
Central Valley Regional Water Quality Control Board

6 January 2023

Ted Gumerson
Property Owner
2286 Driftwood Tide Ave
Henderson, NV 89092

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE TED GUMERSON, LOT 547 LAKE TULLOCH SHORES UNIT 2 REPLACE RETAINING WALL PROJECT (WDID#5B05CR00110), CALAVERAS COUNTY

On 9 December 2022, Ted Gumerson (Applicant) filed a notification requesting coverage under the 9 October 2018 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the Lot 547 Lake Tulloch Shores Unit 2 Replace Retaining Wall (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 in 0.01 acre/83 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection 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](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_cert.pdf) can be found on the State Water Resources Control Board's General Orders 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 December 2022, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The 0.03-acre Project consists of replacing a failing wood lagging retaining wall located between the 507-foot contour and the 515-foot contour on Lake Tulloch with two 8-inch-wide cast in place concrete retaining walls. The upper wall will be located at the 513-foot contour and the lower wall will be located at the 508-foot contour. The ordinary high-water mark (OHWM) of Lake Tulloch is located at the 510-foot contour. The sequence of construction activities is as follows:

1. Remove loose debris and organics to prepare surface for construction of the upper wall.
2. Remove the upper half of the existing wood lagging retaining wall.
3. Construct the upper wall according to the plans.
4. Remove the rest of the existing wood lagging retaining wall.
5. Construct the lower wall according to the plans.

The Project will temporarily impact 0.01 acre/83 linear feet of waters of the United States.

PROJECT LOCATION:

The Project is located at 854 Poker Flat Road in Copperopolis in Calaveras County.

Section 32, Township 1 North, Range 13 East, MDB&M

Latitude: 37.8975° N and Longitude: 120.5786° W

PROJECT SCHEDULE:

The approximate timeframe of Project construction is 16 January 2023 through 17 March 2023. Work will only be conducted in dry conditions and when the lake level is lowest.

APPLICATION FEE RECEIVED:

An application fee of \$2,734.00 was received on 19 December 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 H- Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

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 Anne Walters for:

Patrick Pulupa
Executive Officer

Enclosure: Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401
Water Quality Certification and Order

DISTRIBUTION LIST
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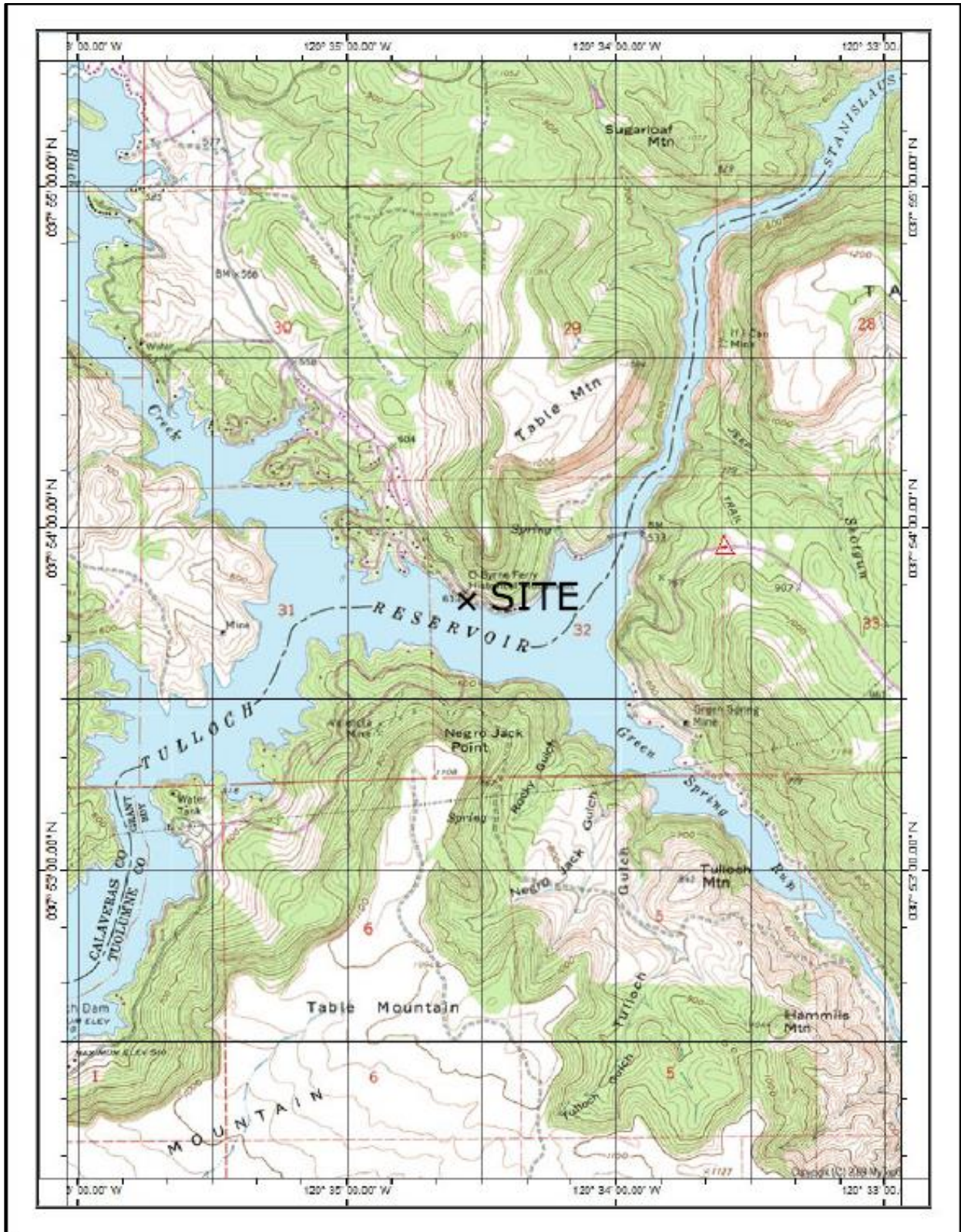


Figure 1: Project Location Map

