
Central Valley Regional Water Quality Control Board

2 February 2021

Jamie Schmidt
Under Canvas Inc.
1172 Happy Lane
Belgrade, MT 59714

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, YOSEMITE UNDER CANVAS PROJECT (WDID#5B55CR00148), TUOLUMNE COUNTY

On 11 November 2020, the Under Canvas Inc. submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Yosemite Under Canvas Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 55-acre Project consists of constructing a 99-tent luxury campground with supporting facilities. The main access roadway will cross two ephemeral drainages. A pipe culvert will cross the smaller channel, while a steel bridge will span the larger channel. Project activities that impact aquatic resources include installing a 36-inch

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

diameter corrugated metal pipe culvert with concrete headwall and placing riprap at the outlet for energy dissipation. The Project will permanently impact 0.002 acre/20 linear feet of stream channel.

PROJECT LOCATION:

The Project is located at 7668 Big Oak Flat Rd. The approximate center of the Project area is located at latitude 37.81971°N and longitude 119.96078 °W.

PROJECT SCHEDULE:

1 May 2021 to 30 September 2021

APPLICATION FEE RECEIVED:

\$1,949.00 was received on 9 November 2020. 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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Tuolumne County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Yosemite Under Canvas Project. Tuolumne County certified an Environmental Impact Report on 17 December 2020 and filed a Notice of Determination with the State Clearinghouse on 5 January 2021 (SCH No. 2019029073). As a responsible agency for the project, the Central Valley Water Board has determined that the Environmental Impact Report is in accordance with the requirements of the California Environmental Quality Act. The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report. The mitigation measures discussed in the Environmental Impact Report to minimize project impacts to State waters are required by this Order. With regard to the remaining impacts identified in the Environmental Impact Report the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

COMPENSATORY MITIGATION:

To mitigate for the loss of 0.002 acre of stream bed habitat, the Applicant shall provide on-site enhancement of a minimum of 0.002 acre of riparian habitat. The Applicant shall provide evidence of on-site compensatory mitigation with the Notice of Termination. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

TERMINATION OF COVERAGE:

Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Nicholas White by phone at (916) 464-4856 or by email at Nicholas.White@waterboards.ca.gov.

Original Signed By James Marshall for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1 – Project Location Map
Figure 2 – Permanent Impacts to Aquatic Resources

