



Central Valley Regional Water Quality Control Board

21 July 2022

Joan Clayburgh
The Sierra Fund
204 Providence Mine Road, Suite 214
Nevada City, CA 95959

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 THE SIERRA FUND, PAIRING INSTREAM RESTORATION WITH DISTURBANCES TO RESTORE HEADWATER MEADOWS IN THE PLUMAS NATIONAL FOREST USING PROCESS-BASED RESTORATION PRINCIPLES PROJECT, PLUMAS COUNTY, WDID NO. 5A32CR00230

On 31 May 2022, The Sierra Fund (Applicant) filed a Notice of Intent (NOI) requesting coverage under the 27 March 2013 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 (General Certification Order) for the Pairing Instream Restoration with Disturbances to Restore Headwater Meadows in the Plumas National Forest Using Process-Based Restoration Principles 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 Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.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, ESQ., EXECUTIVE OFFICER

I. Public Notice

The Central Valley Water Board provided public notice of the application from 3 June 2022 to 24 June 2022. Honorable Chairman Ben Cunningham of the Maidu Summit Consortium and Conservancy commented that the Project area was used as a summer camp by the tribe and requested the Permittee ensure cultural resources are protected. The Central Valley Water Board did not receive any other comments during the comment period.

II. Project Description

The Project consists of pairing instream restoration with disturbances (wildfire) to restore hydrologic functions to headwater meadows and to halt and reverse stream incision using process-based restoration principles. The three meadows included in the Project are Middle Creek, McRae, and Fall River Meadow on the Plumas National Forest. Project activities will be conducted principally with hand labor and not mechanized equipment. Instream project designs will include low-tech biogenic structures such as post-assisted log structures (PALS) and beaver dam analogs (BDAs). Restoration also includes removing meadow-encroaching conifer trees which are not adapted to desired wet-meadow conditions.

III. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Streambed/Stream bank	1.12		384

IV. Project Schedule

The Project is estimated to occur from September 2022 through November 2022, September 2023 through November 2023, and September 2025 through November 2025.

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.

V. Project Location

County: Plumas County

Middle Creek Meadow: Latitude: 40.12276° and Longitude: -120.64227°

McRae Meadow: Latitude: 39.75711° and Longitude: -120.75553°

Fall River Meadow: Latitude: 39.73593° and Longitude: -121.0442°

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 21 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 meadow restoration project. Your waste discharge identification (WDID) number is 5A32CR00230.

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 The Sierra Fund 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) 224-4784 or by email at Jerred.Ferguson@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 Bryan J. Smith, P.E.
(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
Zachary Kearns, CA Department of Fish and Wildlife, Rancho Cordova
Chris Kane, Plumas National Forest, Quincy
Karen Pope, United States Forest Service, Arcata
Sheli Wingo, United States Fish and Wildlife Service, Auburn
Carrie Monohan, The Sierra Fund, Nevada City
Nick Graham, The Sierra Fund, Nevada City

