



Central Valley Regional Water Quality Control Board

21 July 2022

Stacy Freitas
U.S. Fish and Wildlife Service
Partners in Fish and Wildlife Program
P.O. Box 1610
Alturas, CA 96101

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD AMENDED ORDER FOR CLEAN WATER SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS FILE NO. SB12006GN FOR UNITED STATES FISH AND WILDLIFE SERVICE, PARTNERS IN FISH AND WILDLIFE PROGRAM, BONE RANCH WET MEADOW ENHANCEMENT PROJECT, MODOC COUNTY, WDID NO. 5A25CR00064

On 10 June 2022, U.S. Fish and Wildlife Service, Partners in Fish and Wildlife Program (Permittee) submitted a Notice of Intent (NOI) requesting coverage under the 27 March 2012 State Water Resources Control Board (State Water 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 Bone Ranch Wet Meadow Enhancement 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).

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 Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.

MARK BRADFORD, CHAIR | PATRICK PULUPA, EXECUTIVE CHAIR

I. Public Notice

The Central Valley Water Board provided public notice of the application from 17 June 2022 to 8 July 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The purpose of the project is to restore hydrologic function to wet meadow within the project area by slowing flowing water down and spreading it out over a greater surface area to better irrigate wet meadow vegetation. The project will also remove a manmade agricultural ditch that is facilitating subsurface drainage of the wet meadow and conveyance of water offsite. The components proposed as part of this project are described below.

A. Potholes and Swales

Shallow potholes and swales will be constructed to facilitate water conveyance within and through the wet meadow, to increase habitat diversity, and to provide a source of clean fill material to construct the weirs. The potholes will be located in areas to flatten higher portions of the wet meadow and/or in areas where shallow ponding of water will benefit wet meadow vegetation establishment and habitat diversity. The potholes will be excavated approximately 1-foot below existing grade and will have 5:1 side slopes. Swales will be approximately 2-feet below existing grade and will have a 15-foot wide bottom with 3:1 side slopes. Any constructed potholes will be graded to drain toward the swale to facilitate drainage of the meadow to the channels.

The exact size of the potholes will be dependent on the need for fill within the project area. It is anticipated that up to 560 cubic yards of soil will be excavated from potholes and swales, as needed, to construct the project.

B. Rock Weirs

Seven rock weirs will be placed in the secondary, low flow channels that branch off the Pit River and the southern channel located within the project area. The purpose of the weirs are to slow flowing water enough to promote more frequent inundation and saturation of the adjacent wet meadow within the project area. As described below, the weirs will be situated below the top elevation of the stream bank to allow water to continue to flow over and through the ditch (i.e., they are not intended or proposed to entirely block water movement through the channel).

The weirs will be composed of reused material generated by the excavation of the potholes and swales within the project area and imported rock. The upstream portion of each weir will include a 3-foot long apron that will be keyed into the existing channel bottom, approximately 1-foot below existing grade. The rock will transition at a 3:1 slope over the top of placed soil reused from the project area. The top elevation of the rock weirs will extend horizontally for 4 feet, below the top of the bank of the existing stream channel. The weir will transition back down to the channel bottom at a 2:1 slope and will also be keyed into the channel

bottom, approximately 1-foot below the existing grade. In total, up to 420 cubic yards of soil and 330 cubic yards of rock will be placed within cross sections of existing stream channels to construct all seven weirs.

C. Agricultural Ditch Fill

An existing agricultural ditch will be filled in three discrete locations with approximately 42 cubic yards of excavated material generated during construction. Strippings generated from the clearing and grubbing of the project area will be placed on the top 6 inches of the agricultural ditch footprint. The placement of stripped material will help promote vegetation growth post-construction due to the concentration of root masses and seed bank potential.

D. Fence Replacement

An existing fence will be replaced in kind with a wildlife friendly fence. The fence will consist of posts spaced no farther than 12-foot intervals and with 4 strands of wire. The bottom and top wires will be smooth to reduce the potential for wildlife entanglement when crossing under or over the fence.

