



Central Valley Regional Water Quality Control Board

16 June 2023

Tom Lando
Paradise Irrigation District
6332 Clark Road
Paradise, CA 95969

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), PARADISE IRRIGATION DISTRICT, MAGALIA DAM SEISMIC RETROFIT PROJECT – GEOTECHNICAL BORING SURVEYS (WDID NO. 5A04CR00357), BUTTE COUNTY

On 18 May 2023, Paradise Irrigation District (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Magalia Dam Seismic Retrofit Project – Geotechnical Boring Surveys 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 6, Survey Activities. 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 Magalia Dam Seismic Retrofit Project – Geotechnical Boring Surveys (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 Paradise Irrigation District (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 [Section 401 – Certification and Wetlands Program | California State Water Quality Control Board](#)

(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. Project Status Notifications in the General Order include a Commencement of Construction Notice at least seven days prior to start of initial disturbance activities and a Request for Notice of Project Complete Letter within 30 days following completion of all project activities, including post-construction monitoring.

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

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 19 May 2023 to 9 June 2023. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

A total of six borings will be advanced upstream of the Magalia Dam within Magalia Reservoir to determine the foundation conditions of the upstream buttress and to determine the geotechnical properties of the proposed borrow material prior to a separate seismic retrofit project at Magalia Dam. All of the borings will lie outside the underwater footprint of the dam to the northeast of the crest of the dam and will be taken using a drill rig from a barge. The barge will be mobilized and demobilized from the left abutment of the dam under supervision of a biologist. Daily mobilizations to the barge will be completed via a 22- by 7-ft tool boat. The borings will be backfilled with a cement-bentonite grout mixture.

Initially, the boring will be advanced by pushing an approximate 6- to 8-inch-diameter conductor casing, which will extend from the top of the barge or drill deck to an approximate depth of 10 feet or more below the mud line of the reservoir. The conductor casing will be used to confine the drill fluid and cuttings within the drill hole and operating deck of the barge to prevent any inadvertent spillage into the water. The borings will be advanced using the mud rotary method and will be drilled and sampled to a maximum depth of approximately 120 feet below the bottom of the reservoir bed. Based on the proposed exploration depths, approximately 2 cubic yards of material will be removed vertically from below the mud line, and an equivalent 2 cubic yards of material will be filled vertically. Super Gel-X bentonite and Variflo QD polymer will be used to cool and lubricate the drill bit, to flush the cuttings from the hole, or to provide lateral support to the borehole walls. The drilling fluids and cuttings will be confined by the borehole walls and the conductor casing. Return drill fluids will pass through the conductor casing to the barge deck and then into a drilling fluid recirculation tank. Cuttings and excess drilling fluid will be contained in drums or bins, periodically off-loaded to a land-based staging area, and professionally disposed of offsite at an appropriate waste management facility.

The barge and support boat will be mobilized into the reservoir via a temporary access route approximately 50 feet long by 20 feet wide. Wetlands located adjacent to the reservoir will be avoided and protection measures will be utilized to ensure no wetlands are impacted.

III. Project Location

County: Butte County

Address: Intersection of Skyway and Dogtown Road

Nearest City: Magalia

Section 25, Township 23 North, Range 03 East

Latitude: 39.814672° and Longitude: -121.584585°

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/). 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 Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project will impact 0.023 acre of Waters of the United States consisting of 0.023 acre of temporary impacts to Magalia Reservoir.

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake/Reservoir	0.023	24	56

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 15304, Minor Alterations to Land.

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.

VIII. Fees Received

An application fee of \$2734.00 was received on 15 May 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 E – Low impact Discharges (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

No compensatory mitigation is required as no permanent impacts will occur. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

¹ 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.

X. Central Valley Regional Water Quality Control Board Contact:

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

Original Signed by Bryan J. Smith, P.E.
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

6/16/2023
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)

