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## Central Valley Regional Water Quality Control Board

9 March 2023

Ross Perry  
Western Shasta Resource Conservation District  
6270 Parallel Road  
Anderson, CA 96007

**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 WESTERN SHASTA RESOURCE CONSERVATION DISTRICT, BELLA VISTA SIPHON REMOVAL AND FISH PASSAGE PROJECT, SHASTA COUNTY, WDID NO. 5A45CR00630**

On 2 February 2023, Western Shasta Resource Conservation District (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 Bella Vista Siphon Removal and Fish Passage Project (Project). After review of the NOI 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](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 Coverage under the General Certification Order is no longer valid if the Project, as described, is modified.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 10 February 2023 to 3 March 2023. The Central Valley Water Board did not receive any comments during the comment period.

**II. Project Description**

The project will remove an unused water delivery pipe capped with aggregate concrete that crosses North Cow Creek. The pipe structure impedes fish migration and is a barrier to aquatic species at lower flow levels [less than 100 cubic feet per second (cfs)] and creates a velocity barrier at intermediate flow levels (approximately 100-500 cfs). Following demolition of the concrete siphon structure, the demolished concrete and rebar will be hauled off-site to a proper waste disposal site. The streambed will be excavated and recontoured at the demolition location to allow for immediate fish passage. Excess excavated material will be spread downstream of the siphon location to avoid removing sediment from the sediment-starved stream and to avoid the cost of hauling off and disposing of the material.

In order to create a dry work zone, temporary cofferdams will be installed upstream and downstream of the action area to section off the work area. A diversion pipe will carry the redirected flows around and downstream of the work area. Silt curtains, wattles, or other Best Management Practice (BMP) materials may be placed as needed at the direction of the engineer or contractor; all BMP materials will be removed post-construction.

**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 Impacts<sup>1</sup>**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Streambed/Stream bank	0.13	90	100

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<sup>1</sup> 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**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Streambed/Stream bank	0.18	290	150

**IV. Project Schedule**

The Project is estimated to occur within September of 2023 and September of 2024.

**V. Project Location**

County: Shasta County

Nearest City: Palo Cedro

Latitude: 40.59121° and Longitude: -122.22663°

**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 \$729.00 was received on 6 February 2023. 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 habitat restoration project. Your waste discharge identification (WDID) number is 5A45CR00630.

**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](mailto: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](mailto:Lynn.Coster@waterboards.ca.gov).

*Original Signed by Clint Snyder*

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

3/9/2023

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 Regnart, U.S. Army Corps of Engineers, Redding  
Chris Katopathis, Western Shasta Resource Conservation District, Anderson

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### Attachment A – Project Maps