E. Site Access

Equipment access will be from County Road 54, approximately 800 feet from the southern edge of the project area. Once inside the project area, equipment and materials will cross over existing channels where proposed weir footprints are located to reduce the impact to existing channels. Access within the interior of the project area will occur along seasonally dry access routes throughout the wet meadow to discrete work area locations. Temporary access routes will not result in any additional placement of fill and will be utilized to move equipment through the project area. Temporary access routes to and within the project area will total approximately 2.29 acres.

F. Construction Staging

One staging area approximately 0.52 acres in size will be established for worker parking, equipment maintenance, equipment fueling, and material storage within a dry location within the project area.

III. Description of Direct Impacts to Waters of the State

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 in area and those degrading ecological conditions. Impacts to waters of the state shall not exceed the 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 (Cofferdams)	0.07	42	90
Non-jurisdictional Area ²	2.81		

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel (Ag Ditch)	0.03	42	90
Stream Channel (Weirs)	0.30	750	240
Wetland (Pothole/Swales)	1.59	560	

IV. Project Schedule

The Project is estimated to be conducted over 21 workdays. The expected seasonal work period will be 1 August 2022 through 30 November 2022. Extended habitat monitoring activities will be conducted over a period of 3 years to fine tune habitat additions.

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.

² The categorical exemption for small habitat restoration projects (Title 14, California Code of Regulations, Division 6, Chapter 3, *Guidelines for Implementation for the California Environmental Quality Act (CEQA)*, Article 19, section 15333) requires projects to be no more than 5 acres in size. Total project size for the Categorical Exemption for permitting from the Disturbance estimates for “Non-jurisdictional Areas” are included for the purpose of coordinating project size with the California Department of Fish and Wildlife’s Lake and Streambed Alteration Agreement (LSAA), or 1600 Permit, which includes areas outside of Waters of the State.

V. Project Location

The project is located in central Modoc County, approximately 12 miles southwest of the town of Alturas California. The project area is bordered by the Pit River to the north, agricultural rice fields to the east, agricultural fields to the west, and County Road 54 to the south.

County: Modoc County

Assessor's Parcel Number(s): 017-330-009-000

Nearest City: Alturas

Section 1, Township 41 North, Range 10 East, MDB&M.

Latitude: 41.4174° and Longitude: -120.7672°

Maps showing the Project location are found in Attachment A of this Notice of Applicability.

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 \$645.00 was received on 12 April 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 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 small habitat restoration project. Your waste discharge identification (WDID) number is 5A25CR00064.

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 U.S. Fish and Wildlife 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) 224-4848 or by email at Daniel.Warner@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.

Original Signed by Clint Snyder, P.G.
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

7/21/2022
Date

- Attachment A:** Project Map(s)
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts

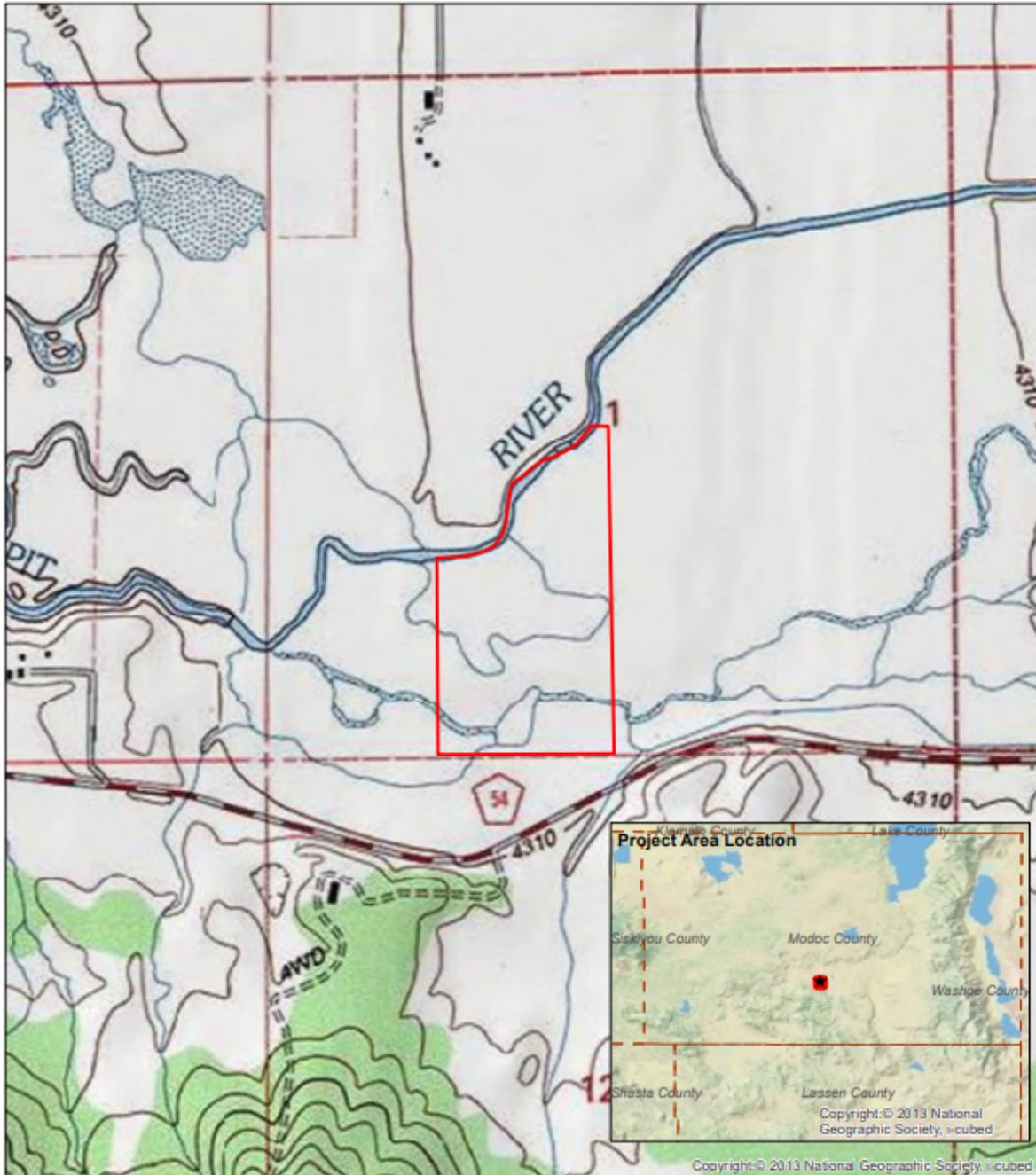
Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (Applicant Only)

cc email: U.S. EPA, Region 9, San Francisco
Water Quality Certification Program, SWRCB, Sacramento
Matthew Roberts, U.S. Army Corps of Engineers, Redding
Nathan Bunting, Property Owner, Red Bluff
Nicholas Torrez, Ducks Unlimited, Inc., Rancho Cordova
April Zohn, Ducks Unlimited, Inc., Rancho Cordova

