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## Central Valley Regional Water Quality Control Board

Russell Nickerson  
USDA Forest Service Lassen National Forest  
P.O. Box 767  
Chester, CA 96020

**NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS FILE NO. SB12006GN FOR USDA FOREST SERVICE LASSEN NATIONAL FOREST, NANNY CREEK CROSSING UPGRADE PROJECT, TEHAMA COUNTY, W DID NO. 5A52CR00235**

On 4 March 2024, USDA Forest Service Lassen National Forest (Applicant) submitted a Notice of Intent (NOI) requesting coverage under the 27 March 2012 State Water Resources Control Board (State Water Board) Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (General Order) for the Nanny Creek Crossing Upgrade Project (Project). After review of the NOI 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 the General Order.

This Notice of Applicability (NOA) is being issued to USDA Forest Service Lassen National Forest (hereinafter Enrollee) by the Central Valley Water Board under the General Order pursuant to Section 3838 of the California Code of Regulations.

**NOA Effective Date:** 16 April 2024

**NOA Expiration Date:** 16 April 2029

A copy of the General Order is enclosed. The General Order may also be accessed on the [State Water Resources Control Board's General Orders Web Page](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2013) ([http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders.html#yr\\_2013](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2013)).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the NOI requesting coverage and supplemental information (Application Package) submitted by the Enrollee and is limited to the impacts identified in the Application Package and described in this NOA. If the

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

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 8 March 2024 to 29 March 2024. The Central Valley Water Board did not receive any comments during the comment period.

## **II. Project Description**

### **A. Project Purpose**

The purpose of the project is to replace the existing crossing on Lassen National Forest Road 29N22 at Nanny Creek in order to restore aquatic organism passage, reduce road-related sedimentation, and reduce crossing failure risk.

### **B. Removal of Existing Culvert Crossing**

The proposed project involves removing the existing road crossing structure consisting of a 128-inches-wide and 60-foot-long squashed culvert with a short concrete apron at the inlet side of the crossing. Removal of the existing culvert and concrete apron will be performed by heavy equipment operating from the existing roadbed, outside of the existing stream channel, with all materials from the existing crossing being disposed of offsite in an appropriate disposal site.

### **C. Installation of New Crossing**

A new 17-foot-wide and 60-foot-long bottomless pipe arch culvert with multi-plates will be installed at the crossing. The 17-foot-wide culvert was sized to accommodate a 100-year flood event at this location and will be installed on concrete footings approximately 9 feet wide, 4 feet deep, and 60 feet long. Concrete headwalls approximately 22 feet in width with 8 foot wingwalls will be installed at the upstream and downstream ends of the culvert for additional debris passage capacity, and erosion and scour protection.

Foot traffic or bracing for the multi-plate arch culvert during construction may be required within the stream channel. Work will occur when Nanny Creek has reached baseflow conditions and sediment transport capacity is lowest.

Dewatering of Nanny Creek at the site will be performed as needed as detailed in the project dewatering plan and will be in place until the concrete from project activities has completely cured.

### **D. Additional Work Within Ordinary High Water Mark**

To simulate site streambed characteristics and improve aquatic organism passage, three boulder weirs with cobble substrate will be constructed within the length of the culvert, two boulder weirs will be constructed upstream of the inlet, and one existing outlet boulder weir will be reconfigured downstream of the outlet.

**E. Work Outside Ordinary High Water Mark**

Road reconstruction work will be performed on adjacent road approaches to reduce road-stream hydrologic connectivity. This includes rock armoring drainage ditches, installation of road-sediment basins, road resurfacing, and installation of 12 rolling dips. These actions will reduce road-related sediment contributions to Nanny Creek from Lassen National Forest Road 29N22 and 29N22C by an estimated 4.10 tons/year.

**III. Description of Direct Impacts to Waters of the State**

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition. 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 is shown in Table 2 of Attachment B.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.073	N/A	217.32

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.058	135	434.41

**IV. Project Schedule**

The Project is estimated to be conducted over two months. The expected seasonal work period will be between 1 August 2025 and 30 November 2025.

**V. Project Location**

Address: The Project is located at the intersection of Lassen National Forest Road 29N22 and Nanny Creek.

County: Tehama County

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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.

Nearest City: Mineral

Section 09, Township 29 North, Range 04 East, MDB&M.

Latitude: 40.39228058° and Longitude: -121.54489899°

Maps showing the Project location are found in Attachment A of this Notice of Applicability.

## **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 15333, Small Habitat Restoration Projects, which consists of projects not to exceed five acres to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

## **VII. 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.

## **VIII. Findings of Applicability**

This letter serves as formal notice that Order No. SB12006GN is applicable to this small habitat restoration project. Your waste discharge identification (WDID) number is 5A52CR00235.

