
Central Valley Regional Water Quality Control Board

16 September 2025

Joshua Pack
Director of Public Works
Butte County
7 County Center Road
Oroville, CA 95965

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2023-0058-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF DREDGED OR FILL MATERIAL TO WATERS OF THE STATE FROM EMERGENCY REPAIR AND PROTECTION ACTIVITIES, 5-MILE BASIN EMERGENCY MAINTENANCE PROJECT (WDID NO. 5A04CR00377), BUTTE COUNTY

On 31 July 2025, Butte County submitted a request for coverage of the 5-Mile Basin Emergency Maintenance Project (Project) under State Water Resources Control Board Order No. 2023-0058-DWQ, Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material to Waters of the State from Emergency Repair and Protection Activities (General Dredge or Fill WDR). After reviewing the enrollment materials, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for coverage under the General Dredge or Fill WDR.

This Notice of Applicability (NOA) is being issued to Butte County (hereinafter Enrollee) by the Central Valley Water Board to verify enrollment of the Project under the General Dredge or Fill WDR. A copy of the General Dredge or Fill WDR is enclosed and may also be accessed on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2023).

The Project must proceed in accordance with the requirements contained in this NOA and the General Dredge or Fill WDR. Failure to comply with the General Dredge or Fill WDR constitutes a violation of the California Water Code and may result in enforcement action and/or termination of enrollment. The Project is described in the notification form requesting coverage under the General Dredge or Fill WDR, dated 30 July 2025, and supplementary information (Application Package). Coverage under the General Dredge or Fill WDR is no longer valid if the Project, as described, is modified.

PROJECT DESCRIPTION

The purpose of the project is to address and reduce flood risks within the 5-Mile Facility following the 2024 Park Fire. The goal of the project is to reduce the effects of recent sedimentation and elevated peak flows on the velocities and flow alignment that is directly impinging on the Big Chico Creek diversion structure headwall. The 1.4-acre Project consists of 4 treatment elements:

1. Restoring/reactivating a historic backchannel to divert flows away from the Big Chico Creek diversion structure. This action involves “pilot-channel” excavation resulting in approximately 0.45 acre and 1,500 cubic yards of temporary impacts.
2. Filling two approximately 4.5-foot-deep scour holes immediately adjacent to the levee and the Big Chico Creek diversion structure. These scour holes risk undercutting the levee and compromising the structural integrity of the diversion headwall and/or levee. The filling of the scour holes will result in approximately 0.07 acre of temporary impacts and will require approximately 176 cubic yards of fill.
3. Careful and selective thinning/pruning of up to 0.18 acre of existing stands of dense mid-channel vegetation (shrubs and trees). This vegetation directly impinges flows and acts as a de facto grade control, resulting in about 2 feet of additional gravel deposits from last winter. These trees also likely increase the water surface elevation by 1 to 2 feet during extreme events.
4. Construction of temporary access extending south and southeast from the existing parking area above the basin adjacent to 5-Mile Road. The temporary access will extend to the backchannel work area and result in approximately 0.05 acre of temporary impacts.

DESCRIPTION OF DIRECT IMPACTS TO WATERS

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.8	1676	721

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.

PROJECT LOCATION

The Project is located in Butte County in Chico, CA
Section 18, Township 22 North, Range 08 East, MDB&M
Latitude: 39.762291°, and Longitude: -121.793017°

PROJECT SCHEDULE

The approximate timeframe of Project construction is 16 September 2025 through 15 October 2025.

ADDITIONAL CONDITIONS

1. Restoration of Temporary Impacts

The Enrollee must restore temporary impacts to pre-project conditions as soon as practicable. A restoration plan describing actions to restore areas of temporary impacts to pre-project conditions was provided on 3 September 2025. The restoration plan shall be implemented prior to termination of coverage.

2. Water Quality Monitoring

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, or uncured concrete). The Enrollee shall perform surface water sampling:

- i. When performing any in-water work;
- ii. During the entire duration of temporary surface water diversions;
- iii. In the event that the Project activities result in any materials reaching surface waters; or
- iv. When any activities result in the creation of a visible plume in surface waters.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters. The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area unless otherwise approved by the Central Valley Water Quality Control Board.

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Dissolved Oxygen	mg/L	Grab	Every 4 Hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	Degrees F (or as degrees C)	Grab	Every 4 hours
Visible construction related pollutants ²	Observations	Visual Inspections	Continuous throughout the construction period

REPORTING AND NOTIFICATION REQUIREMENTS

The Enrollee shall submit all reports in accordance with Section VI.G and Attachment B of the Dredge or Fill WDR and this Notice of Applicability via email to centralvalleyredding@waterboards.ca.gov and copy Carson Blodow at Carson.Blodow@waterboards.ca.gov. The WDID No. for this Project is 5A04CR00377.

1. Monthly Report

The Enrollee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

APPLICATION FEE RECEIVED

An application fee of \$ 4,212.00 was received on 8 September 2025. 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 F - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

² Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT

If you have any questions regarding this Notice of Applicability, please contact Carson Blodow at (530) 224-4994 or at Carson.Blodow@waterboards.ca.gov.

Original Signed by Clint E. Snyder, AEO
For Patrick Pulupa
Executive Officer

cc via email only:

U.S. Environmental Protection Agency
Region 9
R9cwa401@epa.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Lillian Jepson
United States Army Corps of Engineers
Sacramento District
Lillian.M.Jepson@usace.army.mil

Ian MacLeod
California Department of Fish and Wildlife
Region 2
Ian.MacLeod@Wildlife.ca.gov