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Attachment A – Project Maps

Figure 1. Project Location Map



**Figure 1 Bone Ranch Wet Meadow Enhancement Project
Site & Vicinity Map**

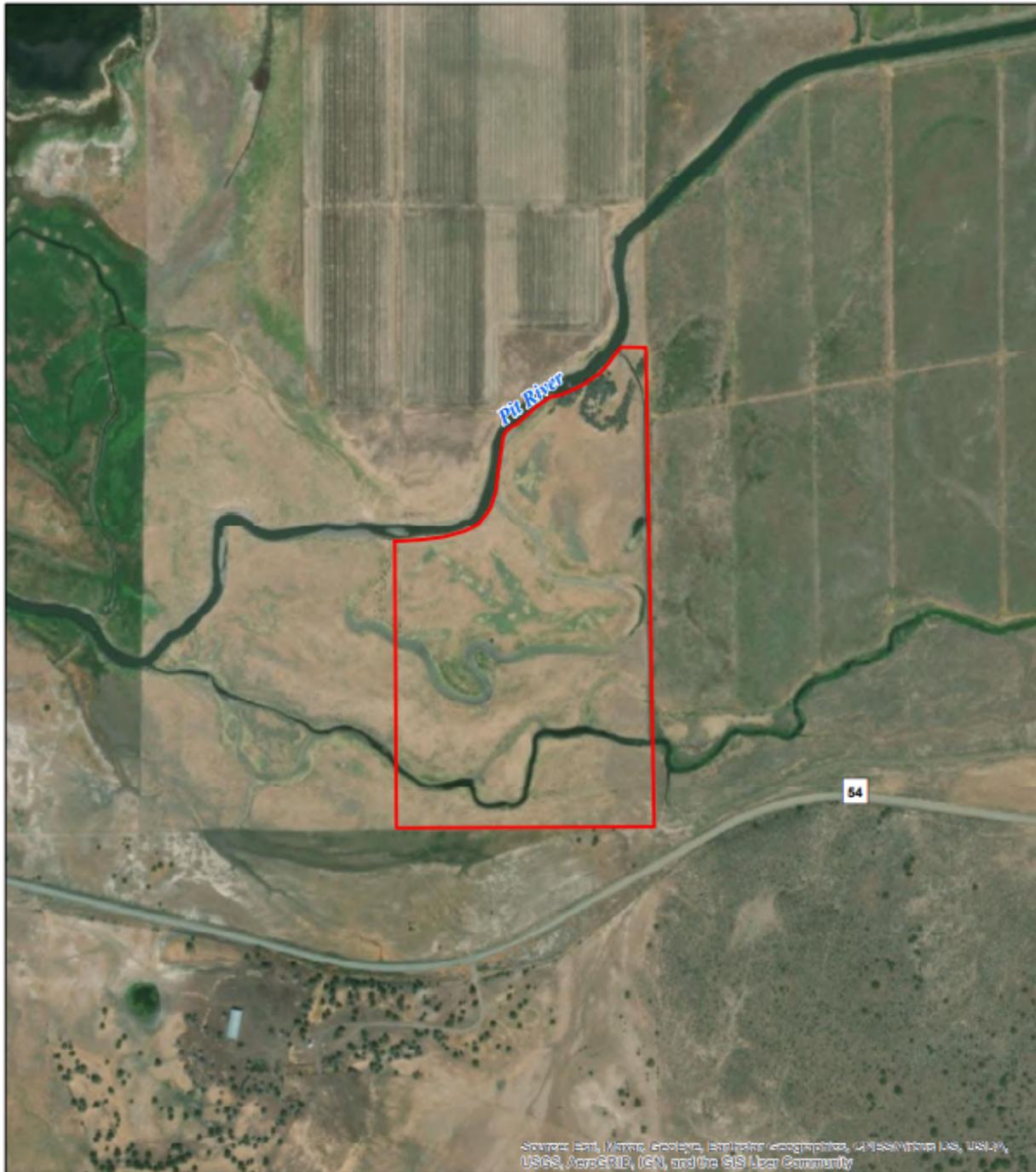
 Project Area (64 acres)

Base map: Canby, CA USGS 7.5 minute topographic quadrangles
Section 1 of T 41N, R 10E; Modoc County, CA



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Feet

Figure 2. Project Location Map



**Figure 2 Bone Ranch Wet Meadow Enhancement Project
Aerial Photo**

 Project Area (64 acres)

Base maps: Canby, CA USGS 7.5 minute topographic quadrangles
Section 1 of T 41N, R 10E; Modoc County, CA