Figure 1. Project Vicinity Map

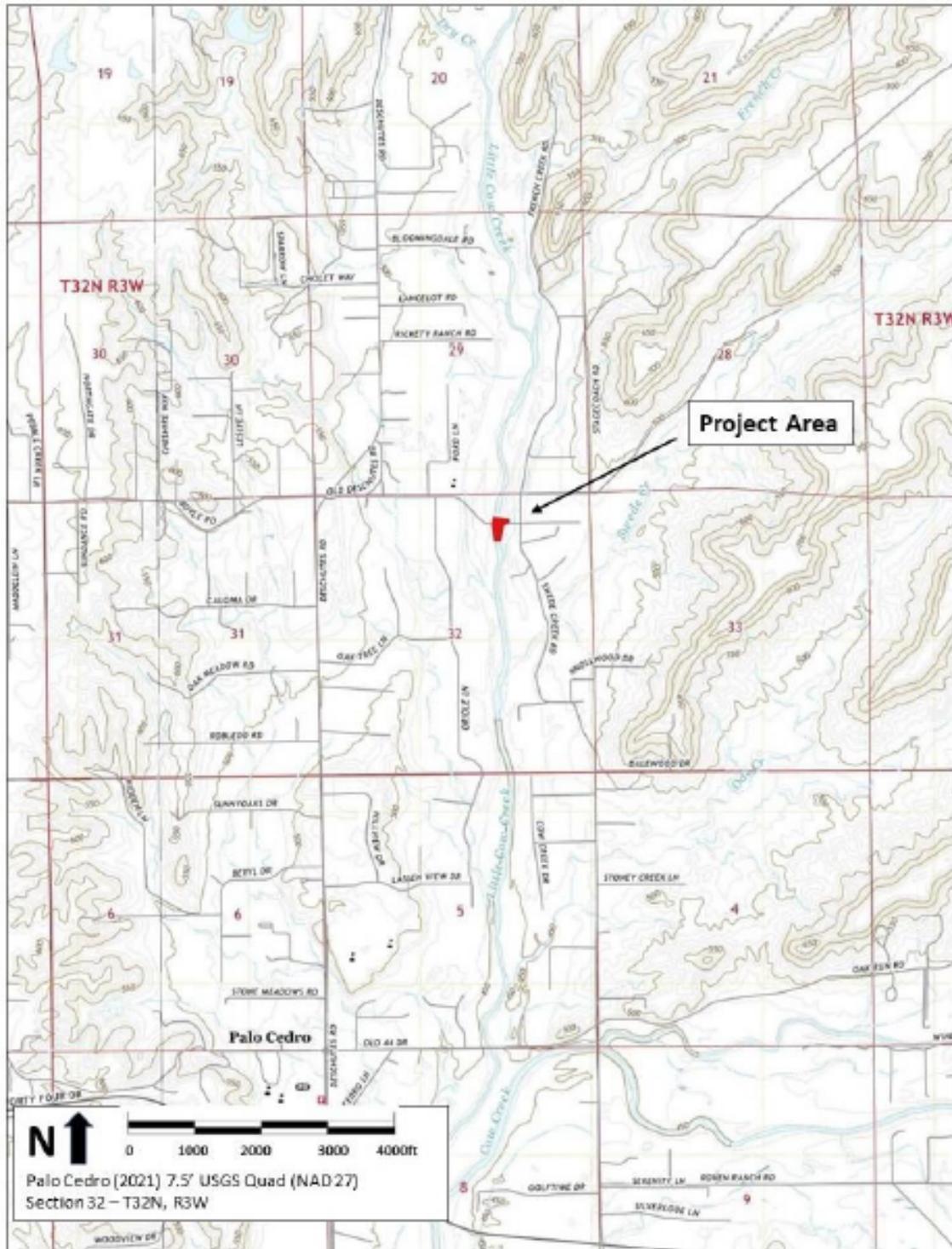
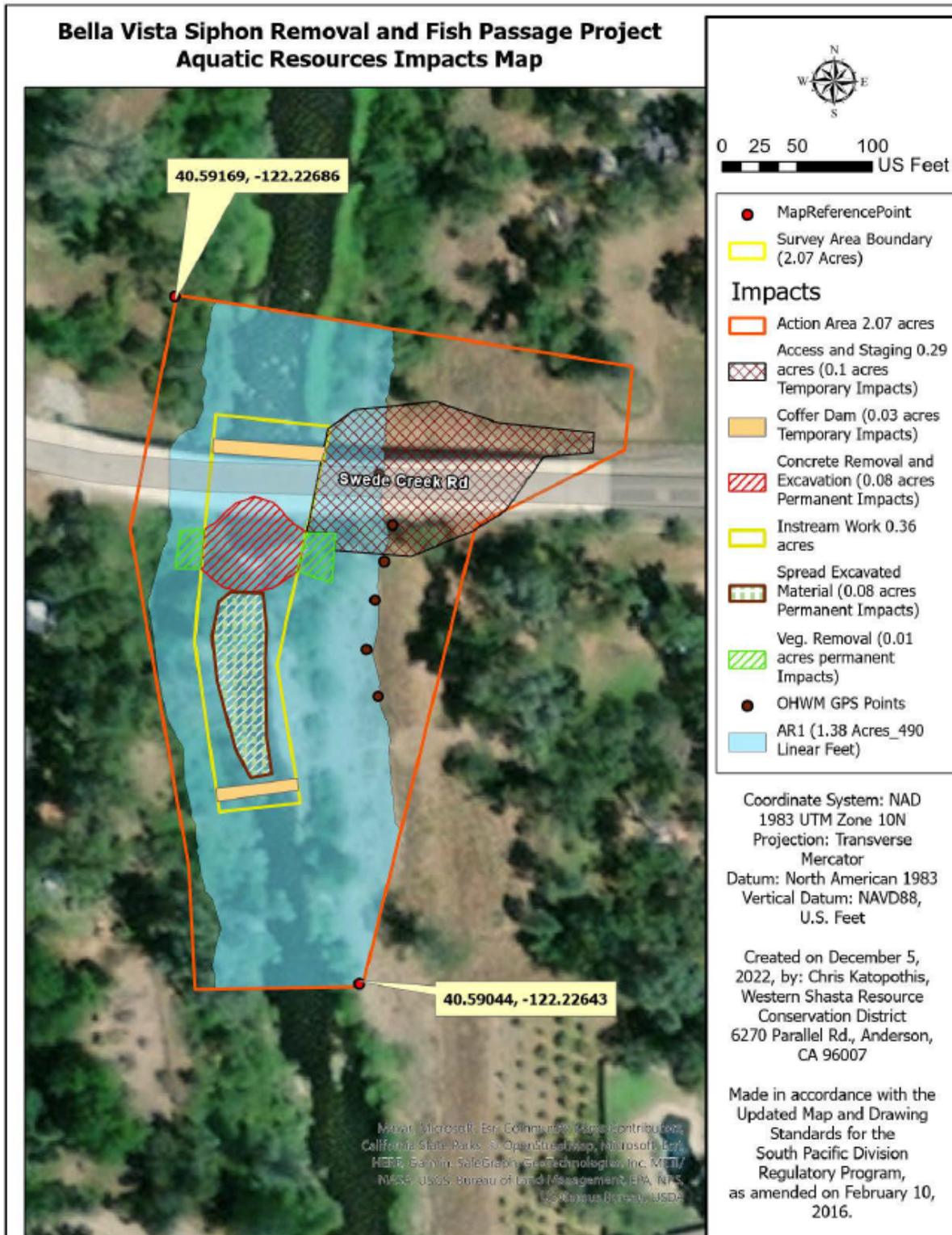


Figure 2. Project Impacts Map



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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	Bella Vista Siphon Removal and Fish Passage Project	Cow Creek	Stream	507.3	Cow Creek	MUN, AGR, POW, REC-1, REC-2, COLD, MIGR, SPWN, WILD	Copper, Cadmium, Zinc	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
Bella Vista Siphon Removal and Fish Passage Project (Streambed/Stream Bank)	40.59121°	-122.22663°	No	0.13	90	100

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Bella Vista Siphon Removal and Fish Passage Project (Streambed/Stream Bank)	40.59121°	-122.22663°	No	0.18	290	150

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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.)