



Central Valley Regional Water Quality Control Board

12 November 2021

James J. Handura
United States Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-2922

NOTICE OF APPLICABILITY FOR COVERAGE UNDER CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF THE AMERICAN RIVER WATERSHED COMMON FEATURES 2016 PROJECT, SACRAMENTO RIVER EROSION CONTRACT 1 PROJECT (WDID#5A34CR00819-002), SACRAMENTO COUNTY

On 30 September 2021, the United States Army Corps of Engineers (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) Clean Water Act Section 401 Water Quality Certification of the American River Watershed Common Features 2016 Project Certification and Order (Order)(WDID#5A34CR00819).

The Central Valley Water Board has reviewed your enrollment materials and finds the Sacramento River Erosion Contract 1 Project (Project) meets the requirements of and is hereby enrolled under the Order. You may proceed with your Project in accordance with the Order.

A copy of the Certification can be found on the [Central Valley Water Board's Adopted Orders webpage](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wq_certs/5A34CR00819.pdf)
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Please familiarize yourself with the requirements in the Order. You are responsible for complying with all applicable Order requirements. Failure to comply with the Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

PROJECT DESCRIPTION:

The purpose of the Project is to protect and strengthen Sacramento River East Levee at RM 55.2 to reduce levee failure from erosion and flood risk in the City of Sacramento and surrounding areas.

The Project consists of armoring the riverbank and levee to prevent erosion, installing a riparian bench, and placing woody materials within the stream channel.

Site Preparation and Construction Access

To prepare for construction, trees and vegetation will be removed where construction access and activities will occur. Tree removal will be timed to avoid nesting season. Once vegetation is removed, temporary BMPs will be used to control off-site stormwater runoff and sedimentation. Construction access (entrance and exit) to the site will occur from the existing levee maintenance road via a secured levee access gate. The barges will access the site along existing waterways between the Delta and RM 55.2.

Construction of the bank protection site will occur from the waterside of the levee via barges.

Riparian Bench

A riparian planting bench will be installed into the channel along the length of the site. Soil will be placed for the planting bench to support vegetation and provide overhead cover and near-shore aquatic habitat for listed species and other wildlife. If soil is washed away by high flows, additional topsoil will be placed. Coir fabric may be used to stabilize the soil. Approximately 862 cubic yards of planting bench soil will be placed within waters of the United States.

Bank Protection

The Project will install rock bank protection along 1,150 linear feet of the levee at RM 55.2. A crane and excavator mounted on a river barge will place quarry stone above and below the planting bench. The Project will place 2,923 cubic yards of soil filled quarry stone and 17,235 cubic yards of quarry stone within waters of the United States.

In-stream Woody Materials

The Project will install instream woody materials (IWM) within the stream channel, consistent with the requirements of the 2016 ARCF GRR EIS/EIR National Marine Fisheries Service Biological Opinion. IWM provides cover for listed fish species impacted by construction. Groups of 3-5 large and medium sized hardwood trees will be placed 5-10 feet apart in a downstream orientation that mimics the natural orientation of downed trees along river systems. The Project will place 190 trees within waters of the United States.

Project elements that affect aquatic resources include grading, excavating, and placing rock, soil and IWM within the stream channel and riparian zone. The Project will permanently impact 2.6 acre/1,150 linear feet of stream channel habitat. Temporarily impacted areas will be restored to pre-Project condition after completion of work.

PROJECT TYPE:

Non-Bioengineered Channel Construction, Maintenance, and/or Bank Stabilization

ADDITIONAL CONDITION:

The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

PROJECT LOCATION:

The Project is located on the east levee of the Sacramento River immediately downstream of the Westin Hotel in Little Pocket neighborhood of Sacramento and continues downstream approximately 1,150 feet. The Project is within the New Helvitica land grant, within Township 8 North, Range 4 East, MDB&M.

Latitude: 38.533923° N and Longitude: 121.520438° W

PROJECT SCHEDULE:

30 October 2021 through 31 December 2025

COMPENSATORY MITIGATION

To mitigate for the permanent impacts to 2.6 acres/1,150 linear feet, the Permittee shall provide compensatory mitigation as described in Section XV.K. of the Order. The Permittee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

APPLICATION FEE RECEIVED:

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

The Permittee shall implement the Impact Avoidance and Minimization Measures described in Section 3.5.6 of the American River Common Features Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Project, as described in the Order. The Project will install plantings in the planting bench to the extent possible to mitigate for lost riparian and shaded riverine aquatic (SRA) habitat due to construction. Plantings will consist of nursery-propagated species as well as live pole cuttings. Environmental benefits are realized in the form of habitat, overhead shade, and as a source of introduction of wood material to the Sacramento River. The planting bench will create 0.22 acre of onsite mitigation. Riprap established along the waterside

levee toe is designed to stay in place and prevent further erosion, therefore creating a beneficial impact on water quality.

