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## Central Valley Regional Water Quality Control Board

21 June 2024

Dina Robertson  
East Bay Regional Park District  
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Oakland, CA 94605  
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**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER SB12006GN, AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS, BLACK DIAMOND MINES POND 5 DESEDIMENTATION AND RESTORATION PROJECT (WDID# 5B07CR00262), CONTRA COSTA COUNTY**

On 29 May 2024, the East Bay Regional Park District submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. SB12006GN, Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Black Diamond Mines Pond 5 Desedimentation and Restoration Project (Project) meets the requirements of, and is hereby enrolled under, Order No. SB12006GN. You may proceed with your Project in accordance with the Order.

A copy of [Order SB12006GN](#) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/hrpcert032713.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/hrpcert032713.pdf)) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. SB12006GN. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. SB12006GN constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

**PROJECT DESCRIPTION:**

The Black Diamond Mine Projects consist of the desiltation of three livestock ponds (Pond 20, Pond 5, and Pond 23), repair of spillways on one pond, improvement of a stretch of access road that is eroding into the ponds, and the installation of a new livestock water installation to allow for rotational grazing.

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

Project elements for the 0.42-acre Pond 5 Project that affect aquatic resources include sediment removal, spoils placement, installation of rock riprap, and vehicle and equipment access. The Project will temporarily impact 0.12 acre/140 linear feet and permanently impact 0.12 acre/140 linear feet of freshwater pond. Temporarily impacted areas will be restored to pre-Project condition.

**PROJECT LOCATION:**

The Project is located within a waterbody affecting Sand Creek, upstream of Marsh Creek, within the Black Diamond Mines Regional Preserve, an East Bay Regional Park District property located in Antioch (Parcel 075-140-004). The approximate center of the Project area is located at latitude 37.947970° and longitude -121.854859°.

**PROJECT SCHEDULE:**

The project is projected to begin September 2024 and end November 2024. The work will be conducted during the allowable California Department of Fish and Wildlife/ US Fish and Wildlife Service (CDFW/USFWS) seasonal work period. The project is estimated to take approximately 15 workdays.

**APPLICATION FEE RECEIVED:**

\$796.00 was received on 3 June 2024. 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).

**MITIGATION AND MINIMIZATION MEASURES:**

According to the Notice of Intent submitted, the rock riprap will be installed on an already permanently disturbed existing fire road. The proposed location is across an existing road that is also partially the spillway for the livestock pond. During the wet months, the road becomes impassible because of the water flowing through the pond, through the spillway, and across the road.

Proposed measures to avoid and minimize impacts to aquatic resources include but are not limited to the following:

- No mono-filament matting will be used during the work
- Construction activities will be limited to the dry season (September 1 through October 31)
- Construction will stop for forecasted rain greater than 1/4 inch
- Removed sediment will be placed so that it cannot reenter the pond or any other waters of the State

You must implement the mitigation and minimization measures proposed in your mitigation plan.

**NOTICE OF COMPLETION:**

Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Carter Cook by phone at (916) 464-4699 or by email at [Carter.Cook@waterboards.ca.gov](mailto:Carter.Cook@waterboards.ca.gov).

*Original Signed by Anne Walters for:*

Patrick Pulupa  
Executive Officer

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File # SB12006GN

Attachments: Figure 1 – Project Location Map

cc: Distribution List, via email only

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Figure 1 – Project Location Map

