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## Central Valley Regional Water Quality Control Board

25 May 2023

Jim Brannen  
Union Pacific Railroad Company  
1400 Douglas Street, STOP 1030  
Omaha, NE 68179

**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), UNION PACIFIC RAILROAD COMPANY, NORTH FUELING  
FACILITY, DUNSMUIR RAILYARD 2023 SHORELINE RESPONSE ACTION  
PROJECT (WDID NO. 5A47CR00061), SISKIYOU COUNTY**

On 10 April 2023, Union Pacific Railroad Company (Applicant) filed a Notice of Intent (NOI) requesting coverage for the North Fueling Facility, Dunsmuir Railyard 2023 Shoreline Response Action 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). The applicable Nationwide Permit (NWP) is NWP 20, Response Operations for Oil and Hazardous Substances. 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 North Fueling Facility, Dunsmuir Railyard 2023 Shoreline Response Action Project (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 Union Pacific Railroad Company (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](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that described in the Application Package, then coverage under the General Order is no longer valid.

## I. Public Notice

The Central Valley Water Board provided public notice of the application from 14 April 2023 to 5 May 2023. The Central Valley Water Board did not receive any comments during the comment period.

## II. Project Description

The primary objective of the Project is to meet the requirements of the U.S. Environmental Protection Agency Order to stop, control, and contain the discharge of oil from the site into the Sacramento River and to achieve the primary remedial action objective of the Cleanup and Abatement Order to eliminate oil migration to the Sacramento River. The response action addresses approximately 1,500 feet of Sacramento River shoreline at the site and includes removal of oil-impacted soil and infrastructure affecting oil migration and construction of a barrier to prevent future migration of oil toward the restored shoreline and the river.

Excavation to remove oil-impacted soils will include the removal of concrete and wooden retaining walls that were constructed to provide a level yard surface over the natural floodplain, as well as adjacent areas of riprap, shotcrete, and concrete debris that comprise the existing constructed riverbank. Up to 0.46 acre of existing vegetated areas will be cleared to perform the soil removal activities in the North Yard, including removal of six mature black cottonwood (*Populus trichocarpa*) trees. Excavation in vegetated areas near Stations 3+50 and 8+50 will avoid overstory tree removal to the maximum practicable extent. Soil excavation will occur along approximately 1,350 feet of the riverbank between Stations 3+50 and 17+00. Excavation will typically be to the bedrock elevation and will vary throughout the project, with a maximum excavation depth estimated at 25 feet. Approximately 60,000 cubic yards (CY) of soil over 2.94 acres will be removed. Demolition and excavation will include limited work below the ordinary high-water mark (OHWM) of the upper Sacramento River. In addition to removing retaining walls and oil-impacted soil from the riverbank adjacent to the OHWM, the project will remove an existing concrete walkway and previously authorized walkway cover system and in-river oil-absorbent mattresses. Work below the OHWM is planned to occur between Stations 3+50 and 17+00 during seasonal low-flow conditions and will be isolated from the active channel by a temporary in-river isolation barrier. Construction of the temporary in-river isolation barrier will be completed prior to work in the wetted channel, including restoration activities such as placement of rock at the fabric-encapsulated soil lift base and in-river habitat boulders. The in-river isolation barrier will consist of rock-filled supersacks, placed by an excavator operating in dry conditions above the OHWM, to isolate an approximate 6-foot-wide area of the river.

The isolation barrier will be triangular in cross-section with a lower base of three supersacks, a middle row of two supersacks, and a top row of one supersack. A turbidity curtain and oil booms will be placed outside the barrier to limit impacts to

water quality. The barrier will have a total approximate width of 9 feet throughout the 1,350-foot length, will occupy approximately 12,150 square feet (0.28 acre), and will require up to 2,700 CY of temporary fill below the OHWM of the upper Sacramento River. Including the barrier, up to 0.49 acre of wetted channel will be isolated from active flow. In-river work is anticipated to be performed incrementally and is generally anticipated to start in the upstream end of the site and move downstream.

With the removal of the retaining walls, the Project will restore 2.94 acres of floodplain riparian habitat. Boulders will be placed along the newly exposed bank to improve river hydraulics and habitat complexity.

### III. Project Location

Address: 5750 Sacramento Avenue

County: Siskiyou County

Nearest City: Dunsmuir

Latitude: 40.21097° and Longitude: -122.26963°

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, February 2019 (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/](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**

The Project will impact 0.29 acre of Waters of the United States. These impacts include temporary impacts of 0.28 acre of stream channel and permanent impacts of 0.01 acre of stream channel.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. 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 Tables 1 and 2.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.28	2700	1350

**Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts.**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.01	80	950

**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 15330, Minor Actions. Class 30 consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

**VII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State 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.

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<sup>1</sup> 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.

**VIII. Fees Received**

A partial application fee of \$2,417 was received on 10 April 2023 and \$317 was received on 18 April 2023, for a total application fee of \$2,734. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of \$4,332 based on total Project impacts was received on 18 April 2023.

**IX. Compensatory Mitigation**

The project includes several elements that will mitigate the permanent impact to 0.01 acre of stream channel. The proposed in-river boulders that result in that impact will improve river hydraulics and habitat complexity in the project reach. The project will also restore 2.94 acres of floodplain riparian habitat. With the expansion of the floodplain and removal of retaining walls that currently constrain the channel, the post-project condition is also expected to result in a modest expansion of stream channel habitat.

Total Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee-Responsible	Acres				0.01		
Floodplain Riparian Habitat	Permittee-Responsible	Acres		2.94				

**X. Central Valley Regional Water Quality Control Board Contact:**

If you have any questions regarding this Notice of Applicability, please contact Katie Gilman at (530) 224-3212 or [Katie.Gilman@waterboards.ca.gov](mailto:Katie.Gilman@waterboards.ca.gov).

