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## Central Valley Regional Water Quality Control Board

22 March 2023

Jon Barrett  
Resource Conservation District of Tehama County  
2 Sutter Street, Suite D  
Red Bluff, CA 96080

**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 RESOURCE CONSERVATION DISTRICT OF TEHAMA COUNTY, DYE CREEK FISH PASSAGE IMPROVEMENT PROJECT, TEHAMA COUNTY, WDID NO. 5A52CR00227**

On 27 January 2023, Resource Conservation District of Tehama County (Applicant) filed a Notice of Intent (NOI) requesting coverage under the 27 March 2013 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 (General Certification Order) for the Dye Creek Fish Passage Improvement 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 Certification 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 the General Certification Order is enclosed. The General Certification Order may also be accessed on the [State Water Resources Control Board's Clean Water Act Section 401 – Certification and Wetlands Program Web Page](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders_wb.shtml) ([http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/generalorders\\_wb.shtml](http://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders_wb.shtml)).

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.

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

## **I. Public Notice**

The Central Valley Water Board provided public notice of the application from 3 February 2023 to 24 February 2023. The Central Valley Water Board did not receive any comments during the comment period.

## **II. Project Description**

The purpose of the project is to improve fish passage conditions for adult and juvenile salmonids and Pacific lamprey in Dye Creek. Improving fish passage at this site will improve access for anadromous fish to at least ten miles of spawning, rearing, and holding stream habitat upstream of the project site, and will improve downstream fish passage conditions during outmigration.

### New Low Water Crossing

The improved crossing is a multi-cell reinforced concrete box (RCB) culvert structure that is 24 feet wide, approximately 84 feet long with eight RCB barrels. Each RCB barrel is approximately five feet tall, has a span of ten feet, and a barrel length of 24 feet. Each barrel will be embedded up to three feet, leaving a minimum open flow area of two feet tall and ten feet wide for each cell. A standard Caltrans four-foot cutoff wall will be constructed on the opening side of the RCB structure in addition to the placement of Class V Rock Slope Protection (RSP) at the wingwall footings. To mitigate the potential for drop scour on the downstream end of the RCB structure, a layer of Class V RSP will be placed at the outlet underneath native bed material. Class III RSP will be placed on the approach embankments, for approximately ten feet upstream of the new crossing, to mitigate erosion on the banks. A 12-inch-tall curb will be constructed across the top of the structure. The culverts will be filled with native streambed material to emulate the existing adjacent streambed conditions.

### Grading and Dredging

As part of the improvements, rough in-channel grading and dredging of materials will be completed upstream and downstream of the structure to remove sediment deposition. The grading / dredging will provide for a more uniform channel section for water flowing to and through the RCB structure. The intent of the grading is to roughly lower the invert of the channel bed back down to the estimated natural stream bed invert.

### Instream Work

Dewatering of the project site may, or may not be needed to enable work in a dry stream for construction of the new crossing. Dye Creek is an intermittent stream in the project reach, and construction will be scheduled to occur during the low flow / dry period. Natural stream flows are typically not present in the summer and early fall season, but irrigation tailwater from upstream agricultural activities, as well as upstream ditch overflows, can cause the stream to flow or have standing pooled water during the summer / fall period.

If dewatering of the site is necessary, the construction contractor will submit a temporary stream diversion / dewatering plan for approval prior to the start of work.

Plan approval will be subject to meeting environmental conditions specified in the construction documents and conditions stipulated in the environmental permits.

#### Access

Access to the site will be from Shasta Boulevard. Contractor staging areas will be developed on neighboring private lands to stage equipment and materials. No grading or excavation of the contractor use areas will occur.

#### Revegetation

Vegetation to be removed will be restored upon completion of the project, as required. Approximately 0.15 acres of woody riparian, 0.07 acres of emergent wetland / riparian complex and 1.97 acres of upland vegetation will be revegetated in accordance with the Conceptual Revegetation Plan or as per permit requirements to replace impacted vegetation by a measure of quantity and quality equal to or exceeding impacts of the project using appropriate native plant species.