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Attachment A – Project Maps

Figure 1. Project Location Map

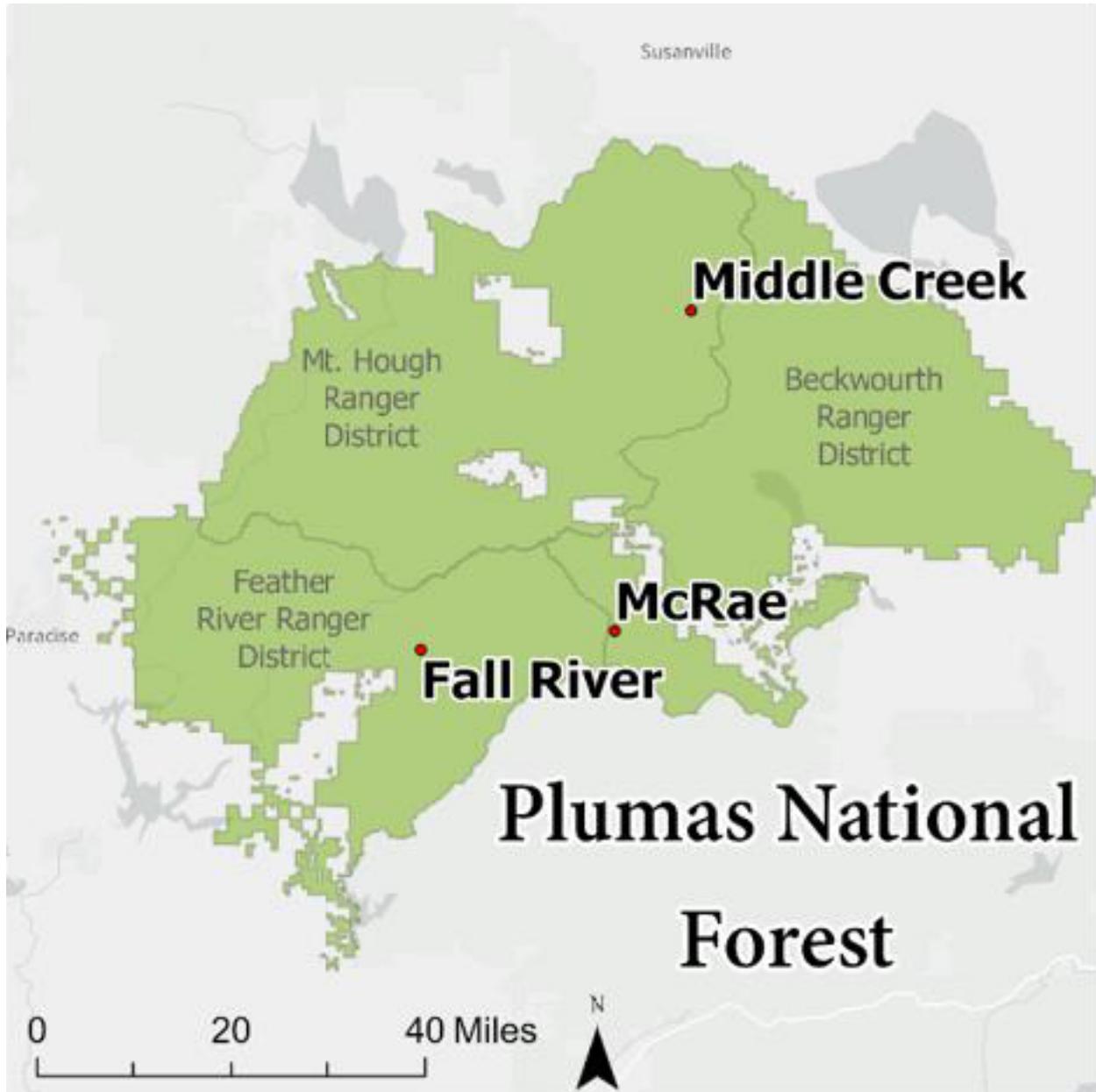


Figure 2. Middle Creek Meadow Process-Based Restoration Design

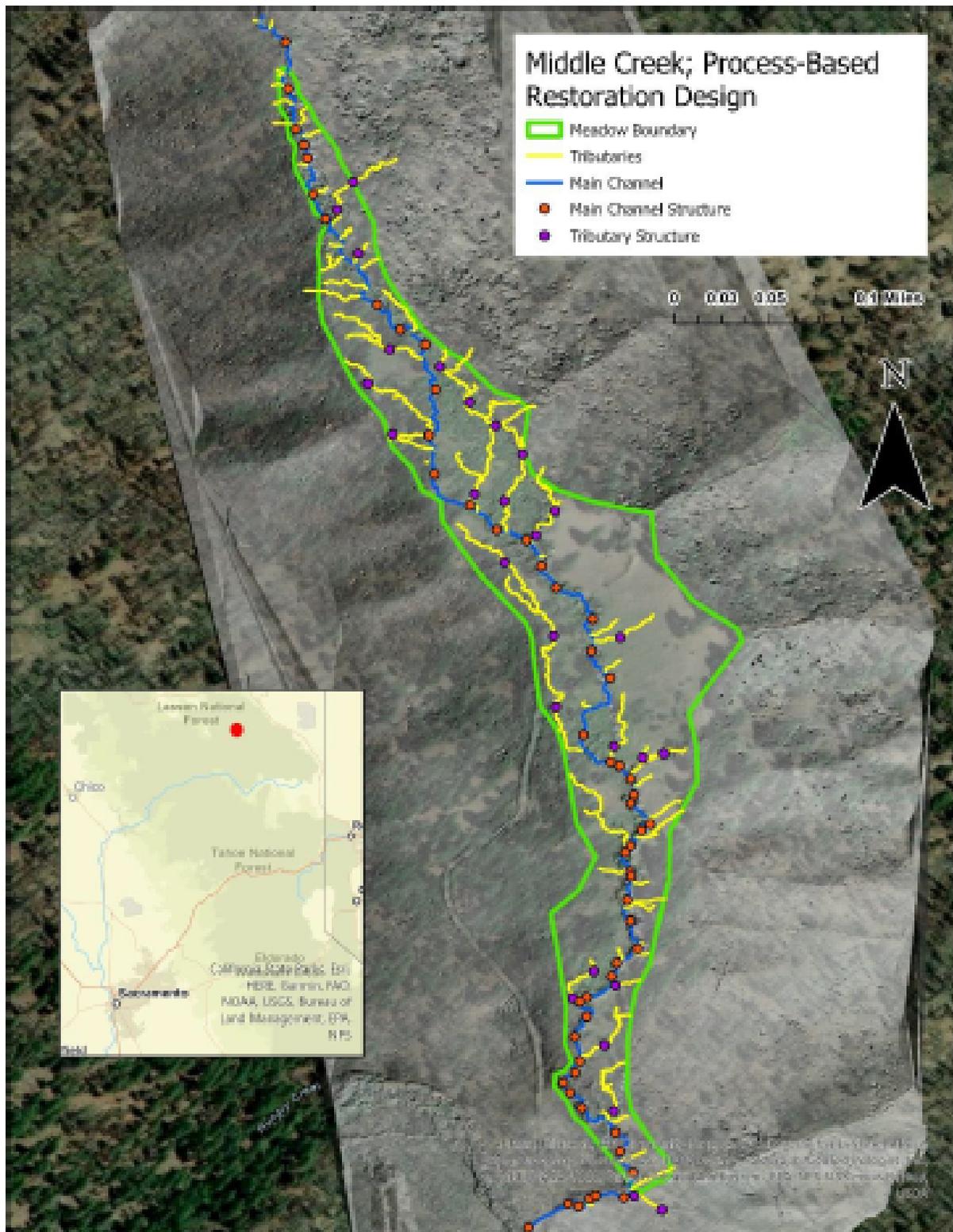


Figure 3. McRae Meadow Process-Based Restoration Design

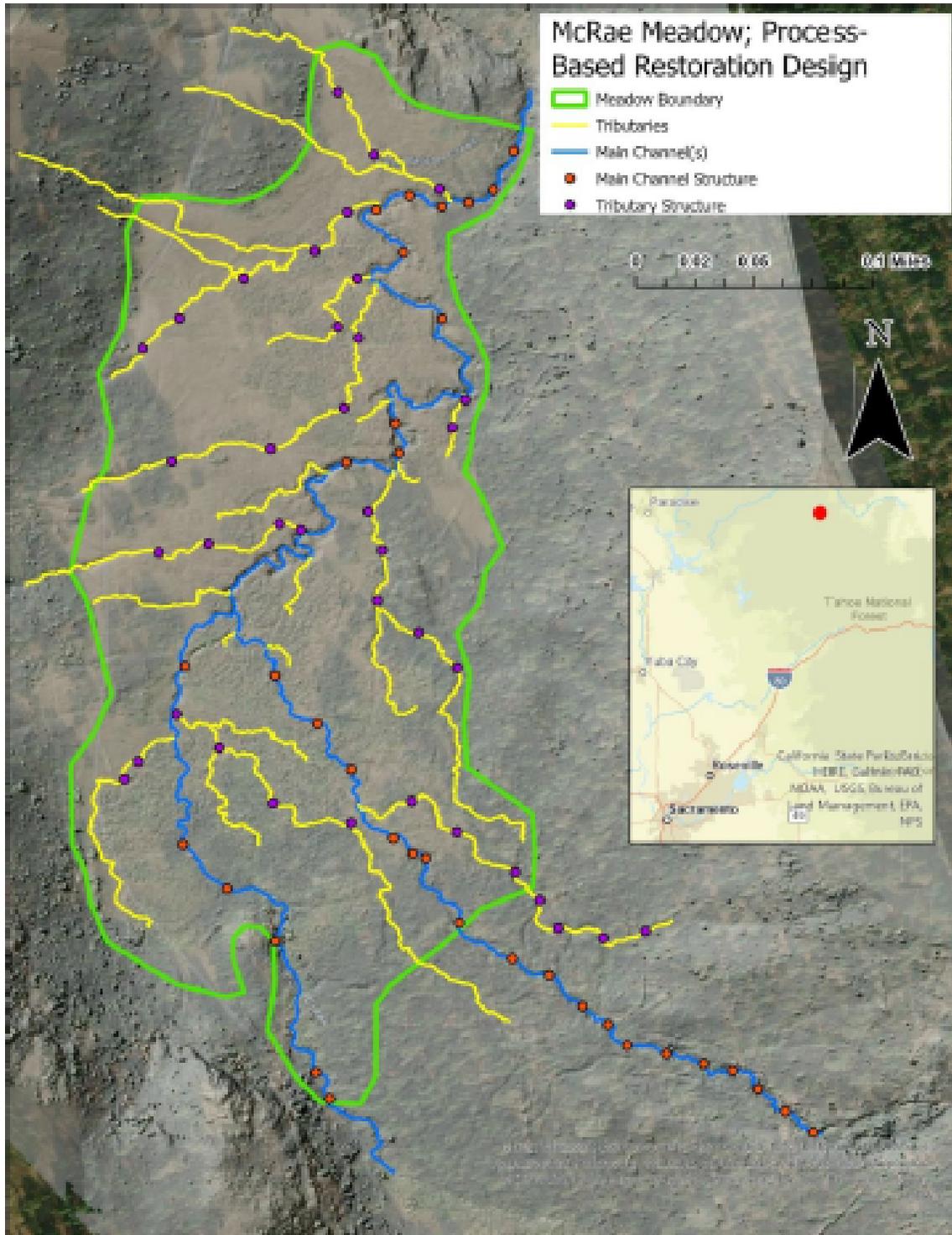
