



Central Valley Regional Water Quality Control Board

15 September 2022

Ian Smith
U.S. Bureau of Reclamation
2440 Main Street
Red Bluff, CA 96080

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 U.S. BUREAU OF RECLAMATION, KAPUSTA 1B SIDE CHANNEL PROJECT, SHASTA COUNTY, WDID NO. 5A45CR00620

On 15 August 2022, U.S. Bureau of Reclamation (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 Kapusta 1B Side Channel 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 Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 19 August 2022 to 9 September 2022. The Central Valley Water Board did not receive any comments during the comment period.

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

II. Project Description

The primary objectives of the proposed Project are to create juvenile salmonid rearing habitat during low flow conditions of the Sacramento River; reduce fish stranding pools; and increase the availability of adult spawning habitat in the river. The Project consists of constructing a river side channel along the west bank of the Sacramento River with an inlet and outlet connected to the river. Suitable gravel obtained from channel excavation will be sorted onsite and placed in the Sacramento River to provide spawning habitat for adult salmonids. Activities include excavating a linear side channel designed to remain inundated during low flow conditions, repurposing removed woody debris from excavation for in-stream habitat features for fish within the side channel, and seeding disturbed areas with native plant species to mitigate for temporary and permanent impacts. Natural resource impacts include the removal of understory trees, unearthed material in channel excavation and bank stabilization, and the remnants of spoil piles.

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	0.04		89

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.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	1.12	3,679	852
Riparian Zone	0.11	953	192
Wetland	0.1	732	152

IV. Project Schedule

The Project is estimated to occur from 1 October 2022 to 31 December 2022.

V. Project Location

County: Shasta County

Nearest City: Redding

Township 30 North and 31 North, Range 04 West, MDB&M.

Latitude: 40.494153° and Longitude: -122.338117°

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

Federal applicants applying for a 401 certification for a dredge or fill project subject to section 404 of the Clean Water Act are not charged fees as identified in Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

VIII. Findings of Applicability

This letter serves as formal notice that Order No. SB12006GN is applicable to this salmonid habitat restoration project. Your waste discharge identification (WDID) number is 5A45CR00620.

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. Bureau of Reclamation 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 Clint Snyder

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

9/16/2022

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
Hillary Kraft, U.S. Army Corps of Engineers, Redding
Aurelia Gonzalez, Sacramento River Forum, Red Bluff

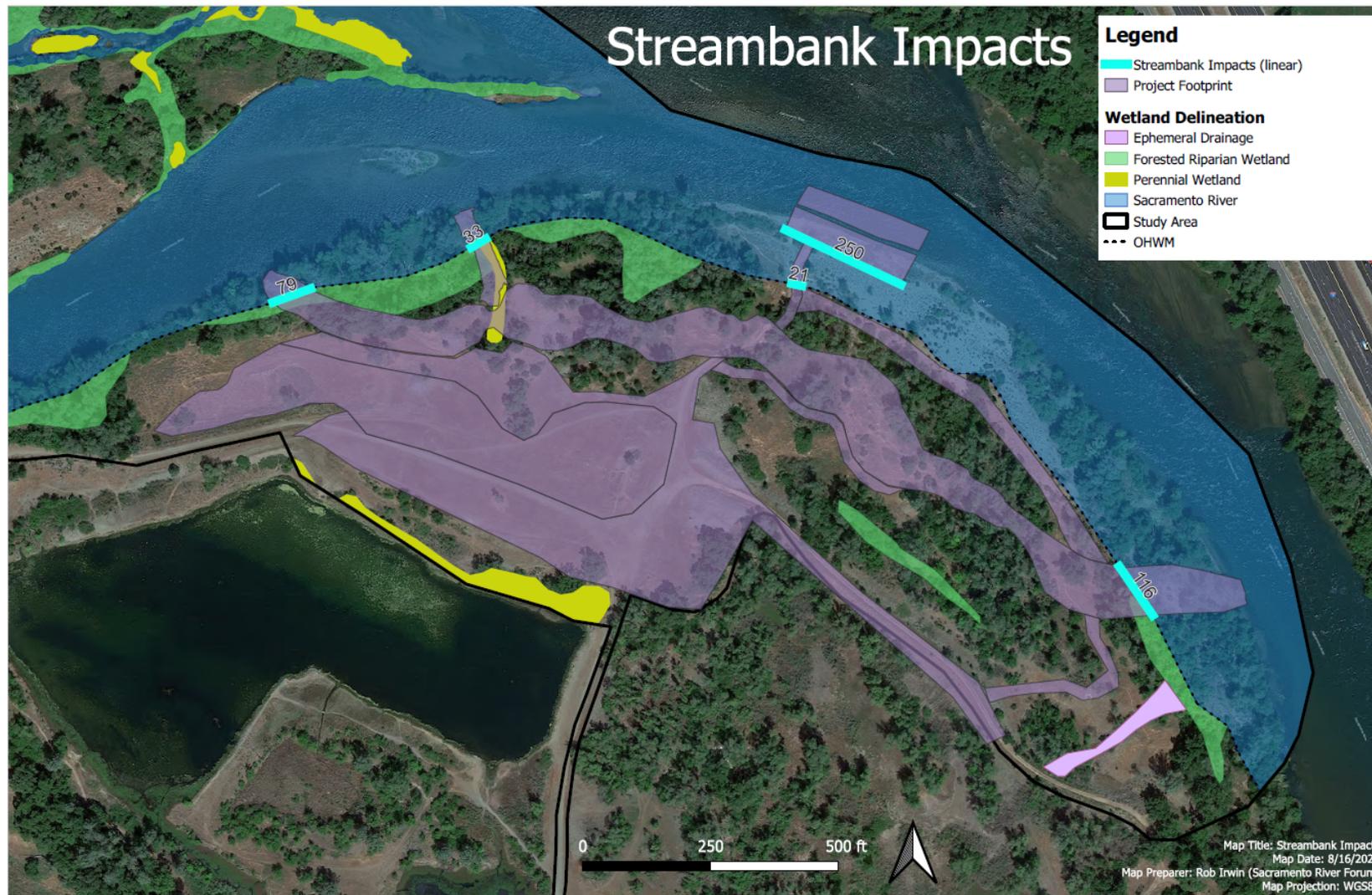
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Attachment A – Project Maps

Figure 1. Project Location Map



Figure 2. Project Impacts Map



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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	Kapusta 1B Side Channel	Sacramento River	Stream	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Toxicity	Not Applicable
No	Kapusta 1B Side Channel	Sacramento River	Riparian Zone	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Toxicity	Not Applicable
No	Kapusta 1B Side Channel	Sacramento River	Wetland	508.10	Sacramento River (Shasta Dam to Colusa Basin Drain)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Toxicity	Not Applicable

Individual Direct Impact Locations

The following table shows individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Kapusta 1B Side Channel – Stream Channel	40.494153°	-122.338117°	No	0.04		89

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Kapusta 1B Side Channel – Stream Channel	40.494153°	-122.338117°	No	1.12	3,679	852
Kapusta 1B Side Channel – Riparian Zone	40.494153°	-122.338117°	No	0.11	953	192
Kapusta 1B Side Channel – Wetland	40.494153°	-122.338117°	No	0.1	732	152

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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.)