#### Pre- and Post-Construction Monitoring

Pre- and post-construction monitoring will be conducted. Activities may include pre-construction biological surveys, photo points, as-built surveys, as well as Tehama County Public Works post-construction site inspection and maintenance.

#### Project Schedule

Project construction is anticipated to take a total of 16 weeks with instream work anticipated to take 13 weeks. Project construction will likely mobilize in late-June or early-July as stream flows reduce or cease and anadromous fish are not likely to be present. The project schedule is dependent on acquiring all environmental permits and favorable stream flows in early summer. It is anticipated that construction will begin in 2023 and continue for one construction season. All instream work will be completed by September 30, or by October 14 with California Department of Fish & Wildlife and National Marine Fisheries Service approval (to address fish presence concerns). If all environmental permits and funding are not acquired, the project may occur in 2024 or later. A detailed construction schedule will be prepared prior to the start of construction.

Post-construction revegetation maintenance will occur for approximately three growing seasons following the completion of construction activities at each site. Post-construction monitoring activities will occur for an unknown number of years following construction.

Tehama County Public Works will be responsible for maintaining the new crossing. Seasonal and routine maintenance of the crossing will be required, similar to what has occurred in the past.

### **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.

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

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Riparian Wetland	0.06		100
Intermittent Stream	0.23	20	340
Fresh Emergent Wetland/ Riparian Wetland Complex	0.01	7	140

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

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Riparian Wetland	0.07	160	80
Intermittent Stream	0.46	1663	310
Fresh Emergent Wetland/ Riparian Wetland Complex	0.06	137	15

**IV. Project Schedule**

The Project is estimated to occur late-June or early-July in 2023. All instream work will be completed by September 30, or by October 14 with California Department of Fish & Wildlife and National Marine Fisheries Service approval. If all environmental permits and funding are not acquired, the project may occur in 2024 or later. A detailed construction schedule will be prepared prior to the start of construction.

**V. Project Location**

County: Tehama County

Nearest City: Los Molinos

Section 22, Township 26 North, Range 02 West, MDB&M.

Latitude: 40.087975° and Longitude: -122.091064°

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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.

## 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

An application fee of \$729.00 was received on 20 January 2023. 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.

## VIII. Findings of Applicability

This letter serves as formal notice that Order No. SB12006GN is applicable to this fish habitat restoration project. Your waste discharge identification (WDID) number is 5A52CR00227.

## IX. Reporting

A Notice of Completion (NOC) shall be submitted by the applicant 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 applicant's Notice of Intent.

Failure to comply with the terms and conditions of Order No. SB12006GN may expose Resource Conservation District of Tehama County 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) 224-4784 or by email at [Jerred.Ferguson@waterboards.ca.gov](mailto:Jerred.Ferguson@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  
(for) Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

3/22/2023  
Date

- Attachment A:** Project Map(s)
- 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 (Applicant Only)

cc email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Matthew Roberts, U.S. Army Corps of Engineers, Redding  
Jeff Souza, Tehama Environmental Solutions, Inc., Red Bluff

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### Attachment A – Project Maps

