
Central Valley Regional Water Quality Control Board

8 January 2025

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER STATE WATER RESOURCES CONTROL BOARD ORDER WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, ZACHARIAS RANCH MITIGATION BANK PROJECT (WDID# 5A34CR00902), SACRAMENTO COUNTY

On 2 October 2024, Westervelt Ecological Services, LLC (Permittee) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (General Certification Order), which was adopted on 16 August 2022.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Zacharias Ranch Mitigation Bank Project (Project) meets the requirements of, and is hereby enrolled under, Order 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 the General Certification Order is enclosed and can be found on the State Water Resources Control Board's General Orders webpage: [Order WQ 2022-0048-DWQ](#)

(https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf). The Project is described in the NOI requesting coverage under the General Certification Order and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified. Failure to comply with Order 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 580.15-acre Project consists of returning the Project site to its historical tidal freshwater marsh and floodplain riparian habitat by re-establishing approximately 503 acres of tidal freshwater wetland. Activities will also preserve, rehabilitate, and enhance existing riparian forest, open water or aquatic bed features, and emergent marsh, totaling about 70 acres within the Project Site. Restored tidal marsh habitat along this Delta backwater area will support many protected species and provide critical food support for resident and out-migrating fish, as well as connect to other large-scale ecological restoration and conservation projects in the immediate vicinity.

1. Restoration Concept

The concept is to re-establish a freshwater tidal marsh complex within the interior of the Project site and protect existing habitat along Snodgrass Slough and exterior farm berms. Post-restoration conditions will reflect natural conditions found in the North Delta and replicate historic habitats mapped on and surrounding the Project Site, and nearby reference sites. A series of open water features, including subtidal channels, will be excavated within the re-established marsh plain. The tidal marsh complex will connect directly to Snodgrass Slough via two breaches in the berm. Material generated excavating the channels and breaches will be used to create varying topography for diversification of aquatic communities.

Tidal exchange with the re-established marsh will promote nutrient exchange, provide downstream food-web support for aquatic species including salmonids, provide potential juvenile rearing habitat for Central Valley steelhead, and export organic carbon off-site into Snodgrass Slough and surrounding Delta waterways.

Vegetation establishment will be accomplished through a variety of planting methods, including container plantings, cuttings, propagules such as tule rhizomes, on-site transplants, and seeding. Planted areas will not require irrigation once exposed to the restored tidal prism. Contract-grown plantings will be from plant material sourced on-site or in the surrounding area, as feasible.

Restoration will expand available juvenile rearing habitat and/or increase food web support for the following fish species:

- Sacramento River winter-run Chinook salmon
- Central Valley spring-run Chinook salmon
- Central Valley fall-run Chinook salmon
- Central Valley steelhead
- North American green sturgeon
- Delta smelt
- Longfin smelt

2. Habitat Conversion and Net Gains

The Project will improve habitat conditions and provide long-term species benefits. The Project will benefit habitat function and value and provide new areas of freshwater tidal emergent marsh habitat. Of the approximately 580 acres within the Project site's conservation easement, an estimated 573 acres would be available for mitigation credit purchase, approximately 0.6 acres would remain ruderal/developed as driveways and access roads, and approximately 6.4 acres would be restored and preserved but not available for mitigation bank credits. The Project would result in a net gain of about 4.2 acres of established tidal marsh habitat (i.e., not subject to mitigation credit purchase).

Project elements that affect aquatic resources include permanent impacts to waters and riparian habitat from the two breach locations and temporary impacts resulting from grading around the breach locations; excavation of interior tidal channels; and removal/decommissioning of farm-related infrastructure, including existing pumps, pipes, culverts, and tide gates.

The Project will temporarily impact 0.007 acres and permanently impact 0.097 acres of wetland; temporarily impact 0.159 acres/89 linear feet and permanently impact 0.691 acres/279 linear feet of riparian habitat; and temporarily impact 0.423 acres/125 linear feet of streambed. Temporarily impacted areas will be restored to pre-Project condition.

The Project will restore and enhance 507.731 acres of wetland, 51.964 acres of riparian habitat, and 15.651 acres/16,201 linear feet of streambed.

PROJECT LOCATION:

The Project is located south of Lambert Road, north of Twin Cities Road (E13), south and east of Snodgrass Slough, and west of Railroad Cut, approximately 2 miles northeast of Walnut Grove (Parcels 146-030-10, 146-030-25, 146-070-02, and 146-070-14). The approximate center of the Project area is located at latitude 38.298863° N and longitude 121.503848° W.

PROJECT SCHEDULE:

The project will take approximately five years to complete from May 2025 to October 2030. General work will take place between 1 May and 1 October, and in-water work will take place between 1 June and 1 October.

APPLICATION FEE RECEIVED:

An application fee of \$2,985.00 was received on 24 October 2024. 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 with the dredge and fill fee calculator.

An additional fee of \$33,734.00 based on total Project impacts was received on 26 December 2024.

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

The Permittee shall submit an Annual Report each year within one month of the anniversary of the effective date of this Notice of Applicability. Annual reporting shall continue until the active discharge period is complete and the project enters the post-construction monitoring phase where upon the Permittee shall annually submit a Post-Construction Monitoring Report (Report Type 2) The Post-Construction Monitoring Report shall be submitted on the anniversary of the date that the project restoration activities were completed.

