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## Central Valley Regional Water Quality Control Board

3 February 2023

Katherine Bandy  
California Department of Water Resources  
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Sacramento, CA 95814  
[katherine.bandy@water.ca.gov](mailto:katherine.bandy@water.ca.gov)

### **NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CALIFORNIA DEPARTMENT OF WATER RESOURCES, MARSH CREEK IN-CHANNEL EROSION REPAIR PROJECT (WDID#5B07CR00253), CONTRA COSTA COUNTY**

On 27 January 2023, the California Department of Water Resources (Applicant) filed a notification requesting coverage under the 9 October 2018 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the Marsh Creek In-Channel Erosion Repair Project (Project). After review of the notification 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 this General Certification Order. The proposed activity is taking place within 0.25 acre/500 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Emergency Repair and Protection Activities, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). 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](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/order_rgp8.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/order\\_rgp8.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/order_rgp8.pdf)) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

The Project is being conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 27 January 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

**PROJECT DESCRIPTION:**

The 0.25-acre Project consists of placing 2,000 tons of riprap (1,250 cubic yards) along the waterside slope and toe upstream of Marsh Creek levee and along the Dutch Slough Tidal Marsh Restoration Site to cover and repair approximately 500 linear feet of eroded levee slope and bank. The repairs are necessary to protect the levee from catastrophic flooding onto Ironhouse Sanitation District property.

The Project will temporarily impact 0.25 acre/500 linear feet of waters of the United States.

**PROJECT LOCATION:**

The Project is located along Marsh Creek in Oakley.

Section 19, Township 2 North, Range 3 East, MDB&M

Latitude: 37°99'82" N and Longitude: 121°69'56" W

**PROJECT SCHEDULE:**

The Project started construction on 4 January 2023 and will continue until approximately 24 February 2023.

**APPLICATION FEE RECEIVED:**

An application fee of \$2,734.00 must be received within 30 days from the date of issuance of this Order.

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 F – Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Jenna Yang at (916) 464-4764 or [Jenna.Yang@waterboards.ca.gov](mailto:Jenna.Yang@waterboards.ca.gov).

*Original Signed by Anne Walters for:*

Patrick Pulupa  
Executive Officer

Enclosure: Water Quality Order No. 2018-0025-EXEC Clean Water Act Section 401  
Water Quality Certification and Order

cc: Distribution List

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