Figure 1. Project Vicinity Map

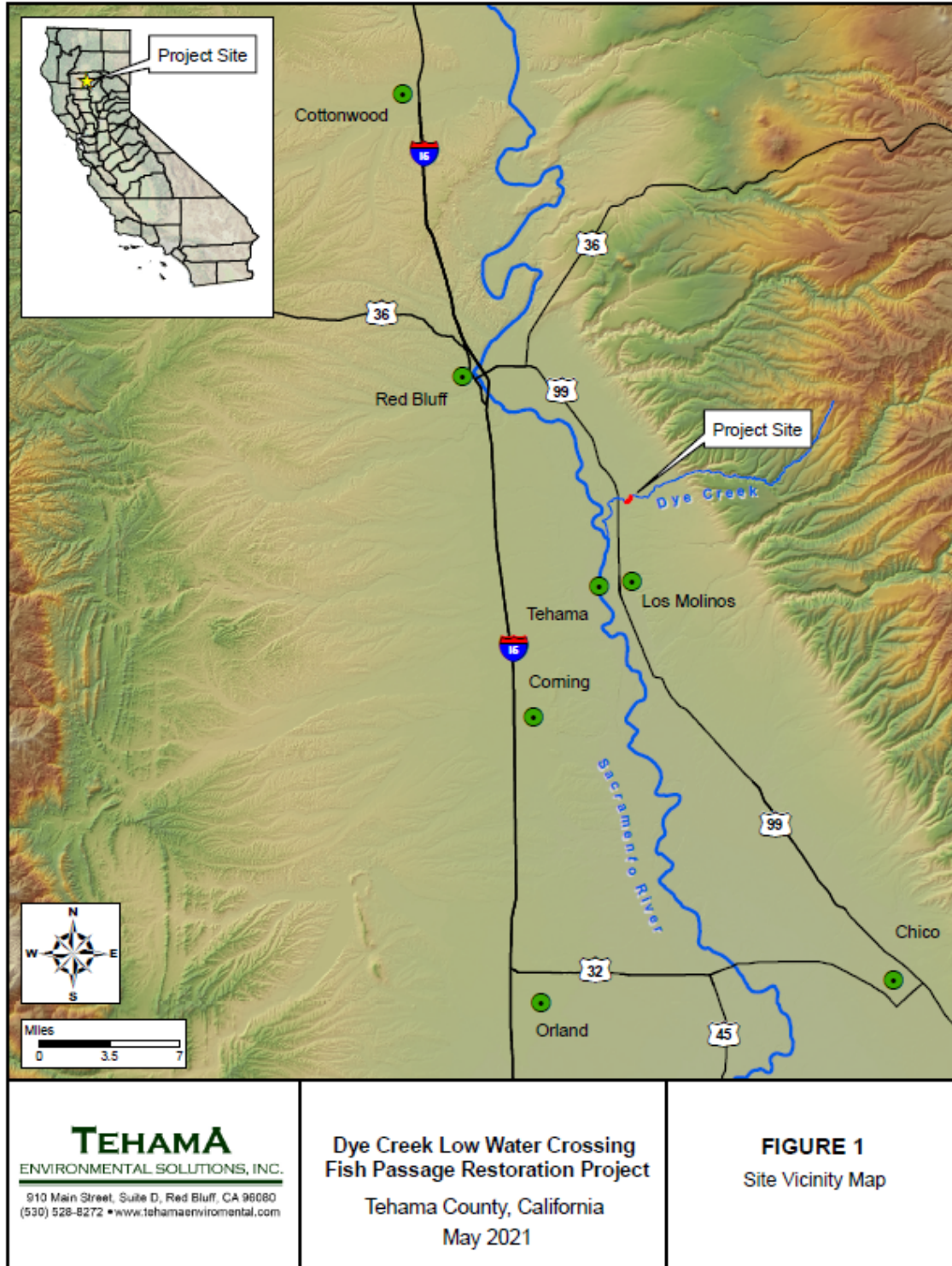