A turbidity curtain or other minimization measures approved by NMFS and USFWS would be installed prior to any in-water work conducted on the waterside of the levee. The work limits and staging areas would be fenced with orange construction fencing to protect sensitive habitat and to identify disturbance area limits.

WATER QUALITY MONITORING:

The Permittee shall implement water quality monitoring as described in Section XIV.B of the General Certification for WDID#5A34CR00819.

If you have any questions regarding this Notice of Applicability, please contact Stephanie Tadlock at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov .

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Enclosure: Clean Water Act Section 401 Water Quality Certification of the American River Watershed Common Features 2016 Project Certification and Order (WDID#5A34CR00819)

Attachments: Figure 1 – Project Location Map
Figure 2 – Site Impact Map

cc: Distribution List, page 5

DISTRIBUTION LIST

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Figure 1 – Project Location Map

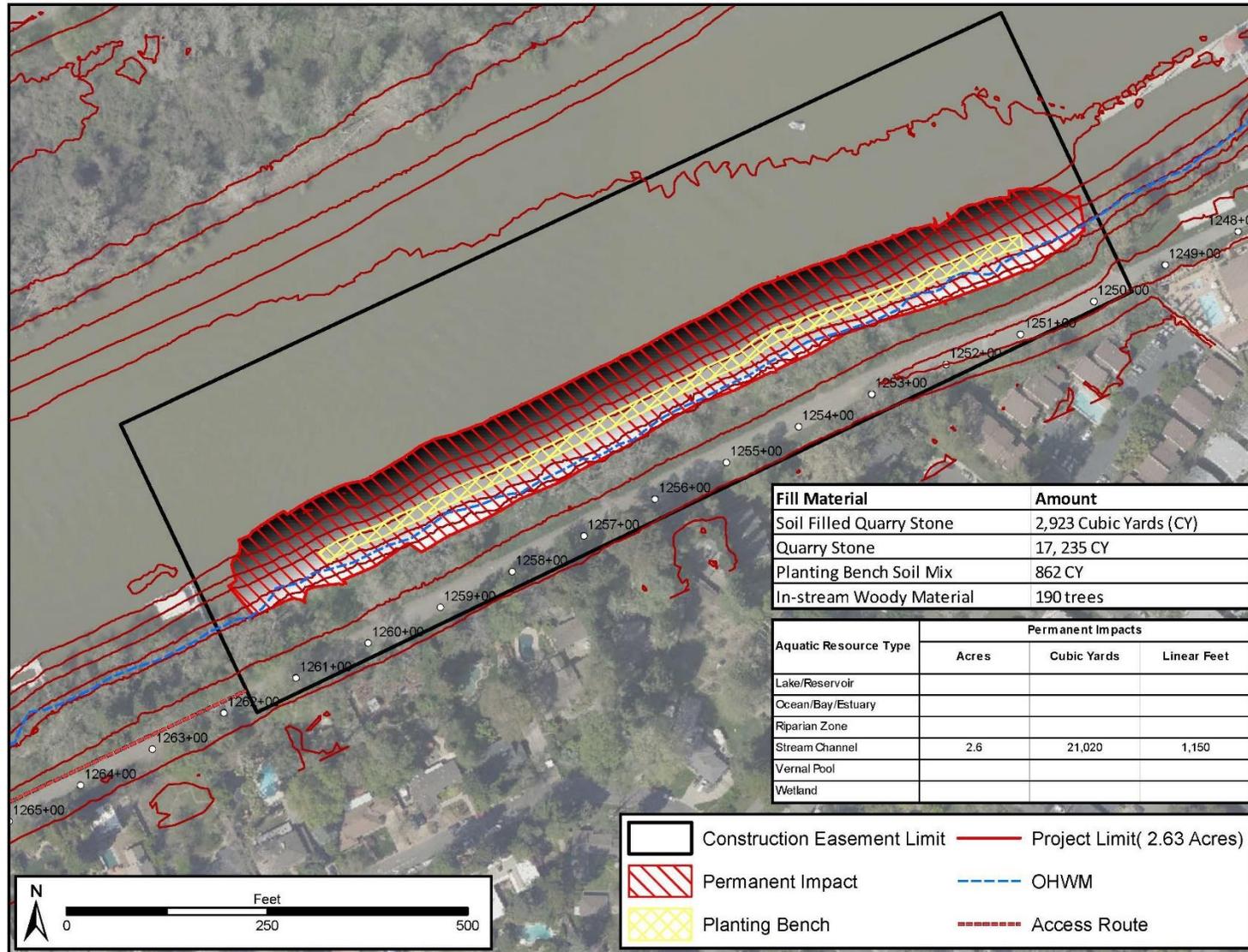


Figure 2 – Site Impact Map