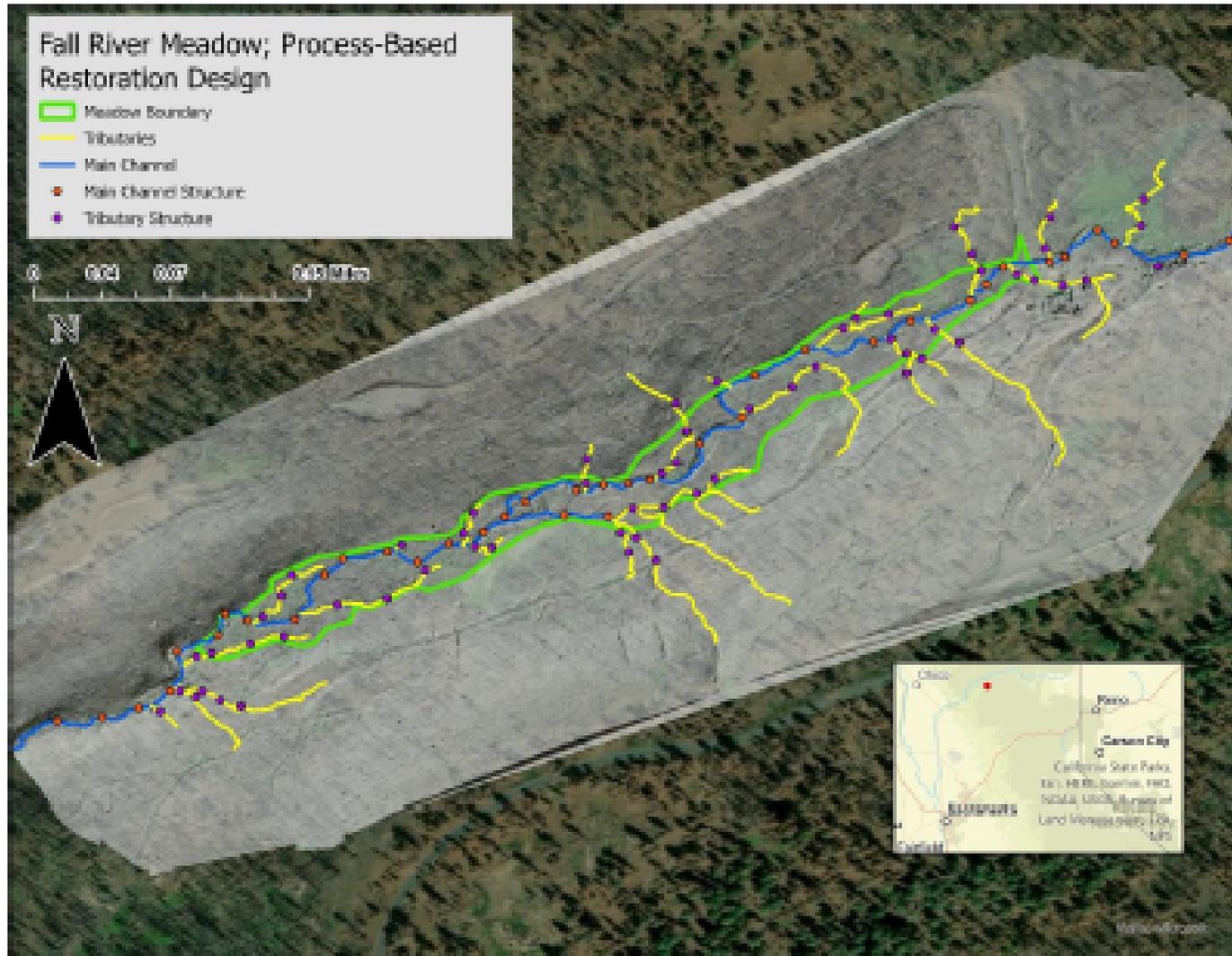


Figure 4. Fall River Meadow Process-Based Restoration Design



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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	Middle Creek Meadow	Middle Creek and unnamed tributaries	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	McRae Meadow	East Nelson Creek and unnamed tributaries	Stream	518.35	Middle Fork Feather River	AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable
No	Fall River Meadow	Fall River and unnamed tributaries	Stream	518.354	Middle Fork Feather River	AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Not Applicable	Not Applicable

Individual Direct Impact Locations

The following table shows individual impacts.

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Middle Creek Meadow	40.12276°	-120.64227°	No	0.43		140
McRae Meadow	39.75711°	-120.75553°	No	0.31		108
Fall River Meadow	39.73593°	-121.0442°	No	0.38		136

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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.)