Enclosure: State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ

cc: Distribution List, page 4

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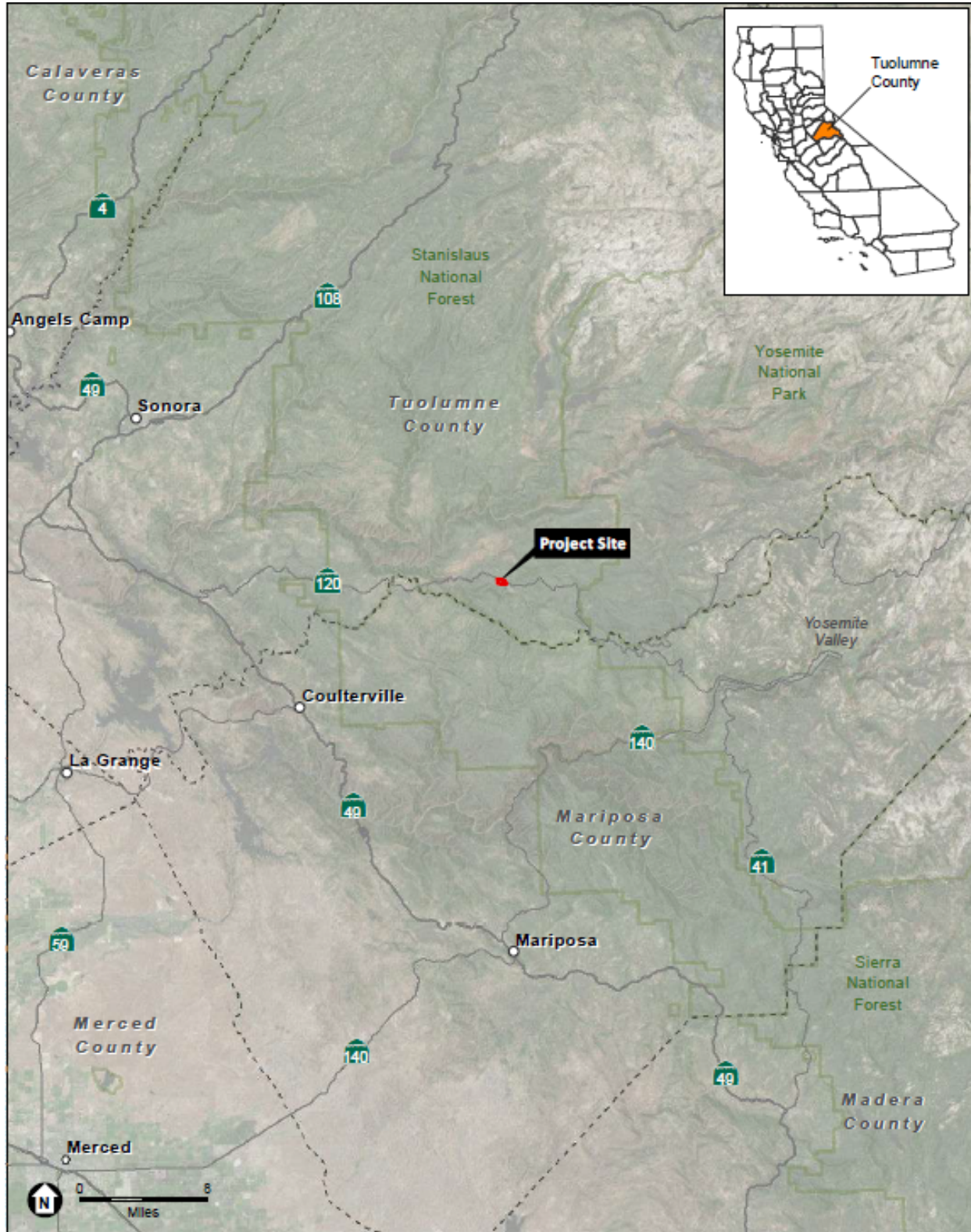
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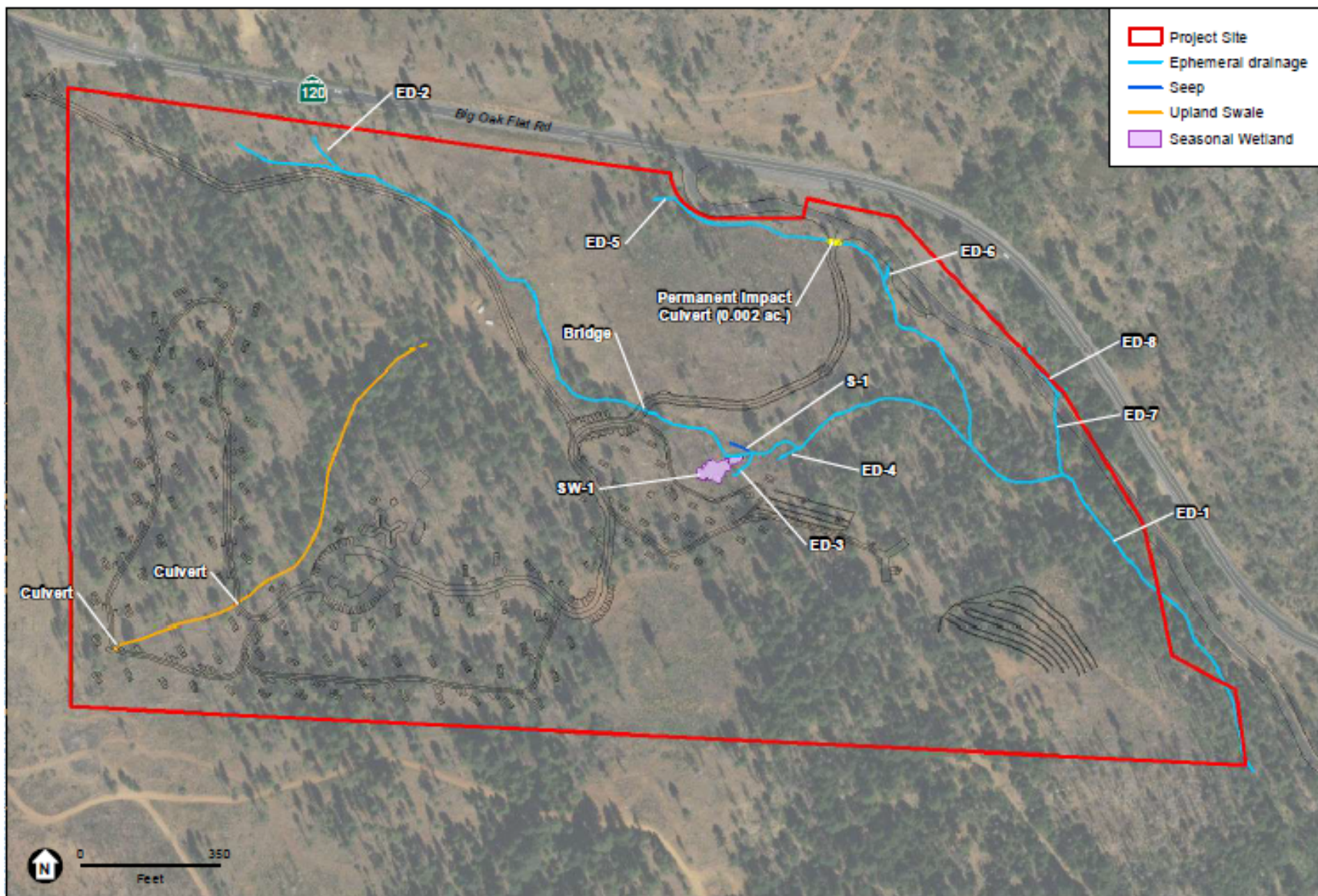
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SOURCE: Esri, 2015; ESA, 2020

Yosemite Under Canvas Project

Figure 1
Regional Location



SOURCE: USDA, 2016; ESA, 2018

Yosemite Under Canvas Project
Figure 2
Permanent Impacts to Aquatic Resources