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Central Valley Regional Water Quality Control Board

17 August 2017

Matthew Graul
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

Reg. Meas.ID: 414160
Place ID: 836482
WDID No. 5B07CR00193

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 EAST BAY REGIONAL PARK DISTRICT, MORGAN TERRITORY POND PROJECT, CONTRA COSTA COUNTY, WDID NO. 5B07CR00193

On 3 July 2017, East Bay Regional Park District (Applicant) filed a Notice of Intent (NOI) requesting coverage under the 27 March 2013 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects (General Certification Order) for the Morgan Territory Pond 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 website at:
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 Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.

PROJECT DESCRIPTION:

The East Bay Regional Park District's grazing lessee entered into an Environmental Quality Incentives Program (EQIP) contract with the Natural Resources Conservation Service (NRCS) in 2017 for the purpose of rehabilitating three existing livestock ponds to provide habitat for listed and common wildlife species, provide reliable livestock water sources, and reduce erosion and the transport of sediment to one of the ponds by repairing an access road and stabilizing a gully. These rangeland treatments will ultimately improve rangeland health and prolong pond function. Additional funding is being provided through a grant from the Bureau of Reclamation (BOR) that the Contra Costa Resource Conservation District has obtained.

This project focuses on three existing livestock ponds, an existing 1,800 foot section of earthen access road, and a large gully created by uncontrolled runoff from a segment of the access road. Pond activities include the desiltation of two ponds, reconstruction of one pond embankment, and strategic rock placement at two of the pond's spillway sites. Road improvement activities include the installation of rolling dips, grading to direct road runoff to a road-side ditch, relocation of a road segment, and replacement of a failed culvert crossing along an existing earthen road to divert water and to reduce soil erosion from entering into Pond 7. Gully work is aimed at stabilizing the draw by redirecting road runoff and adding rock check dams at discrete locations to trap sediments and buttress the steep gully bank.

Proposed Pond 9 work includes reconstruction of the existing embankment, regrading and reshaping of the existing spillway, and protection of spillway by placing rock armor and biodegradable erosion control in the spillway. A suitable borrow area has been identified along the proposed temporary access route from an existing access road to the project area. Work will consist of repairing the livestock pond embankment and the pond spillway. Approximately 125 cubic yards of cut and 285 cubic yards of compacted engineered fill will be required to repair the eroded embankment. Approximately 25 cubic yards of rock armor will be placed in the steep portion of the spillway to protect it from erosion (Table 1). The project involves staging, access, and borrow area excavation.

Pond 8 is less than a mile away from Pond 9. This pond has obvious sediment accumulated in it due to years of not being maintained. Rock armor will be placed along approximately 25 feet of the pond spillway where there is a series of headcuts within fractured bedrock. Approximately 800 cubic yards of sediment will be removed from the pond. The spoils will be moved to an appropriate nearby site where it will be spread. All removed sediment will be placed in a pre-designated location, as determined by the Engineer and a Qualified Biologist, so it will not re-enter the pond or waterway. The placed spoils will be seeded with a mixture of native grasses and forbs. The sediment placement area totals 0.38 acres of temporary grassland disturbance.

Pond 7 has obvious sediment accumulated in it due to years of not being maintained and upstream road erosion issues. No work will take place on the existing embankment or spillway. Work will consist of de-sedimentation of the existing livestock pond. Approximately 900 cubic yards of sediment will be removed. All removed sediment will be placed in a pre-designated location, as determined by the Engineer and Qualified Biologist, so it will not re-enter the pond or waterway. The sediment placement area will be seeded with a mixture of native grasses and forbs. The sediment placement area will temporarily disturb 0.425 acre of grassland.

Culvert and gully stabilization will consist of replacement of a non-functional culvert with a 24-inch diameter, 30-foot long corrugated metal pipe to safely convey runoff below the existing road. Improvements to help stabilize the gully include directing road runoff away from the gully, stabilizing the two headcuts leading into the gully, and placing rock check dams in the gully. The headcuts leading into the gully will be stabilized by lining the channels with rock. Berms will be constructed upslope of the headcuts to ensure runoff is conveyed to the rock-lined channels and not allowed to flow over the unprotected slope. Three approximately 15-foot wide (2.25-foot tall) rock check dams will be constructed at discrete locations within the gully to trap sediments and buttress the steep gully banks, allowing for natural recruitment of vegetation to help further stabilize the banks.

The project will permanently impact 0.278 acre(s)/157 linear feet and temporarily impact 0.415 acre(s)/267 linear feet of waters of the United States.

Table 1: Impacts from Fill and/or Excavation Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Pond 9 - Embankment							0.172	410	50
Pond 9 - Spillway							0.012	25	20
Pond 8 - Excavation	0.185	800	180						
Pond 8 - Spillway							0.005	15	12
Pond 7 - Excavation	0.230	900	87						
Stream Channel							0.016	53.2	45
Culvert							0.073	82.5	30
Total	0.415	1,700	267				0.278	585.7	157

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION:

31 August 2017 through 30 October 2017

PROJECT LOCATION:

Address: 9401 Morgan Territory Road, Livermore, CA

County: Contra Costa

Section 30, Township 1 South, Range 2 East, MDB&M.

