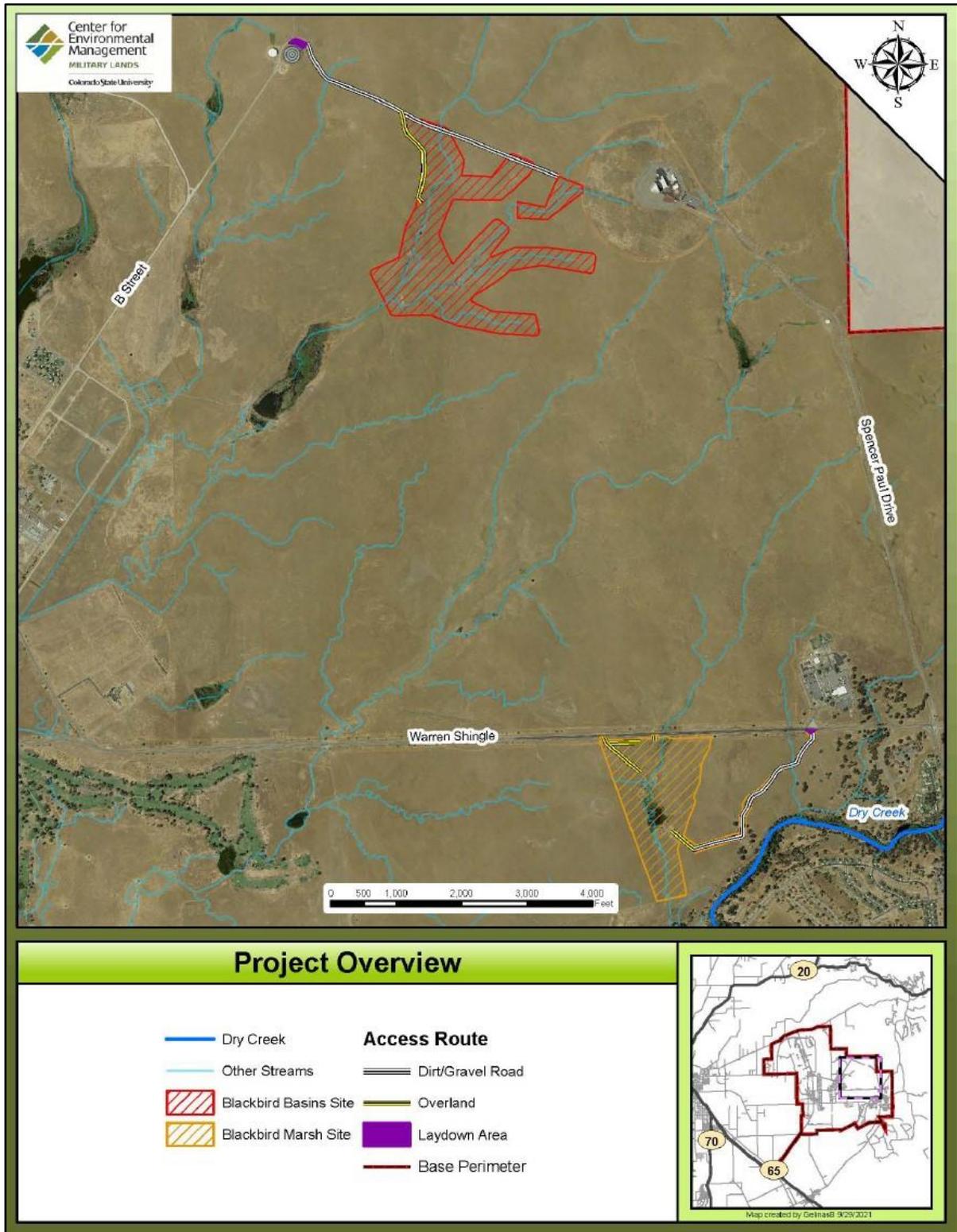


Figure 1: Project Location Map

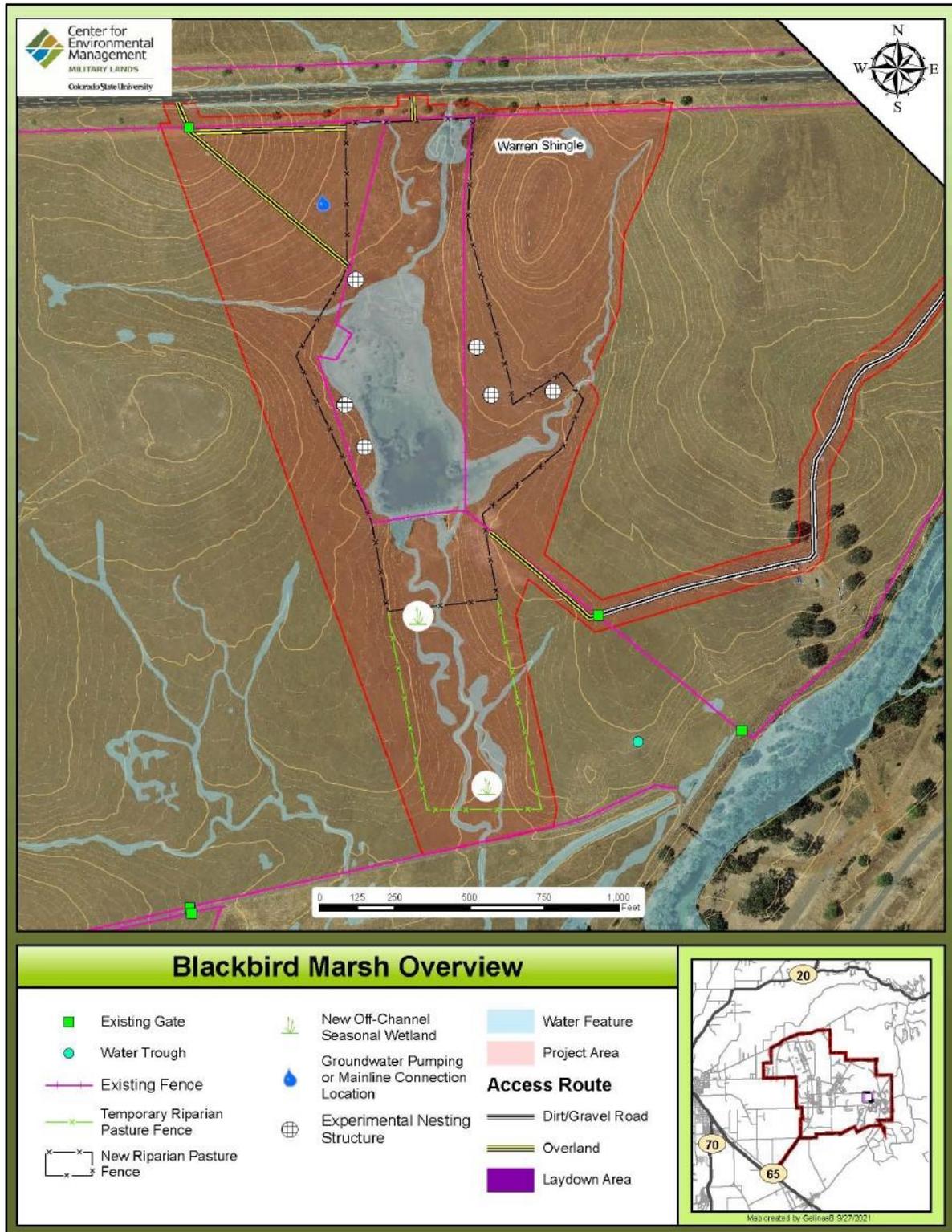


Figure 2. Project Impacts Map

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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
B-1	Blackbird Marsh	Wetland	516.10	Lower Bear River	AGR, COLD, MIGR, MUN, POW, REC1, REC2, SPWN, WARM, WILD	Not Applicable	Not Applicable
B-2	Blackbird Marsh	Wetland	516.10	Lower Bear River	AGR, COLD, MIGR, MUN, POW, REC1, REC2, SPWN, WARM, 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?	Acres	Cubic Yards	Linear Feet
B-1	39.1092°	-121.3517°	No	0.025		
B-2	39.1091°	-121.3514°	No	0.025		

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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 15304, Minor Alterations to Land, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

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.)