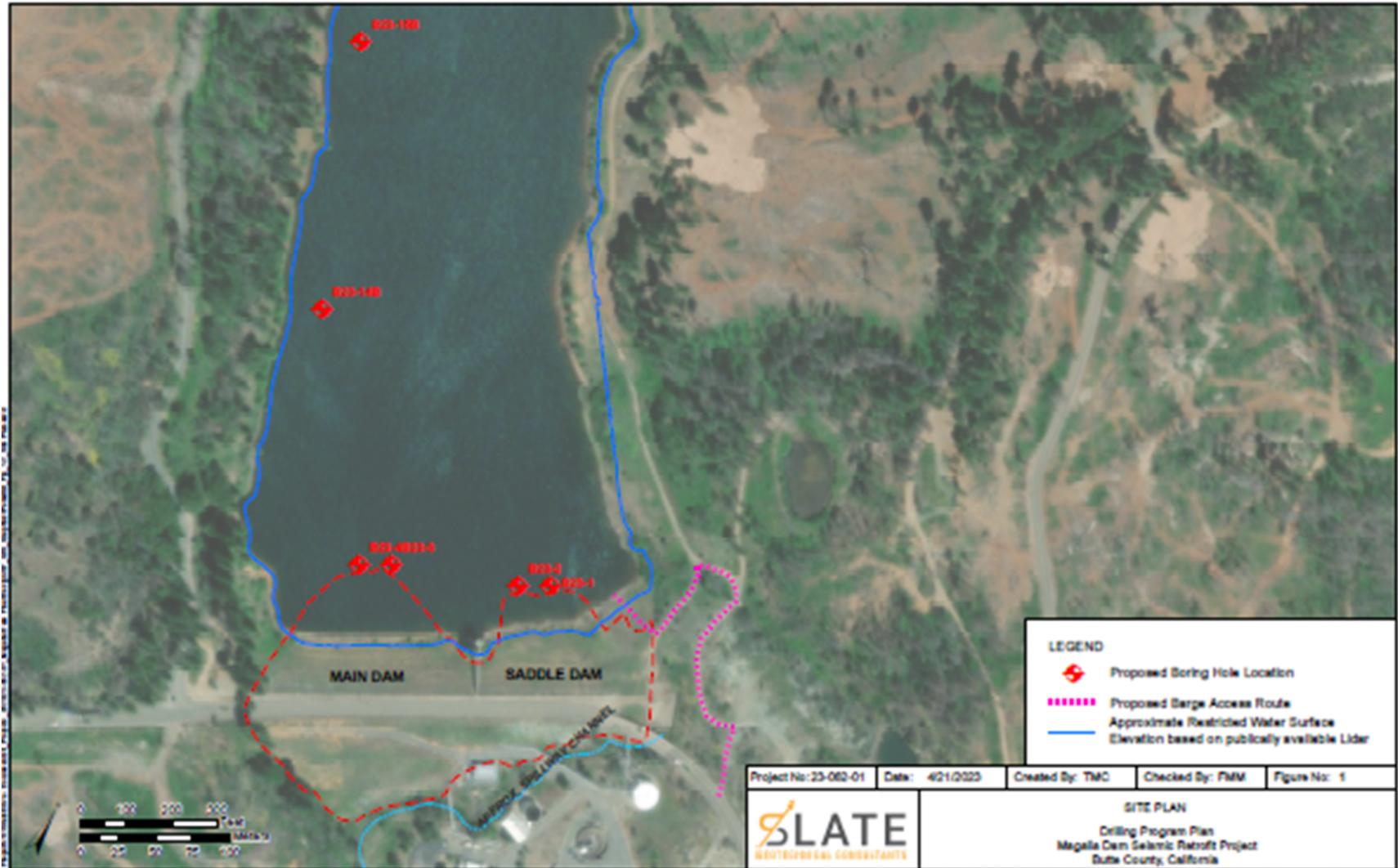
Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impact, and Mitigation Information
Attachment C - CEQA

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Figure 1: Project Location Map



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
Magalia Dam Seismic Retrofit Project – Geotechnical Boring Surveys	Magalia Reservoir	Lake	521.30	Butte Creek (Sources to Chico)	MUN, AGR, POW, REC-1, WARM, COLD, MIGR, SPWN, WILD	Mercury	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
Magalia Dam Seismic Retrofit Project – Geotechnical Boring Surveys (Borings)	39.815°	-121.585°	No	0.00014	24	6
Magalia Dam Seismic Retrofit Project – Geotechnical Boring Surveys (Boat Launch)	39.815°	-121.585°	No	0.023		50

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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 15304, Minor Alterations to Land because the project involves the minor alteration of the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.

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

Water Quality Certification Program
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Maya Bickner
United States Army Corps of Engineers
Sacramento District, Redding
Maya.A.Bickner@usace.army.mil

Justin Phalen
Slate Geotechnical
jphalin@slategeotech.com

Faith Moore
Slate Geotechnical
fmoore@slategeotech.com