



Central Valley Regional Water Quality Control Board

8 October 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, GRAYSON RIVERBEND PRESERVE CULVERT REPLACEMENT PROJECT (WDID#5B50CR00122), STANISLAUS COUNTY

On 3 September 2024, River Partners 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 Grayson Riverbend Preserve Culvert Replacement 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 Coverage under the Order is no longer valid if the Project (as described) is modified.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.

PROJECT DESCRIPTION:

The 2.3-acre Project consists of replacing a dysfunctional farming culvert with a fish-friendly culvert that meets the flowage and fish passage requirements of the Grayson Riverbend Preserve site. The new culvert will resolve an existing fish stranding hazard that currently exists on the site.

The existing culvert is a 12-inch diameter, 50-foot-long pipe that is perched in a farmer-berm that allows high flows from the San Joaquin River to seasonally inundate a floodplain area in an unnamed irrigation ditch. The perched elevation of the culvert results in a disconnection as water levels drop for any fish that were carried or moved onto the site during high water conditions. The culvert is significantly undersized for the approximately 80-acre area which it drains and is too small and perched to meet fish-passage standards. As such, it is a current hazard to both endangered salmonids and other native fishes.

The replacement culvert is larger than the existing culvert to meet fish passage requirements as advised by the National Marine Fisheries Service. It will span 8-feet, with 4 feet of headspace, and will be buried two feet below grade such that there is 2 feet of natural sediment (a "natural bottom culvert") inside the culvert. The new box culvert is 50 feet long and will be pre-cast and delivered to the site in sections. Existing access roads will be used to complete the project with no new existing access roads developed. Excavated material will be stockpiled separately in a designated stockpile area and used to provide the natural bottom sediment that comprises the floor of the culvert. Remaining fill will be compacted into the berm during restoration of the overburden and berm/road. No fill would be placed into waters of the State or in a location or pile where it could wash into waters of the State.

An excavator, dump truck or dump-trailer, and support passenger trucks and transport trailer, will be used to complete the culvert replacement, including excavation of the berm's overburden, moving or stockpiling earth, placing the culvert, and refinishing the berm back to existing elevation over the new culvert. Refueling will be completed by a vehicle equipped with spill prevention materials. Other equipment will include project monitoring supplies or equipment, and hand-tools to supplement the heavy equipment during the work-phase.

The unnamed irrigation ditch will not have standing water present during the work, which is typical for late summer conditions at this location. However, geotechnical studies completed to support the project design demonstrate a relatively shallow water table, which may be encountered during culvert installation. If the shallow water table is encountered, then a temporary dewatering sump pump and berm will be installed to dewater the work area. Water would be routed upstream within the same ditch and allowed to sink in and return to the shallow water table.

After completion of the culvert installation, all disturbed soils will receive native herbaceous seeding via tractor-pull broadcaster and hand-broadcasting prior to onset of winter rains. Temporary coir wattling will be installed as sediment and erosion prevention around the perimeters of the work areas and temporary stockpiling areas.

Wattling and fencing would be removed after completion of the project, with erosion wattling left in place as needed to prevent any impacts from early rains.

The Project will result in the enhancement of 13.7 acres of wetland habitat and support the recovery of anadromous fishes by providing significant suitable inundated habitat during average to above average water years.

The Project will temporarily impact 0.06 acre of wetland habitat through the excavation of the berm and the installation of the new culvert. Temporarily impacted areas will be restored to pre-Project condition.

PROJECT LOCATION:

The Project is located at approximately 1920 Minnie Street, Grayson, CA. The approximate center of the Project area is located at latitude 37.577611° and longitude -121.170333°.

PROJECT SCHEDULE:

The Project is scheduled to take place in October 2024 and is estimated to be completed within 5 working days.

APPLICATION FEE RECEIVED:

\$796.00 was received on 3 September 2024. 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

A. Environmental Review

On 9 December 2020, Reclamation District 2092, as lead agency, adopted an Initial Study/Negative Declaration (IS/ND) (State Clearinghouse (SCH) No. 2019129082) for the Project and filed a Notice of Determination (NOD) at the SCH on 17 December 2020. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Reclamation District 2092's adopted environmental document complies with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3). The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Reclamation District 2092 adequately addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/ND, the application for this Order and other supplemental documentation.

All CEQA project impacts are analyzed in detail in the Project Final IS/ND which is incorporated herein by reference. The Project IS/ND is available at: <https://ceqanet.opr.ca.gov/2019129082/2>.

The Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

Having considered the whole of the record including comments received during the public review process, the Central Valley Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources. (California Code of Regulations., title 14, section 15096, subd. (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)

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. 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.

2. 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.

ADDITIONAL CONDITION:

The Applicant 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.

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 Nicholas Savino by phone at (916) 464-4920 or by email at Nicholas.Savino@waterboards.ca.gov.

Original Signed By Anne Walters for:

Patrick Pulupa
Executive Officer

Attachments: Project Figures

cc: [Via email only]

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Figure 1: Project Location

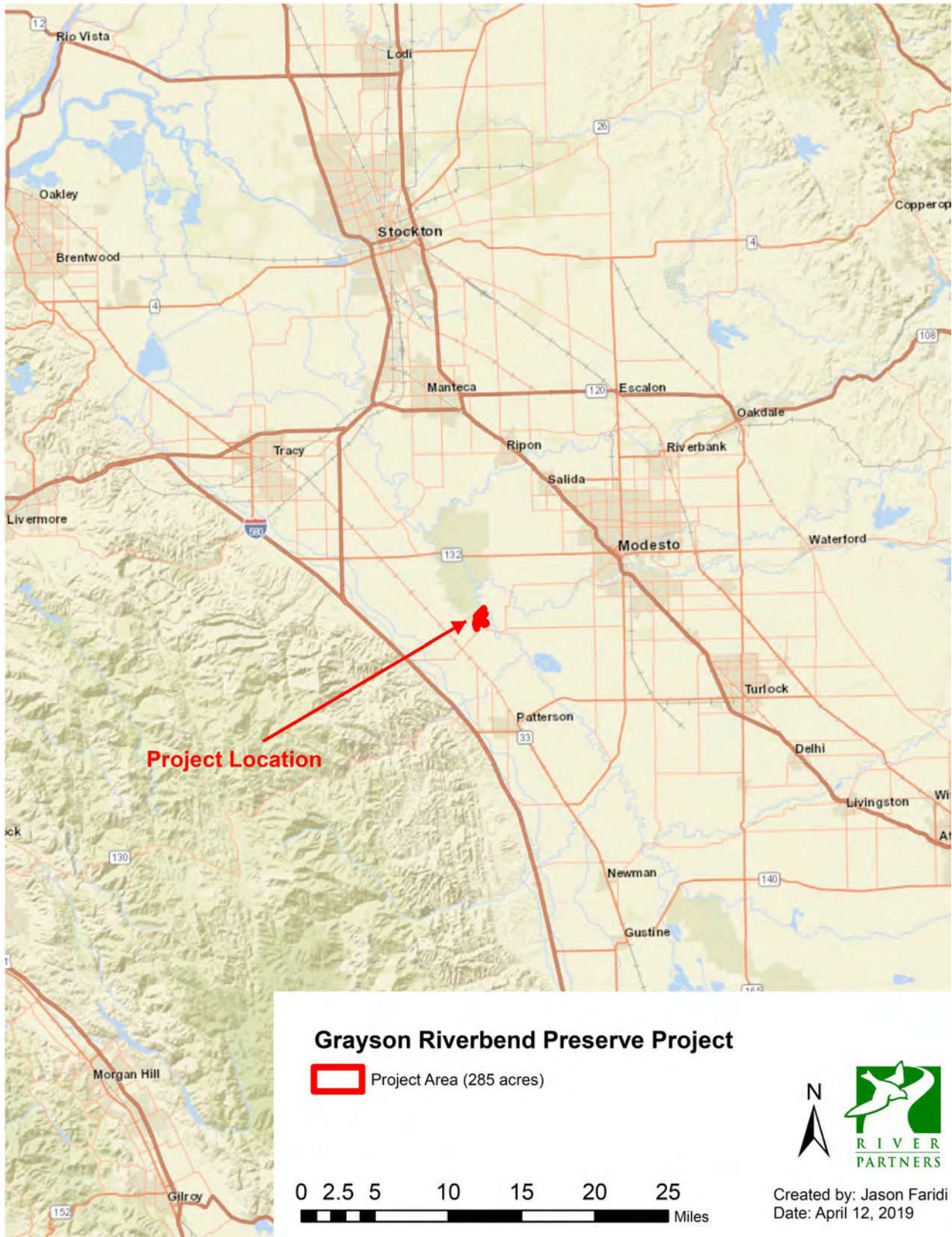
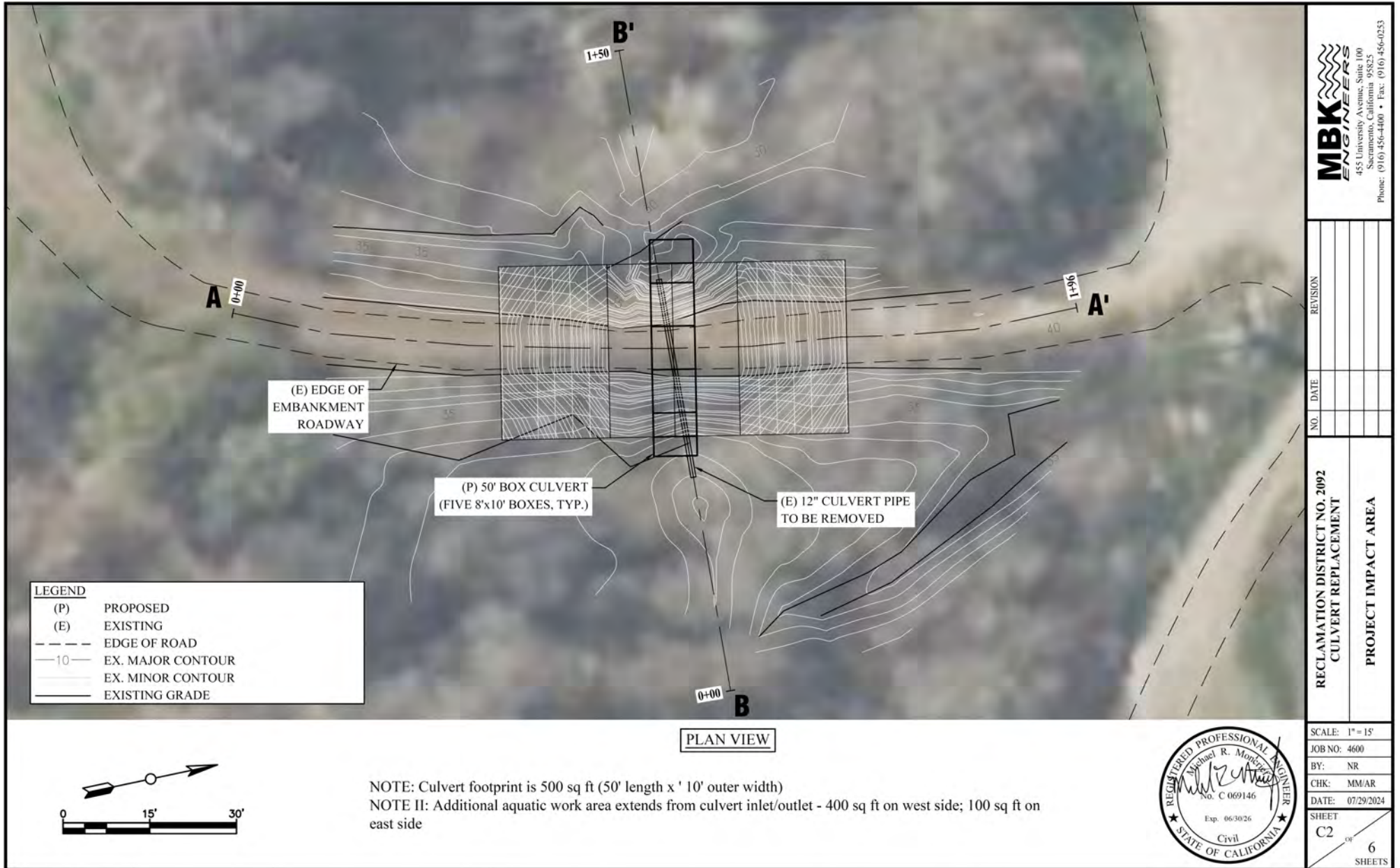


Figure 2: Project Area



Figure 3: Project Design



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NO.	DATE	REVISION

RECLAMATION DISTRICT NO. 2092
 CULVERT REPLACEMENT
 PROJECT IMPACT AREA

SCALE: 1" = 15'
 JOB NO: 4600
 BY: NR
 CHK: MM/AR
 DATE: 07/29/2024
 SHEET C2 of 6 SHEETS

