



Central Valley Regional Water Quality Control Board

25 March 2022

Dave Ernaga
Lassen County Public Works
707 Nevada Street, Suite 4
Susanville, CA 96130

**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), LASSEN COUNTY PUBLIC WORKS, PUNKIN CENTER ROAD
CULVERT REPLACEMENT PROJECT (WDID NO. 5A18CR00031), LASSEN
COUNTY**

On 28 February 2022, Lassen County Public Works (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Punkin Center Road Culvert Replacement Project 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). 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 Punkin Center Road Culvert Replacement Project (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 Lassen County Public Works (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 [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (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. 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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

I. Public Notice

The Central Valley Water Board provided public notice of the application from 4 March 2022 to 25 March 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The proposed Project will replace three existing culverts beneath Punkin Center Road with new culverts to facilitate continued passage of water as well as wildlife and fish species. The culverts have become degraded due to high-flow events, compaction, and decay/rust over time.

The Project area consists of 0.28 acre of paved road along Punkin Center Road, crossing an unnamed intermittent drainage that serves as an irrigation ditch for the area. The road is currently underlain by three existing culverts, 48 inches in diameter and 50 feet in length. The damaged culverts will be removed by excavating a portion of Punkin Road directly over the culverts, removing the old culverts, and placing three new culverts of the same size and length. One additional culvert of the same size and length will also be installed immediately adjacent to the other three culverts. The space around the replacement culverts will be backfilled with a cement slurry, or similar structural material, within the existing roadbed. Once the new culverts are in place, the road will be paved and all removed materials will be transported from the site to a disposal facility.

The majority of the culvert footprints lie beneath the paved roadbed of Punkin Road; however, the replacement of the existing culverts and installation of one additional culvert will directly impact 0.005 acre of intermittent drainage.

III. Project Location

Address: The Project is located approximately 1.2 miles east of the intersection of Lassen State Highway and Bridge Street on Punkin Center Road, in Lassen County, California

County: Lassen County

Nearest City: Bieber

Section 23, Township 38 North, Range 07 East, MDB&M.

Latitude: 41.117° and Longitude: -121.127°

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, May 2018 (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 Tables 2 and 3 of Attachment B.

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

The Project will impact 0.044 acre of Waters of the United States, specifically an unnamed intermittent drainage. These impacts include temporary impacts of 0.039 acre of stream channel and permanent impacts of 0.005 acre of stream channel.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.039		70

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.005		50

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.

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 15301, Existing Facilities.

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 \$2,417.00 was received on 7 March 2022. 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 was required for the permanent impacts due to the scope and nature of the impacts and waterbody affected. The Project proposes to improve the flow conditions and capacity of the existing drainage thereby improving water quality. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

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 Clint Snyder, AEO (for)
Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

3/25/22
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

(This page intentionally left blank)

