



Central Valley Regional Water Quality Control Board

7 August 2024

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, BUFFINGTON TRACT SALMONID HABITAT RESTORATION PROJECT (WDID#5B50CR00120), STANISLAUS COUNTY

On 25 June 2024, the U.S. Fish and Wildlife Service submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order).

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Buffington Tract Salmonid Habitat Restoration Project (Project) meets the requirements of, and is hereby enrolled under, Order No. WQ 2022-0048-DWQ. You may proceed with your Project in accordance with the 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 [Order No. WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

Please familiarize yourself with the requirements of Order No. WQ 2022-0048-DWQ. You are responsible for complying with all applicable Order requirements. Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with Order No. WQ 2022-0048-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

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

PROJECT DESCRIPTION:

The 87-acre Project consists of creating a variety of terrestrial and aquatic habitats, including oak grassland, floodplain, and side channels that function under a variety of flow conditions present on the lower Stanislaus River. The proposed features will function under a variety of flow conditions present on the lower Stanislaus River and will support a variety of ecological services, including salmonid rearing habitats and improve water quality, including temperature and dissolved oxygen under low flow conditions.

Project activities include removing approximately 53,000 cubic yards of material from and regrading the floodplain of the Stanislaus River corridor within the Buffington tract, resulting in the enhancement of 5.5 acres of high-quality rearing habitat for juvenile salmonids. The Project will temporarily impact 0.06 acre and permanently impact 5.41 acres of riparian and streambed habitat. Upon completion of construction, temporarily impacted areas will be restored to pre-Project condition.

PROJECT LOCATION:

The Project is located in rural Stanislaus County off of Beckwith Road in the Buffington Tract of the San Joaquin River National Wildlife Refuge. The approximate center of the Project area is located at Latitude 37.685748° and Longitude -121.210203°.

PROJECT SCHEDULE:

April 2025 – November 2025

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.

REPORTING AND NOTIFICATION REQUIREMENTS

The Permittee shall follow notification and reporting requirements described in this Notice of Applicability (NOA), and those found in Attachment D of the Order WQ 2022-0048-DWQ, unless specified as an optional requirement and excluded from this NOA.

1. Annual Reporting: Not Applicable

2. Notification for In-Water Work and Diversions

The project proponent shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions.

Notification may be via e-mail, delivered written notice, or other verifiable means.

Within three (3) working days following completion of work in water or stream diversions, or within a timeframe specified by the approving Water Board, an In-Water Work and Diversions Water Quality Monitoring Report must be submitted to the Water Board.

3. Water Quality Monitoring Plan for In-Water Work or Diversions

A Water Quality Monitoring Plan shall be submitted to the approving Water Board for acceptance at least thirty (30) days in advance of commencement of project activity. Standards for in-water work or diversions are discussed in General In-Water Measures, specifically IWW-6, presented in Attachment A. The Permittee shall comply with the approving Water Board-specific water quality control plan water quality objectives and reporting requirements.

4. Environmental Monitoring

Per General Protection Measure 5 (GPM-5) of the Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

NOTICE OF COMPLETION:

Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Sara Gevorgyan by phone at (916) 464-4710 or by email at Sara.Gevorgyan@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Attachments: Figure 1: Project Location
Figure 2: Site Impacts Map

cc: Distribution List, page 4

DISTRIBUTION LIST
[Via email only]

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Kirsten Sellheim
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Figure 1: Project Location Map

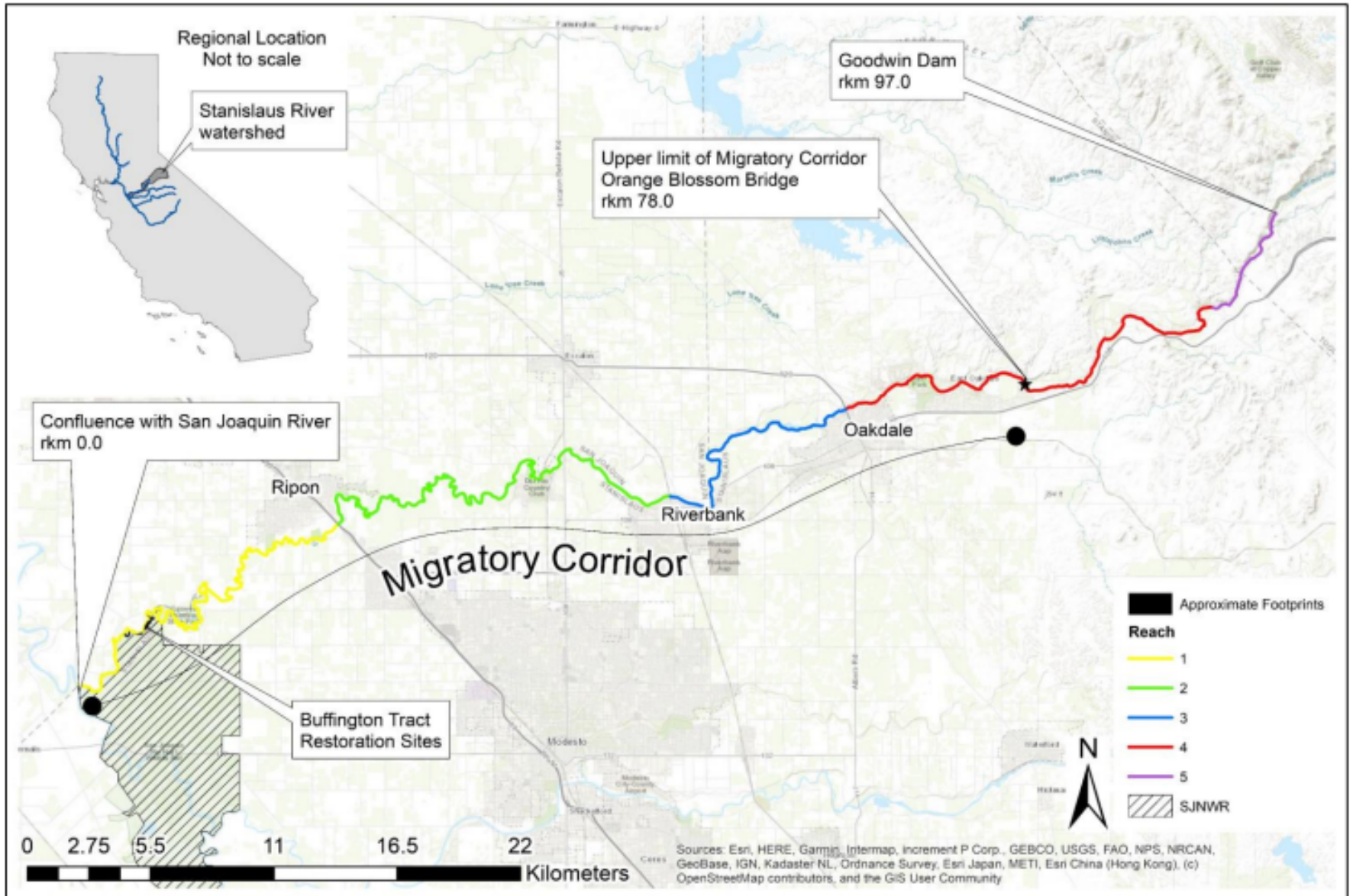


Figure 2: Site Impacts Map

