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## Central Valley Regional Water Quality Control Board

14 February 2024

Amber Wallace  
City of Sacramento  
1110 West Capitol Avenue, 1st Floor  
West Sacramento, CA 95691  
[amberw@cityofwestsacramento.org](mailto:amberw@cityofwestsacramento.org)

**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2022-0048-DWQ,  
ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION  
AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS  
STATEWIDE, BEES LAKES HABITAT RESTORATION PROJECT  
(WDID#5A57CR00216), YOLO COUNTY**

On 21 November 2023, the Amber Wallace submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order).

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Bees Lakes Habitat Restoration Project (Project) meets the requirements of, and is hereby enrolled under, Order No. WQ 2022-0048-DWQ. You may proceed with your Project in accordance with the Order. 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 [Order No. WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) ([https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2022/wqo2022-0048-dwq.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf)) can be found on the State Water Resources Control Board's General Orders webpage.

Please familiarize yourself with the requirements of Order No. WQ 2022-0048-DWQ. You are responsible for complying with all applicable Order requirements. Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with Order No. WQ 2022-0048-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

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

### **PROJECT DESCRIPTION:**

The 39.9-acre Project consists of implementing ecosystem, water quality, and recreational improvements. The purpose of on-site ecosystem and water quality improvements is to enhance and restore valley foothill riparian (non-wetland) and lacustrine (open water) habitat and water quality. To enhance and expand riparian woodland habitat, approximately 2.21 acres of mixed riparian woodland will be planted. Ecosystem improvements will include focused removal and control of target invasive species. Invasive plant removal is proposed to be conducted over two seasons in a targeted manner to minimize impacts on native vegetation.

Project elements that affect aquatic resources include removing and disposing of potentially contaminated soil from the two ponds on the site, potentially treating the pond water, and the removal of trash from the ponds. The water quality components also include installing a submerged or floating aeration diffusion device to increase pond aeration and water circulation within the ponds, decrease algae growth, and increase habitat suitability for fishes and other aquatic life. An additional water quality enhancement, which would also provide habitat benefits, includes installing one or more artificial floating wetland islands in one or both of the site ponds. The Project will temporarily impact 0.04 acre(s) of Lake/ Reservoir and permanently impact 0.075 acre(s) of Lake/Reservoir and Wetland. Temporarily impacted areas will be restored to pre-Project condition.

### **PROJECT LOCATION:**

The Project is located along the west bank of the Sacramento River in the City of West Sacramento, Yolo County, California. The approximate center of the Project area is located at latitude 38° 19' 33.85"N and longitude -121° 18' 48.79"W.

### **PROJECT SCHEDULE:**

April 2025- April 2030

### **APPLICATION FEE RECEIVED:**

\$796.00 was received on 5 January 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) with the dredge and fill fee calculator.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

**Mitigation Measure BIO-1:** The following mitigation measure shall be implemented to minimize temporary project construction impacts:

- Retain an ecologist/biologist to direct and oversee the invasive plant removal component of the Bees Lakes Habitat Restoration Plan. The ecologist/biologist will be responsible for ensuring the project is implemented consistent with the Bees Lakes Habitat Restoration Plan and the project's Mitigation Monitoring and Reporting Plan.

- The invasive plant removal shall be conducted over two seasons in a targeted manner to minimize impacts to native vegetation. Invasive woody plant removal in the first season shall consist of targeted work by hand crews to either hand pull invasive plants (e.g. with a weed wrench) or cut and remove invasive plant material. Where appropriate, the cut surface of stumps or large stems will be painted with herbicide to kill woody plant root systems and prevent and/or reduce crown resprouting. Cut invasive woody plant materials shall be removed from the site and disposed of legally offsite.
- All locations where invasive woody plants are removed and treated in the first season shall be marked, mapped, and tracked over the following growing season to locate and retreat any resprouts; more than one retreatment may be necessary. After woody plant removal sites have been revisited in the second season following treatment with little to no evidence of regrowth of target invasive plants, any significant bare ground areas (100 square feet in size or larger) shall be raked to scarify the soil surface and subsequently broadcast seeded with a riparian seed mix, per the Bees Lakes Habitat Restoration Plan, in the subsequent fall to winter. Seeded sites shall be regularly revisited (i.e., monthly) during the growing season to ensure native vegetation is establishing and that further adaptive management actions are not indicated. Control of target invasive herbaceous species shall be achieved either via mechanical methods, including targeted hand pulling or timed mowing/string trimming of invasive plants before seedset, and/or spot spraying target invasive plants with a backpack sprayer using an appropriate herbicide and marker dye. All herbicide treatments shall be applied in accordance with herbicide label specifications and under the direction of a Pest Control Advisor (PCA) licensed in the State of California. No herbicides shall be sprayed on days when wind speeds are high enough to potentially cause herbicide drift, and no herbicide spraying shall be conducted within any elderberry shrub driplines.
- All areas within existing grasslands and uplands that are disturbed by trail improvement work or for the construction of the northeast and southwest trail access ramps shall be seeded with the native grassland seed mix, per the Bees Lakes Habitat Restoration Plan, which includes a mix of native grasses and forbs.
- The erosion of exposed soils shall be minimized through implementation of the water quality mitigation measures included in the Hydrology and Water Quality section of this Initial Study.