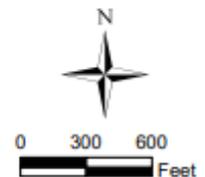
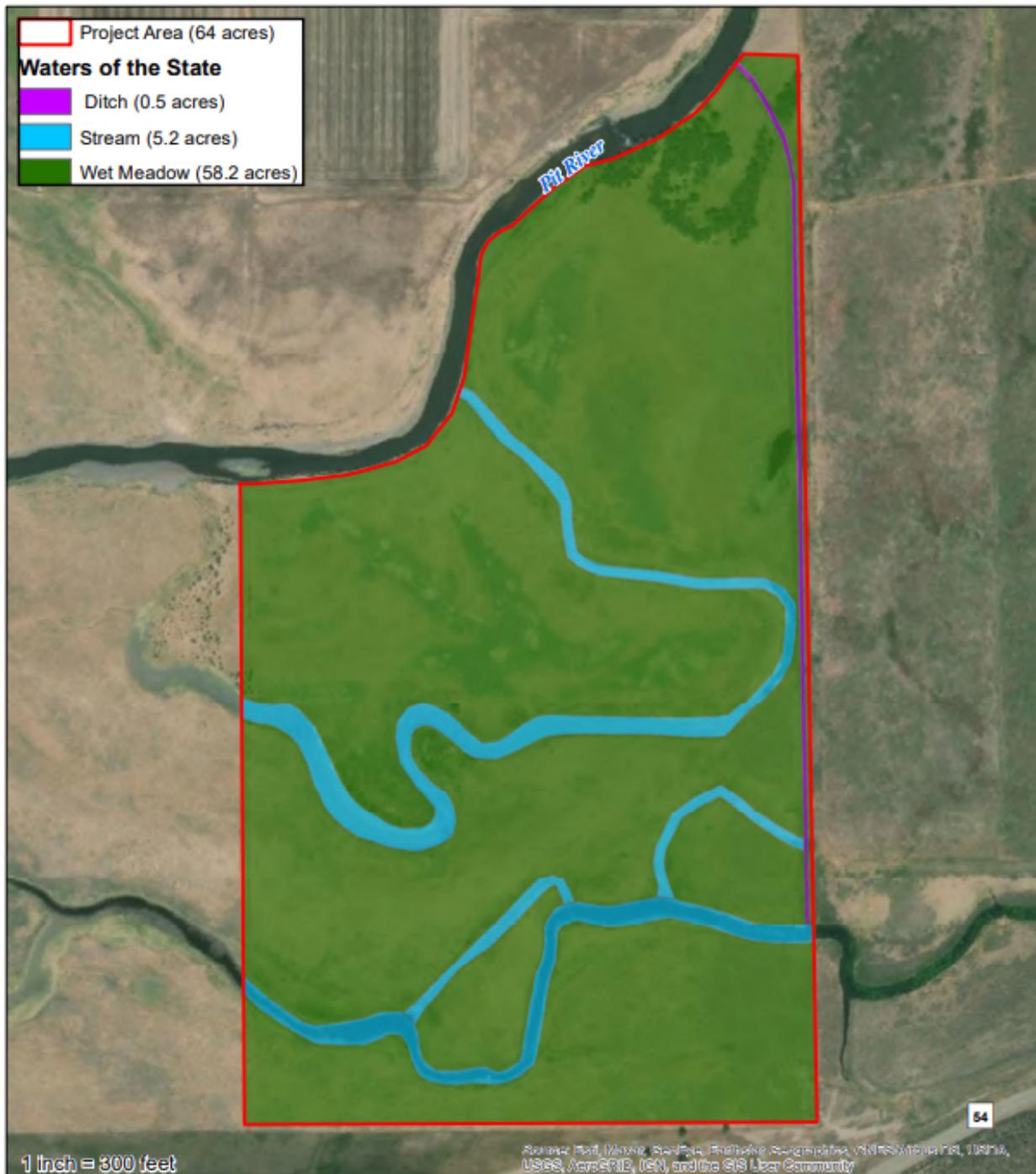
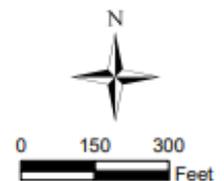


Figure 3. Aquatic Resource Delineation Map



**Figure 3 Bone Ranch Wet Meadow Enhancement Project
Waters of the U.S./State**

Base maps: Canby, CA USGS 7.5 minute topographic quadrangles
Section 1 of T 41N, R 10E; Modoc County, CA



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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	Agricultural Ditch	Unnamed Agricultural Ditch	Stream	526.00	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	Rock Weirs	Unnamed Tributary to Pit River	Stream	526.00	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	Earthen Cofferdams	Unnamed Tributary to Pit River	Stream	526.00	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	Potholes	Unnamed Wetland	Wetland	526.00	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	Swales	Unnamed Wetland	Wetland	526.00	Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
Yes	Non-jurisdictional Area	Unnamed Wetland	Wetland	526.00	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
Earthen Cofferdam	41.4174°	-120.7672°	No	0.07	42	90
Non-jurisdictional Area	41.4174°	-120.7672°	No	2.81		

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Agricultural Ditch	41.4174°	-120.7672°	No	0.03	42	90
Potholes	41.4174°	-120.7672°	No	1.50	230	
Rock Weirs	41.4174°	-120.7672°	No	0.30	750	240
Swales	41.4174°	-120.7672°	No	0.09	330	

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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.)