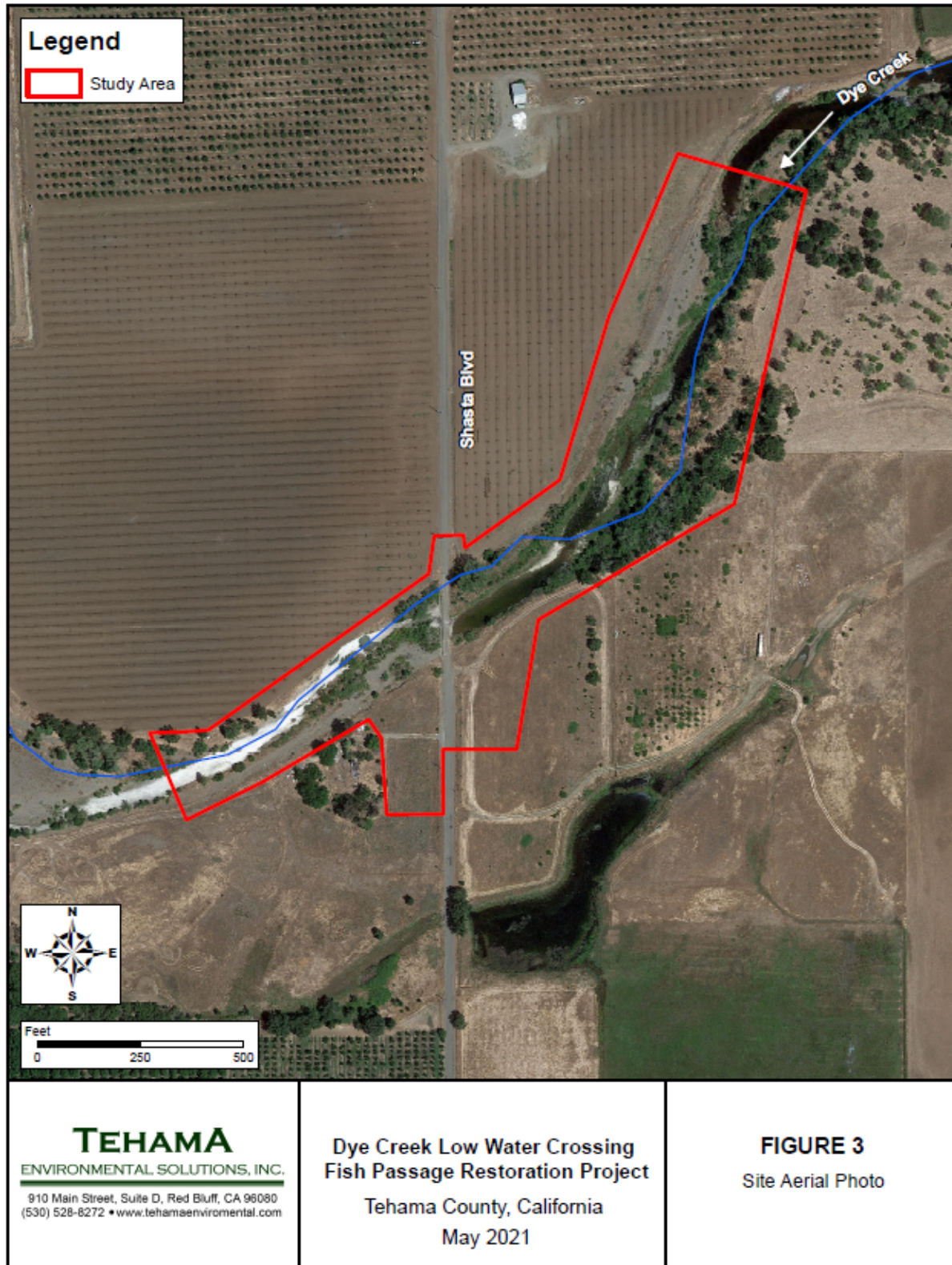
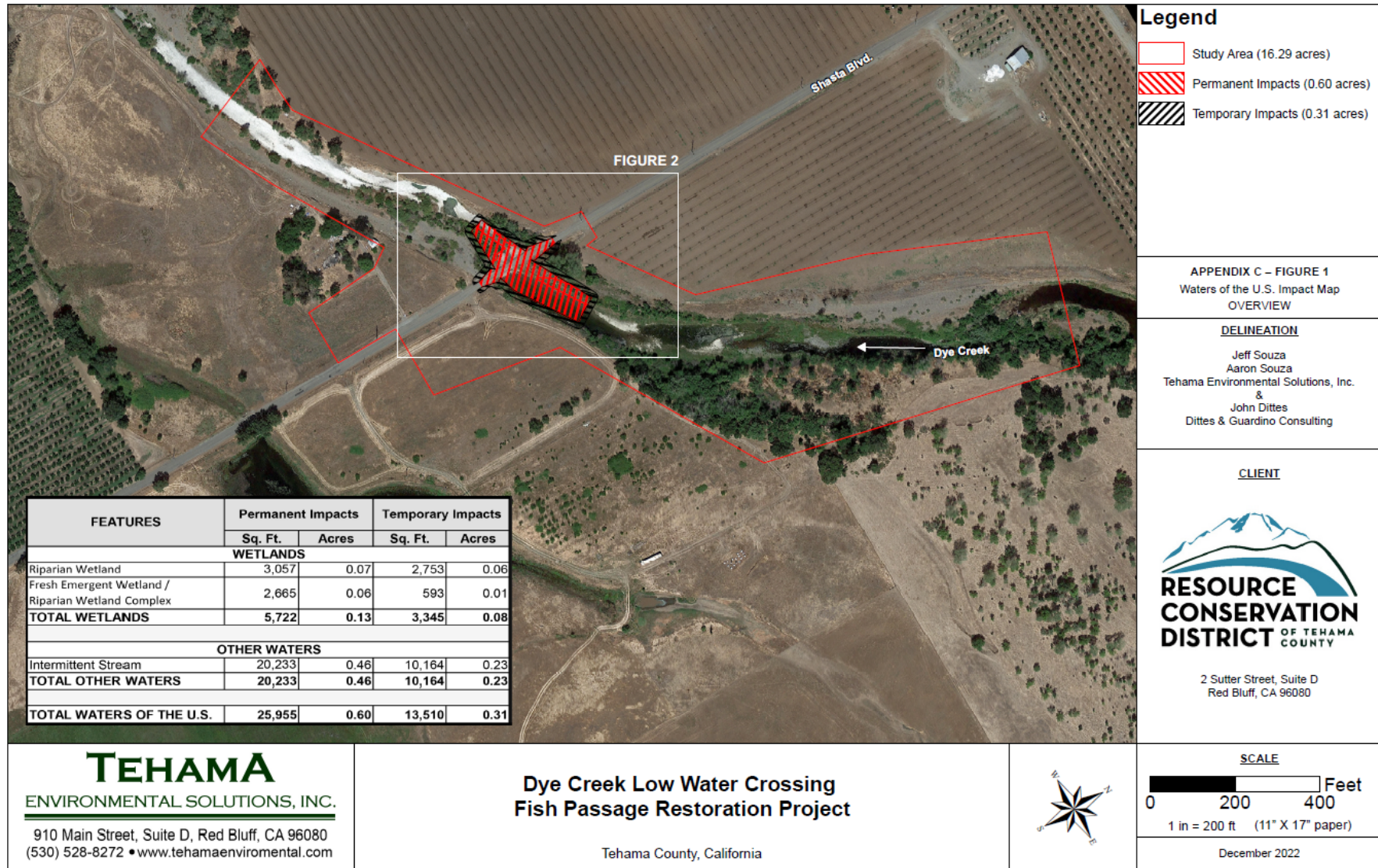