Latitude: 37.819° and Longitude: -121.796°

A map showing the Project location is found in Attachment A.

FINDINGS OF APPLICABILITY:

This letter serves as formal notice that Order No. SB12006GN is applicable to this project. Your waste discharge identification (WDID) number is 5B07CR00193.

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 NOI.

Failure to comply with the terms and conditions of Order No. SB12006GN may expose East Bay Regional Park District to enforcement action pursuant to the Clean Water Act and California Water Code.

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848, dwarner@waterboards.ca.gov or the footer address.



(for) Pamela C. Creedon
Executive Officer

DLW: db

Enclosure: 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.

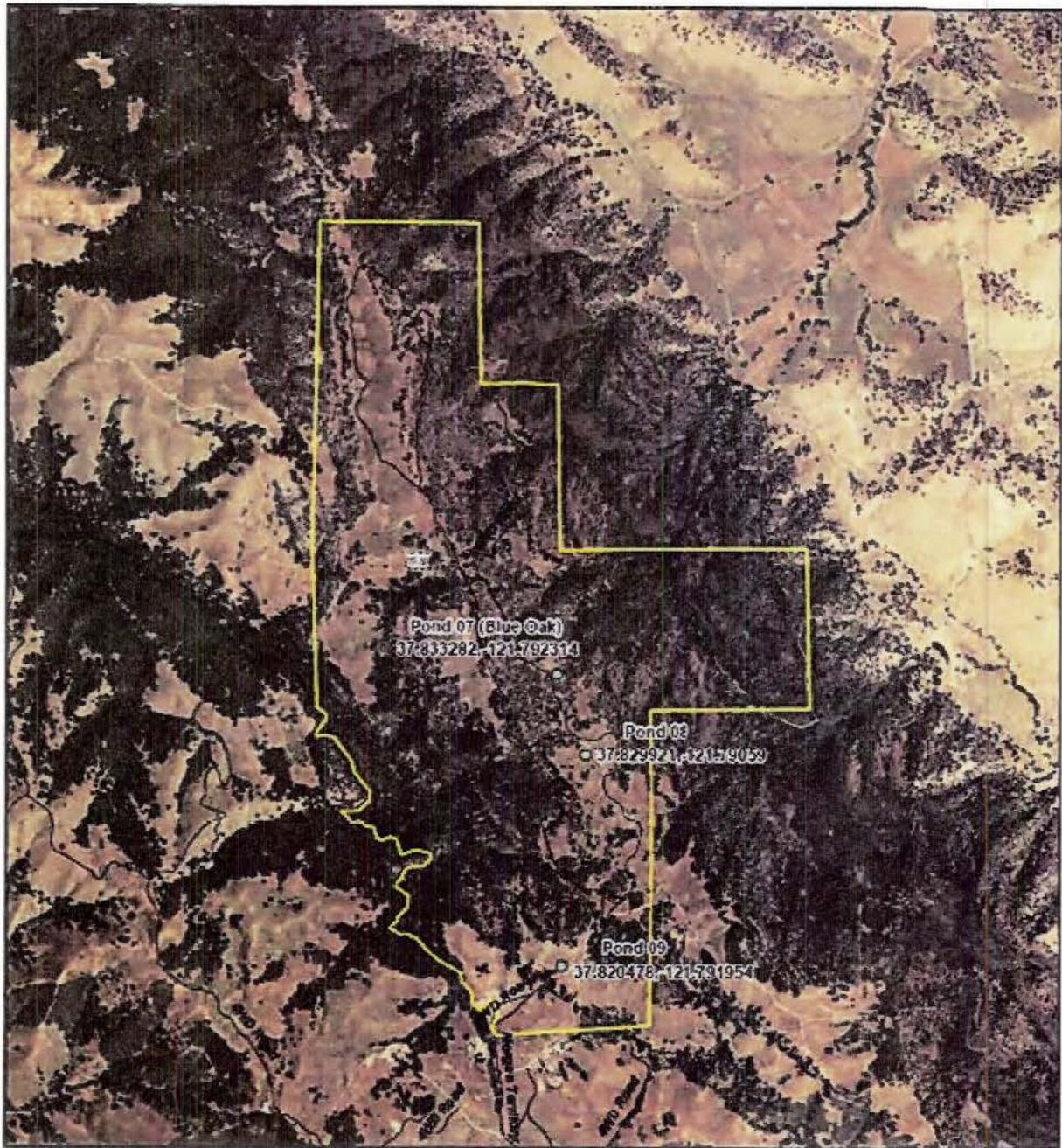
Attachment A: Project Location Map

cc: Allison Rofe, Contra Costa Resources Conservation District, Concord
Bill Jennings, CALSPA, Stockton

cc w/o enclosure: Melissa Farinha, California Department of Fish and Wildlife, Bay Delta
Region, Napa
Bill Guthrie, U.S. Army Corp of Engineers, California Delta Section,
Sacramento

cc by email: Joe Morgan, U.S. EPA, Region 9, San Francisco
w/o enclosure Bill Orme, SWRCB, Certification Unit, Sacramento

Morgan Territory Pond Project Locations



- Legend
-  Grazing Unit
 -  Pond Location