Figure 1. Project Location Map

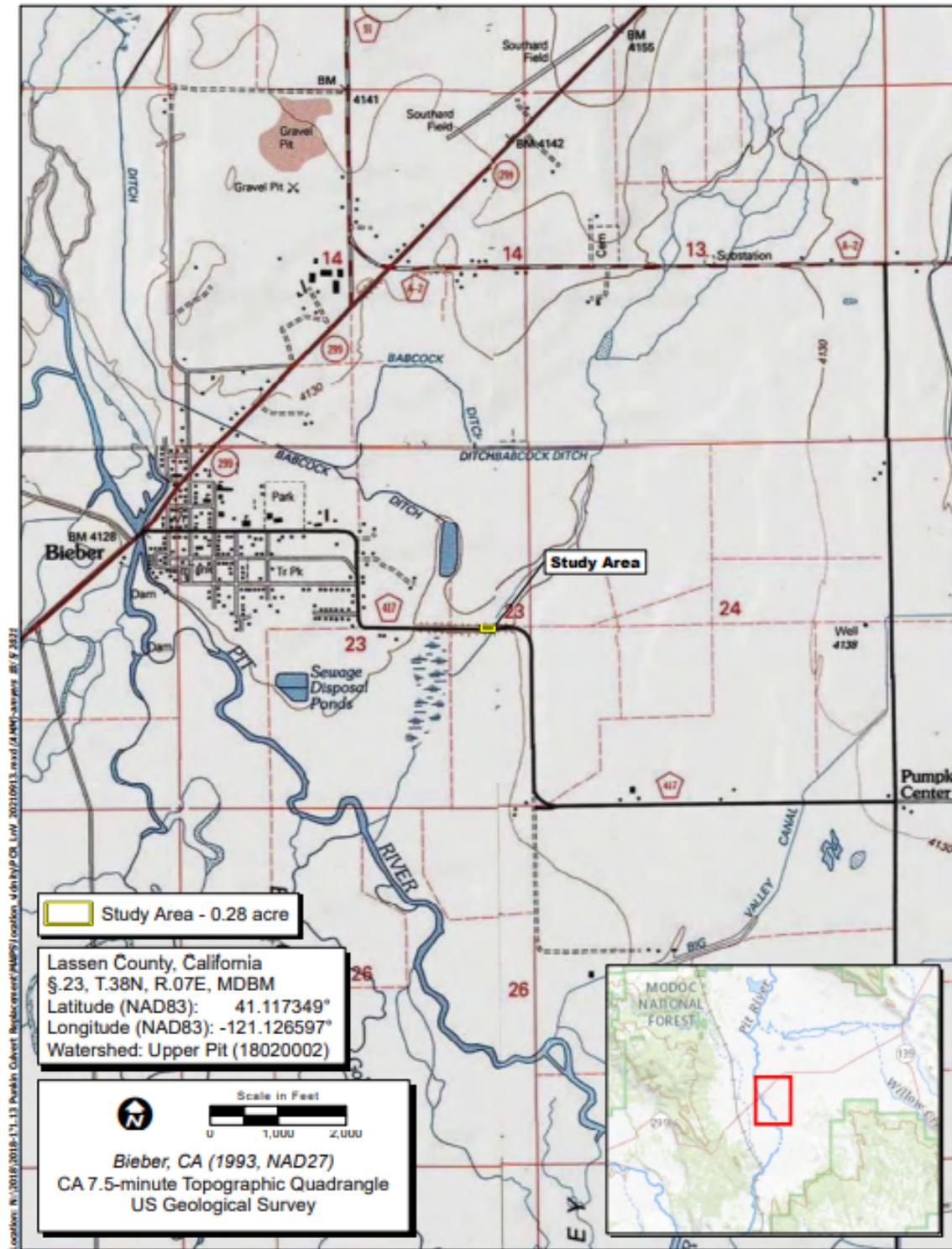
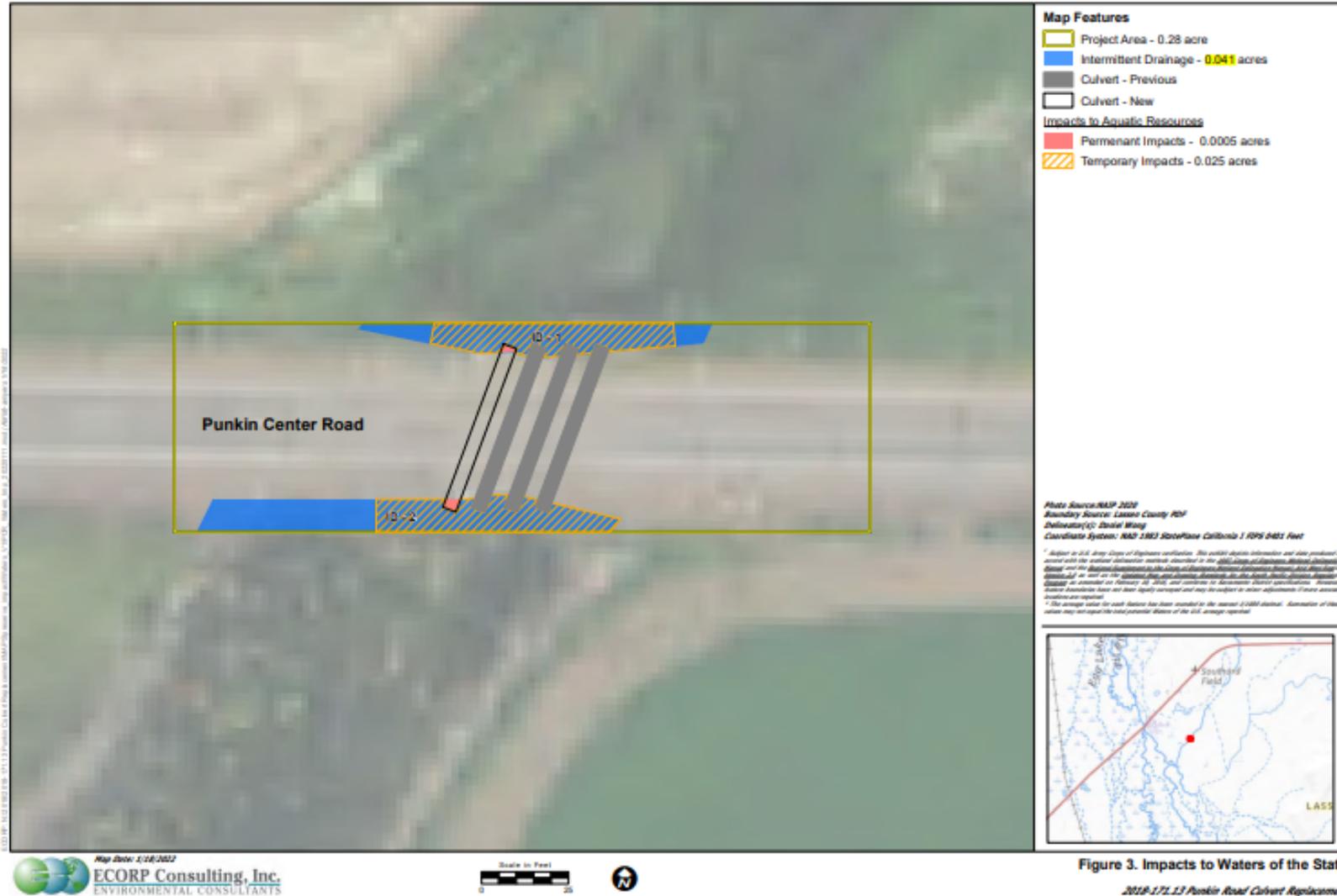


Figure 1. Project Location and Vicinity
2018-171.13 Punkin Culvert Replacement



Figure 2. Impacts Location Map



(This page intentionally left blank)

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
Stream Channel	Unnamed tributary of Pit River	Stream	526.61	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	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
Stream Channel	41.117	-121.127	No	0.039		70

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Stream Channel	41.117	-121.127	No	0.005		50

(This page intentionally left blank)

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 15301, Existing Facilities, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

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

Matthew Roberts
United States Army Corps of Engineers
Sacramento District Headquarters
Matthew.J.Roberts@usace.army.mil

Stephanie Castle
ECORP Consulting, Inc., Rocklin
scastle@ecorpconsulting.com