Figure 2. Project Location Map



**Figure 3. Project Impacts Map**



NOTE: DELINEATION SHOULD BE CONSIDERED PRELIMINARY UNTIL VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS PHOTO SOURCE: Google Earth, 6/27/2018

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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**

Non-Federal Waters	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
No	Dye Creek Fish Passage Improvement Project	Sacramento River	Stream	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Toxicity, Mercury	Not Applicable

**Individual Direct Impact Locations**

The following table shows individual impacts.

**Table 2: Individual Temporary Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Dye Creek Fish Passage Improvement Project (Riparian Wetland)	40.087975°	-122.091064°	No	0.06		100
Dye Creek Fish Passage Improvement Project (Intermittent Stream)	40.087975°	-122.091064°	No	0.23	20	340
Dye Creek Fish Passage Improvement Project (Fresh Emergent Wetland/Riparian Wetland Complex)	40.087975°	-122.091064°	No	0.01	7	140

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Dye Creek Fish Passage Improvement Project (Riparian Wetland)	40.087975°	-122.091064°	No	0.07	160	80
Dye Creek Fish Passage Improvement Project (Intermittent Stream)	40.087975°	-122.091064°	No	0.46	1663	310
Dye Creek Fish Passage Improvement Project (Fresh Emergent Wetland/Riparian Wetland Complex)	40.087975°	-122.091064°	No	0.06	137	15

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

### **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 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.)