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JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

August 21, 2020

Mr. Robert Valentine
34020 South HWY 1
Gualala, CA 95445
RNValentine@mcn.org

Dear Mr. Valentine:

Subject: Notice of Applicability (NOA) for Coverage under the *Conditional Waiver of Waste Discharge Requirements for Specific Categories of Low Threat Discharge in the North Coast Region R1-2017-0039*

File: Robert Valentine property dam removal Project, WDID No. 1B20121WNME, ECM PIN CW-866758

On June 29, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the Regional Water Board Resolution R1-2017-0039, *Conditional Waiver of Waste Discharge Requirements for Specific Categories of Low Threat Discharge in the North Coast Region* (Conditional Waiver) from Mr. Robert Valentine (Applicant) for the Robert Valentine property dam removal Project (Project). On May 13, 2020, The California Department of Fish and Wildlife (CDFW) informed Regional Water Board staff of the existence of a recently installed, unpermitted water diversion and dam, on an unnamed tributary to the Pacific Ocean in Gualala, Mendocino County. The dam and diversion were installed by the Applicant within waters of the state and US without appropriate permits from CDFW, the Regional Water Board, the US Army Corps of Engineers or the Division of Water Rights. Mr. Valentine has voluntarily proposed to remove the unpermitted dam and obtain any necessary water rights for any future diversion. If the unpermitted fill material is not removed by October 31, 2020, The Regional Water Board may take enforcement actions that may include a range of measures to require fill removal and may include fines for unpermitted discharges.

The Project is located within the Mendocino Coast Hydrologic Unit 113.70. The Project impacts an unnamed tributary to the Pacific Ocean at Triplett Gulch, waters of the state and the U.S., and is located at 34020 Hwy 1 South, Gualala, Mendocino County.

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

Coordinates of the Project are approximately latitude 38.812728° N and longitude 123.596769° W.

Work will take place during the month of September and or October 2020.

Regional Water Board staff has determined that the Project, as described in the NOI, will not have a significant effect on the environment and is exempt from CEQA review and meets the eligibility requirements for coverage under the Conditional Waiver. The Applicant has consulted with the U.S. Army Corps of Engineers regarding obtaining the appropriate authorization to remove the unpermitted structure. The Applicant has applied to the CA Department of Fish and Wildlife for authorization to remove the unpermitted Dam and Diversion.

Project Purpose and Description:

The primary purpose of the Project is to remove an unpermitted dam and diversion structure. The Applicant proposes to conduct the activity when the stream flow is low or absent. Work will be conducted with hand tools and Best Management Practices will be implemented to prevent the discharge of sediment downstream during the removal. The project proposes to restore the channel to pre-project conditions to prevent future channel instability or sediment delivery.

The Project will temporarily impact approximately 8 linear feet of an unnamed tributary to the Pacific Ocean, waters of the state. The Project shall be constructed and maintained as described within the NOI materials. The Applicant shall implement the Project in accordance with terms and conditions of the Conditional Waiver.

Receiving Water: Unnamed tributary to the Pacific Ocean
Mendocino Coast Hydrologic Unit 113.70

Filled / Excavated Area: Permanent Area Impacted: None
Temporary Area Impacted: 8 linear feet

Latitude/Longitude: 38.812728° N / 123.596769° W

Applicant shall submit of a Notice of Completion within 45 calendar days of completion of the Project. Regional Water Board staff may request a site visit to confirm status of Project and compliance with this Conditional Waiver.

A Notice of Completion showing that the project was constructed in accordance with the project description should include the file name listed above including WDID No. and ECM PIN, photographic evidence of dam and diversion removal and be submitted to Northcoast@waterboards.ca.gov.

This authorization for any dredge and fill activities expires on October 31, 2020. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Regional Water Board staff has determined that the proposed activities may proceed under the Conditional Waiver.

Please call Gil Falcone at (707) 576-2830 if you have any questions.

Sincerely,

Matthias St. John
Executive Officer

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Attachment: Regional Water Board Resolution R1-2017-0039

cc: State Water Resources Control Board, Stateboard401@waterboards.ca.gov
Ms. Jennifer Siu, EPA Region 9, Siu.Jennifer@epa.gov
Ms. F. Kelly Finn, U.S. Army Corps of Engineers, Fairfax.K.Finn@usace.army.mil
Ms. Angela Liebenberg, CDFW, Angela.Liebenberg@wildlife.ca.gov
Mr. Skyler Anderson, Division of Water Rights, skyler.anderson@waterboards.ca.gov