## **IX. Reporting**

A Notice of Completion (NOC) shall be submitted by the Enrollee no later than 30 days after the work has been completed. The NOC shall demonstrate that the work has been carried out in accordance with the description provided in the Enrollee's NOI.

Failure to comply with the terms and conditions of the General Order may expose USDA Forest Service Lassen National Forest to enforcement action pursuant to the Clean Water Act and California Water Code.

If you require further assistance, please contact me by phone at (530) 224-4994 or by email at [Carson.Blodow@waterboards.ca.gov](mailto:Carson.Blodow@waterboards.ca.gov). You may also contact Lynn Coster, Senior Environmental Scientist of the Storm Water and Water Quality Certification Unit, by phone at (530) 224-2437 or by email at [Lynn.Coster@waterboards.ca.gov](mailto:Lynn.Coster@waterboards.ca.gov).

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

4/16/2024  
Date

- Attachment A:** Project Maps
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN

cc email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Christy Morgan, U.S. Army Corps of Engineers, Sacramento  
Heather Reineking, Sierra Institute for Community and Environment, Taylorsville  
Sophie Castleton, Sierra Institute for Community and Environment, Taylorsville

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### Attachment A – Project Maps

Figure 1: Project Location Map

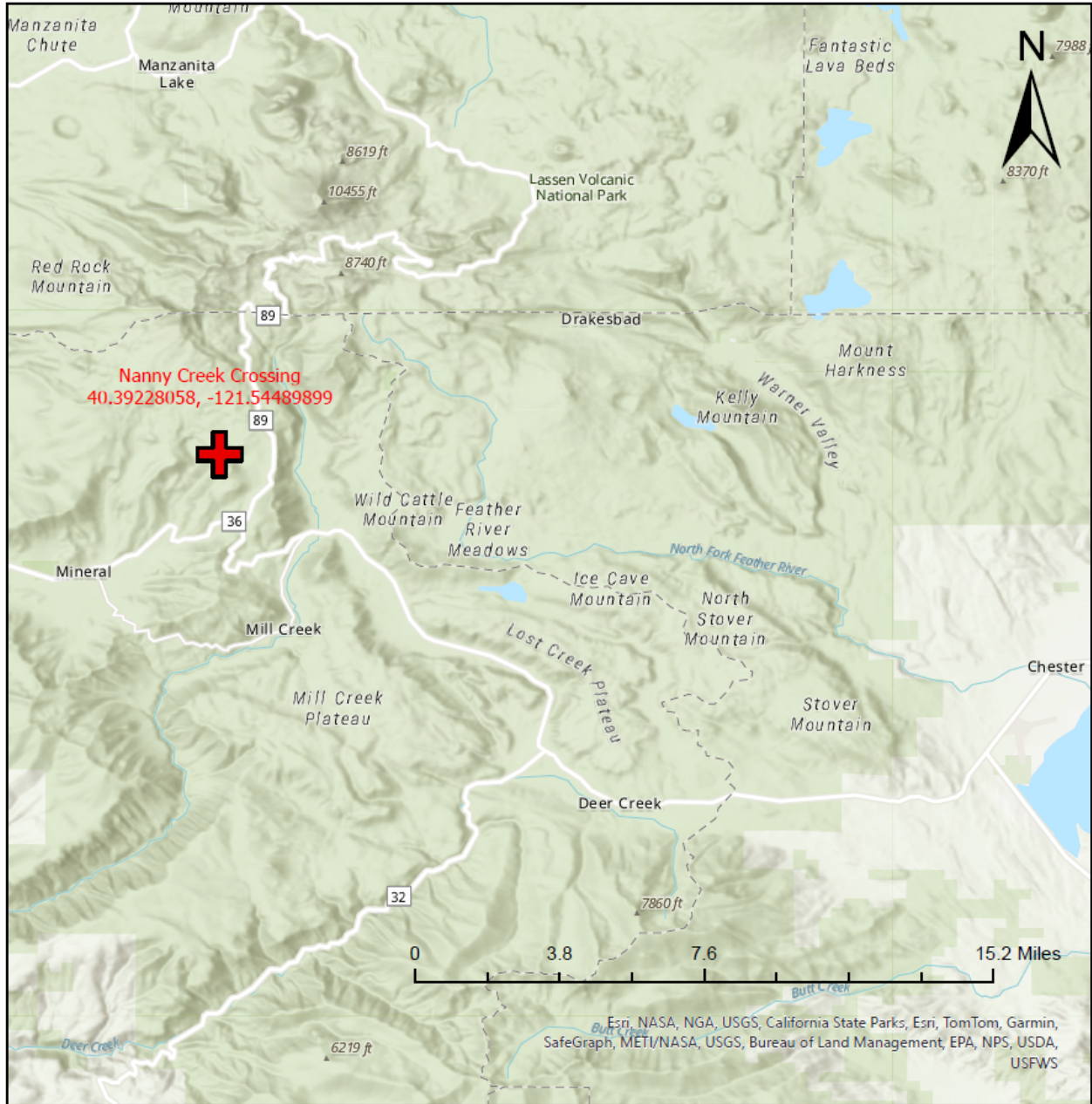
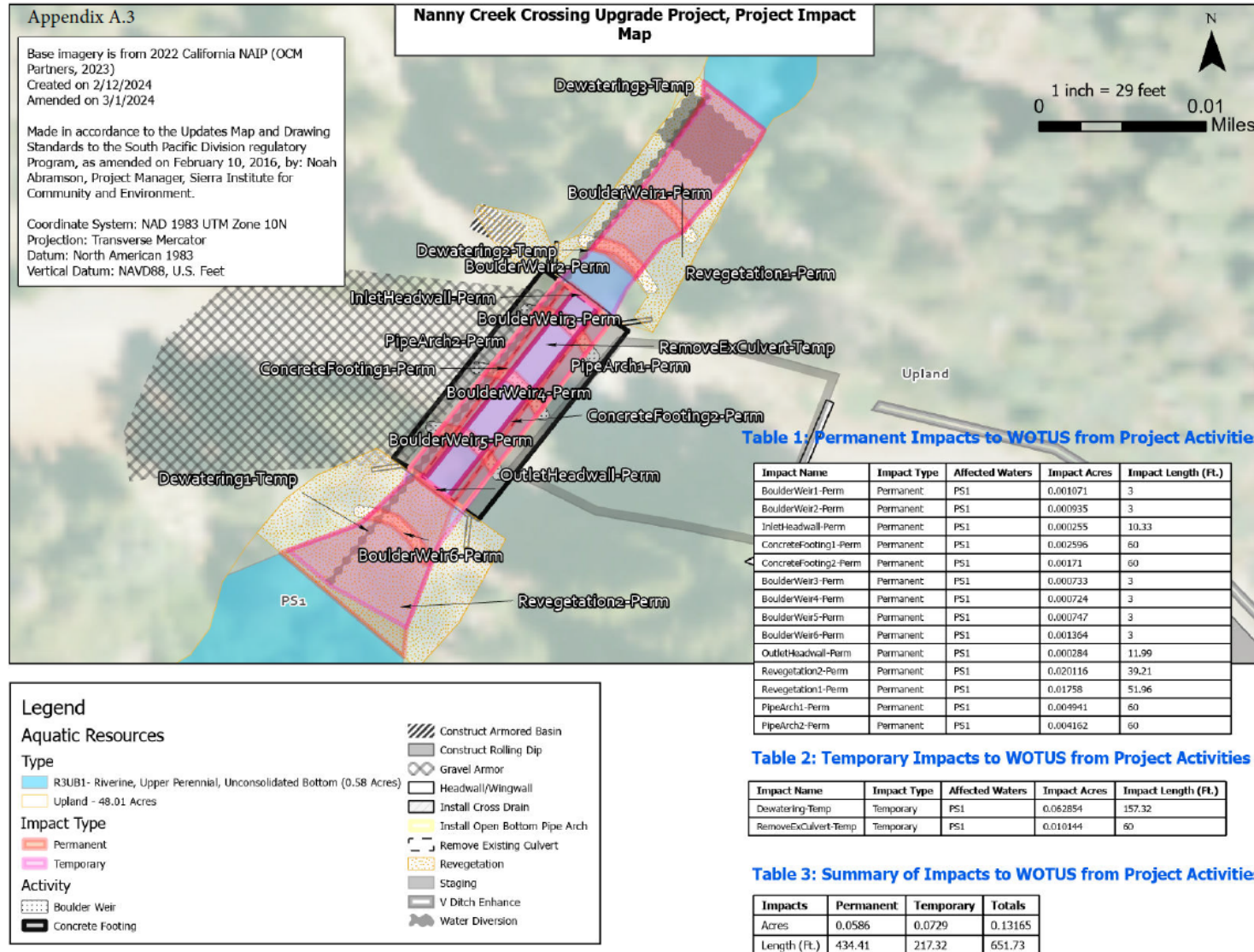




Figure 2: Project Impacts Map





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**Attachment B – Receiving Waters, Impacts and Mitigation Information**

The following table shows the receiving waters associated with each impact site.

**Table 1: Receiving Water Information**

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Nanny Creek Crossing	Nanny Creek	Stream	507.12	Battle Creek	AGR, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	pH	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?	Acre	Cubic Yards	Linear Feet
Nanny Creek Crossing	40.39228058°	-121.54489899°	No	0.073	N/A	217.32

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Nanny Creek Crossing	40.39228058°	-121.54489899°	No	0.058	135	434.41

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### **Attachment C – CEQA Findings of Fact**

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 15601.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15333, Small Habitat Restoration Projects, which consists of projects not to exceed five acres to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife.

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.)