Original Signed by Clint Snyder  
 (for) Patrick Pulupa, Executive Officer  
 Central Valley Regional Water Quality Control Board

5/24/2023  
 Date

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, Impacts, and Mitigation Information  
Attachment C - CEQA Findings of Facts

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**Attachment A**

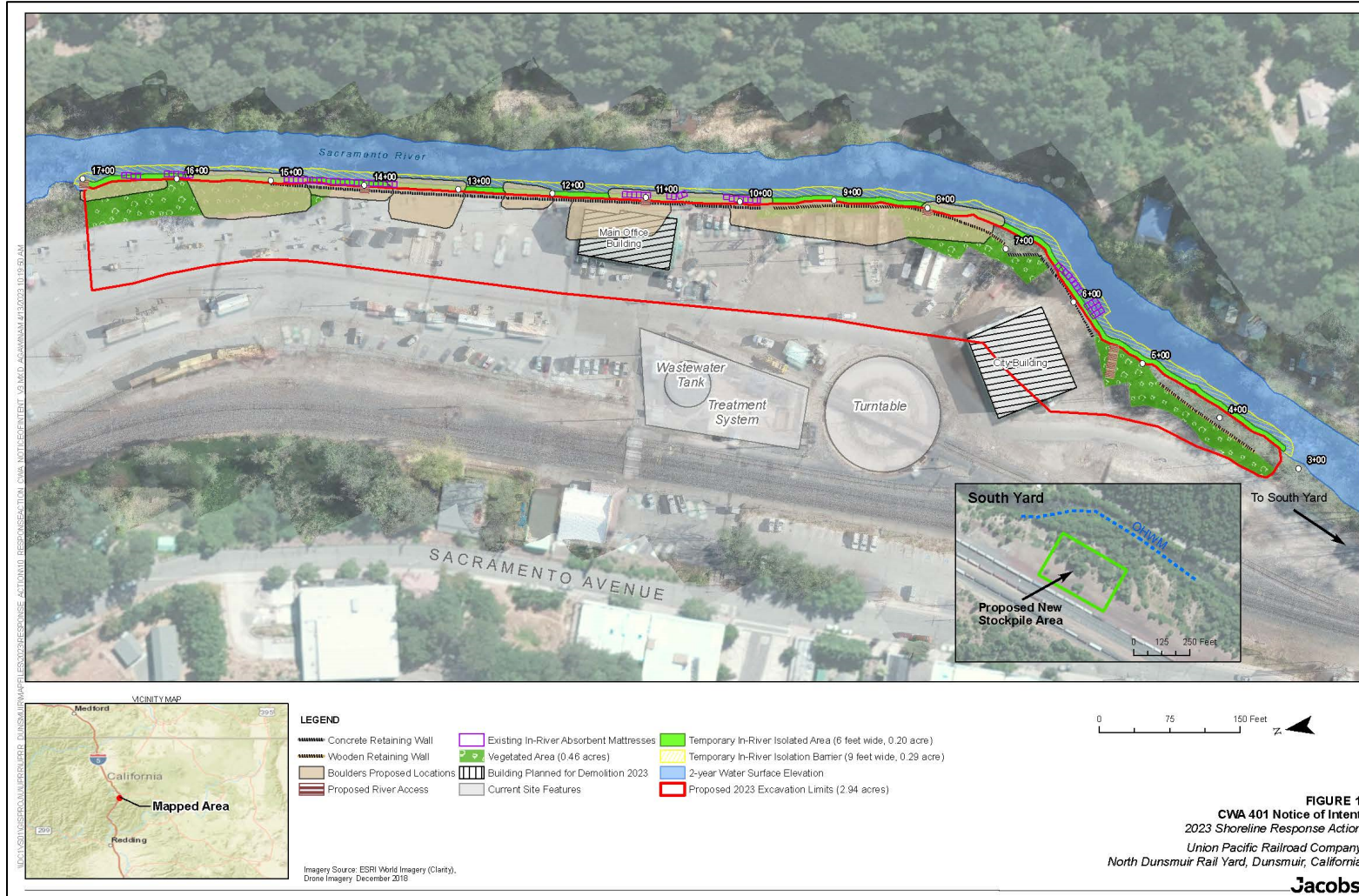
Figure 1: Project Location Map



**FIGURE 1-1**  
**Site Location**  
**Aquatic Resource Delineation Report**  
 Union Pacific Railroad Company  
 North Dunsmuir Rail Yard, Dunsmuir, California  
**Jacobs**



Figure 2. Project Impact 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
North Fueling Facility, Dunsmuir Railyard 2023 Shoreline Response Action Project	Upper Sacramento River	Stream	525.2	Sacramento River (Box Canyon Dam to Shasta Lake)	AGR, REC-1, REC-2, COLD, SPWN, 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
North Fueling Facility, Dunsmuir Railyard 2023 Shoreline Response Action Project	41.21097°	-122.26963°	No	0.28	2700	1350

**Table 3: Individual Permanent Fill/Excavation Impact Information**

<b>Impact Site ID</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Indirect Impact Requiring Mitigation?</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
North Fueling Facility, Dunsmuir Railyard 2023 Shoreline Response Action Project	41.21097°	-122.26963°	No	0.01	80	950

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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 153030, Minor Actions, which consists of any minor cleanup actions taken to prevent, minimize, stabilize, mitigate, or eliminate the release or threat of release of a hazardous waste or substance which are small or medium removal actions costing \$1 million or less.

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.)

## DISTRIBUTION LIST

United States Environmental Protection Agency  
Region 9, San Francisco  
[R9cwa401@epa.gov](mailto:R9cwa401@epa.gov)

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