**Mitigation Measure BIO-2:** Prior to initiating project construction, secure a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers and a Clean Water Act Section 401 Water Quality Certification from the Central Valley Regional Water Quality Control Board. Implement any measures identified within these permits designed to offset the loss of Waters of the U.S. and/or wetlands.

**Mitigation Measure HYD-1:** A storm water pollution prevention plan (SWPPP) shall be prepared for the proposed project with associated best management practices (BMPs), consistent with City standards. The SWPPP shall be designed to protect water quality

pursuant to the requirements of the National Pollutant Discharge Elimination System (NPDES) stormwater permit for construction activity (Order 99-08-DWQ, as amended). The SWPPP would identify and specify: the use of erosion and sediment-control BMPs, including construction techniques that will reduce the potential for erosion, specifically into the Sacramento River, as well as other measures to be implemented during construction; the means of waste disposal; the implementation of approved local plans, non-stormwater-management controls, permanent post construction BMPs, and inspection and maintenance responsibilities; the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, and other types of materials used for equipment operation; spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills; personnel training requirements and procedures, including the use of a sign-in log identifying who attended required trainings, that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction. BMPs may include such measures as the following: Implementing temporary erosion-control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, and sandbag dikes.

All construction contractors shall retain a copy of the approved SWPPP on the construction site. The SWPPP shall be submitted to the Central Valley Water Board pursuant to NPDES requirements and completed and implemented before the start of construction activities.

#### **REPORTING AND NOTIFICATION REQUIREMENTS:**

The Permittee shall follow notification and reporting requirements described in this Notice of Applicability (NOA), and those found in Attachment D of the Order WQ 2022-0048-DWQ, unless specified as an optional requirement and excluded from this NOA.

##### **1. Annual Reporting**

The Permittee shall submit an Annual Report each year within one month of the anniversary of the effective date of this Notice of Applicability. Annual reporting shall continue until the active discharge period is complete and the project enters the post-construction monitoring phase where upon the Permittee shall annually submit a Post-Construction Monitoring Report (Report Type 2) The Post-Construction Monitoring Report shall be submitted on the anniversary of the date that the project restoration activities were completed.

The Annual Report and Post Construction Monitoring Report shall include the information specified in Attachment D, Part A of Order No. WQ 2022-0048-DWQ.

The Permittee shall submit the report in accordance with the report submittal instructions in Attachment D of Order No. WQ 2022-0048-DWQ and email it to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc Sara Gevorgyan at [Sara.Gevorgyan@waterboards.ca.gov](mailto:Sara.Gevorgyan@waterboards.ca.gov).

## **2. Notification for In-Water Work and Diversions**

The project proponent shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via e-mail, delivered written notice, or other verifiable means.

## **3. Water Quality Monitoring Plan for In-Water Work or Diversions**

A Water Quality Monitoring Plan shall be submitted to the approving Water Board for acceptance at least thirty (30) days in advance of commencement of project activity. Standards for in-water work or diversions are discussed in General In-Water Measures, specifically IWW-6, presented in Attachment A. The Permittee shall comply with the approving Water Board-specific water quality control plan water quality objectives and reporting requirements.

## **4. Environmental Monitoring**

Per General Protection Measure 5 (GPM-5) of the Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

### **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 Sara Gevorgyan by phone at (916) 464-4710 or by email at [Sara.Gevorgyan@waterboards.ca.gov](mailto:Sara.Gevorgyan@waterboards.ca.gov).

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

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**DISTRIBUTION LIST**  
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Matthew DiLoreto (SPK-2024-00072)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
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[Matthew.J.DiLoreto@usace.army.mil](mailto:Matthew.J.DiLoreto@usace.army.mil)

Department of Fish and Wildlife, Region 2  
[R2LSA@wildlife.ca.gov](mailto:R2LSA@wildlife.ca.gov)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

CWA Section 401 WQC Program  
State Water Resources Control Board  
[Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)

Eric Htain  
GEI Consultants, Inc  
[ehtain@geiconsultants.com](mailto:ehtain@geiconsultants.com)