



Central Valley Regional Water Quality Control Board

16 December 2022

Robert Chase
United States Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

NOTICE OF APPLICABILITY FOR COVERAGE UNDER CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF THE AMERICAN RIVER WATERSHED COMMON FEATURES 2016 PROJECT, LOWER AMERICAN RIVER EROSION CONTRACT 3A, SITE 1-1 PROJECT (WDID#5A34CR00819-005), SACRAMENTO COUNTY

On 12 August 2022, 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 ARCF 2016 Lower American Erosion Control 3A, Site 1-1 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_wqcerts/5A34CR00819.pdf).

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.

PROJECT DESCRIPTION:

The purpose of the Project is to construct multiple erosion control measures within the Lower American River (LAR) to allow conveyance of the 200-year (160,000 cubic feet per second) flood flow without risk of levee failure. The Project will protect and

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

strengthen LAR levees to reduce riverbank erosion and reduce flood risk within the Sacramento metropolitan region.

The primary erosion risk along Site 1-1 is an erodible bank susceptible to toe scour. The primary features of the segment include a launchable rock toe, planting bench, embankment cut and levee embankment revetment. The Project consists of armoring the riverbank and levee to prevent erosion by installing approximately 3,000 linear feet of erosion protection and on-site riparian features along the proposed segment of the LAR. A launchable rock toe will be constructed to protect against toe scour. The launchable rock toe would be placed where possible to allow the creation of a plantable soil-filled bench to provide aquatic and terrestrial habitat at a variety of flow conditions. Levee embankment soil-filled revetment includes a layer of riprap that is filled with soil at a 70-percent riprap to 30-percent soil ratio.

Excavated soil would be hauled off-site to either an existing stockpile location or to a landfill within 15 miles of the project site. The stockpile would be located on a site or sites that are disturbed or previously cleared and/or used for stockpiling and completely void of any sensitive resources on or adjacent to the site. Some on-site excavated soil could be used for project construction pursuant to Clean Water Act Section 401 permit conditions and approval by the Central Valley Water Board.

Vegetation clearing could be needed to allow for site access and to accommodate construction activities. Site preparation would begin with trimming and/or removal of vegetation where construction access and activities would occur. After these activities, mobilization would include the application of temporary best management practices for the control of off-site stormwater runoff and sedimentation, building temporary access roads and ramps, preparing staging areas, and installing signage for traffic and alternate transportation routes that would be affected by construction activities (e.g., bicycle routes). Site preparation could also include the removal of submerged instream woody debris and fallen trees within the construction footprint. A turbidity curtain or other minimization measures would be installed prior to any in-water work conducted on the waterside of the levee. Where practicable, trees would be retained in locations cleared to provide access and where the bank protection and planting bench are constructed. Trees would be protected in place along the natural channel during the placement of rock. Approximately 50,300 cubic yards would be placed in waters of the U.S. at Site 1-1, and an additional 7,800 cubic yards would be placed above the ordinary high water mark (OHWM). In addition, it is estimated that 4.03 acres of fill material will be added to the site below the OHWM.

Any staging area and construction access ramps would be restored to original pre-existing contour and condition or as agreed to by the property owner. To avoid erosion, staging areas would be hydro-seeded and layered with wood mulch to prevent encroachment of invasive species. Any roads or other access areas damaged by construction would be repaired and restored to prior condition. All trash, excess construction materials, and construction equipment would be removed.

PROJECT TYPE:

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

ADDITIONAL CONDITION:

The Permittee 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 left bank of the Lower American River between LAR 3.8 to 3.9, downstream of the Interstate 80 Business (I-80 or Capital City Freeway) and another segment extends from LAR 3.9 to 4.2 underneath and upstream of the Capital City Freeway.

Latitude: 38.58621 and Longitude: -121.44666

PROJECT SCHEDULE:

October 2022 through December 2024

COMPENSATORY MITIGATION

Riparian vegetation along the lower American River provides habitat for the valley elderberry longhorn beetle and western yellow-billed cuckoo. To mitigate the impacts on habitat for these species, the Permittee would create replacement riparian habitat at ratios of 3:1 (acres replaced to acres affected) and 2:1, respectively. A total of 3.58 acres of riparian habitat would be affected at Site 1-1 erosion protection areas and up to an additional 0.67 acres in the construction access areas and haul routes. To mitigate these impacts to Site 1-1, the Permittee would create a total of 8.5 acres of riparian habitat, which would include 3.88 acres of on-site riparian habitat in the Project Area. In addition, 4.62 acres of off-site riparian habitat would be created at off-site locations including, but not limited to, Rio Americano East and West, Rossmoor East and West, and Paradise Bend. Further, the Project would affect 2.34 acres of non-native grassland in the Project Area and construction access and staging areas. Non-native grassland would be replaced with 2.31 acres of native grassland, which is a ratio of 0.99:1, but represents a much higher habitat value than non-native grassland. This area would be restored after construction by seeding native grassland plant species in this area.

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 3.3.3 of the American River Watershed Common Features, American River Contract 3A 2022 Supplemental Environmental Impact

Report/Environmental Assessment (SCH#2005072046) for the Project and the measures described in Section 4 of the Notice of Intent for the Project.

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 Jenna Yang at (916) 464-4764 or Jenna.Yang@waterboards.ca.gov.

Original Signed by Adam Laputz 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

cc: Distribution List, page 5

Distribution List (email only)

Mary Pakenham-Walsh
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

Jennifer Hobbs
United States Fish & Wildlife Service
Jennifer_Hobs@fws.gov

Allison Lane
National Marine Fisheries
Allison.Lane@noaa.gov

Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

United States Environmental Protection Agency
R9CWA401@epa.gov

CWA Section 401 WQC Program
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com

Stephanie Tadlock
Central Valley Water Board
Stephanie.Tadlock@waterboards.ca.gov

Bailey Hunter
United States Army Corps of Engineers
Bailey.Hunter@usace.army.mil

Figure 1 – Project Location Map