The Annual Report and Post Construction Monitoring Report shall include the information specified in Attachment D, Part A of Order No. WQ 2022-0048-DWQ. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment D of Order No. WQ 2022-0048-DWQ and email it to centralvalleysacramento@waterboards.ca.gov with a cc to Carter Cook at Carter.Cook@waterboards.ca.gov. The WDID No. for this Project is 5A34CR00902.

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, 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, the Permittee shall submit a Request for Notice of Project Complete (NOC) Letter no later than 30 days after Project completion. The NOC request 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 request is listed in section B (Report Type 4) of the Order.

If you have any questions regarding this Notice of Applicability, please contact Carter Cook at (559) 445-6287 or at Carter.Cook@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa,
Executive Officer

Attachment 1 – Project Maps

Enclosure: State Water Board Order WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Applicant Only)

cc: Electronic copy only

U.S. Environmental Protection Agency
Region 9
R9cwa401@epa.gov

United States Army Corps of Engineers
Sacramento District Headquarters
SPKRegulatoryMailbox@usace.army.mil
Denielle.F.Wise@usace.army.mil

Patricia Cole
United States Fish & Wildlife Service
Patricia_Cole@fws.gov

Department of Fish and Wildlife
Region 4
R4LSA@wildlife.ca.gov

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

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Area West Environmental, Inc.
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Becky Rozumowicz-Kodsuntie
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Figure 1: Project Site Map

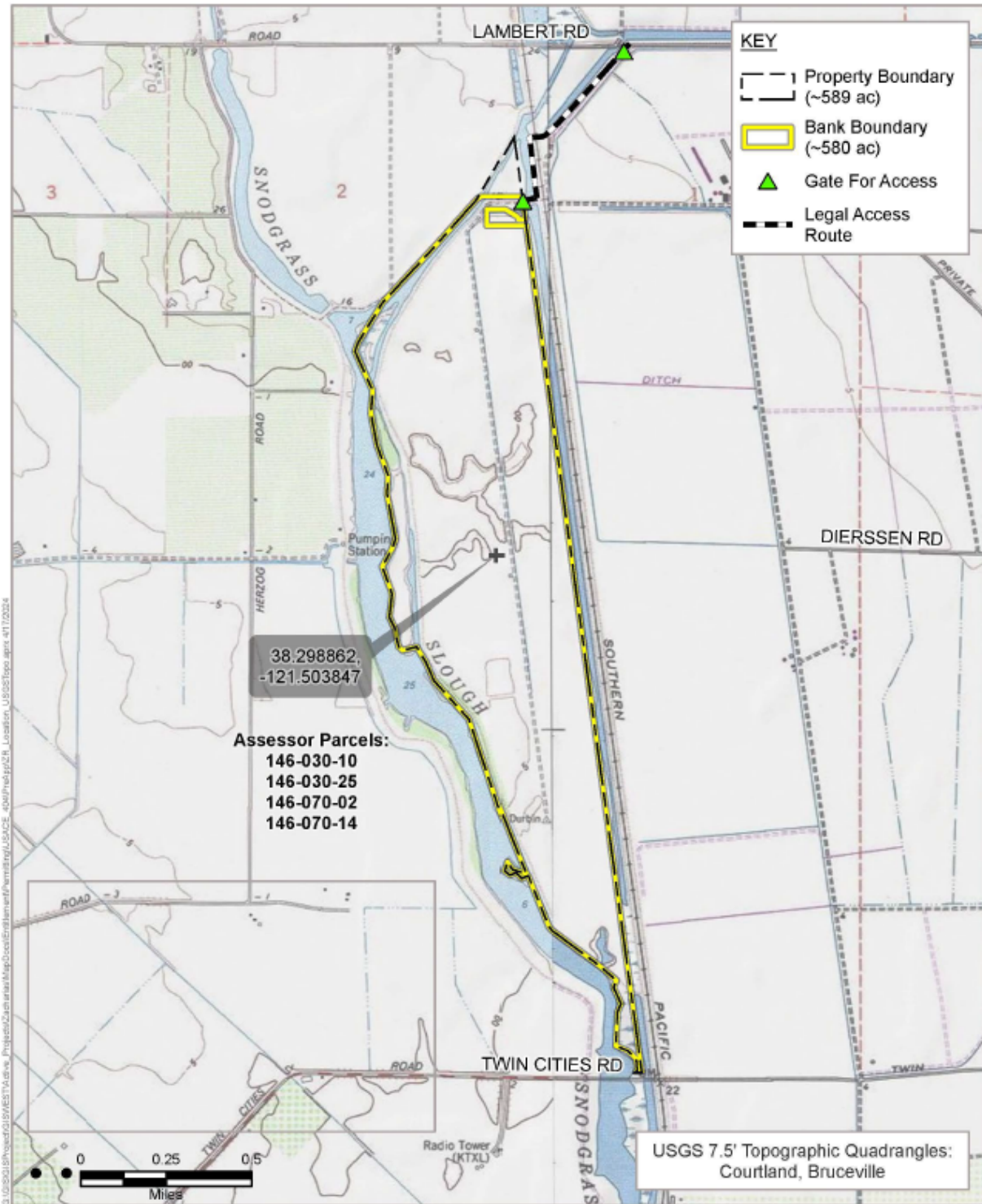


Figure 1
Project Site Map
Zacharias Ranch Mitigation Bank

Figure 2: Project Aerial View



Figure 3: Project Location Map

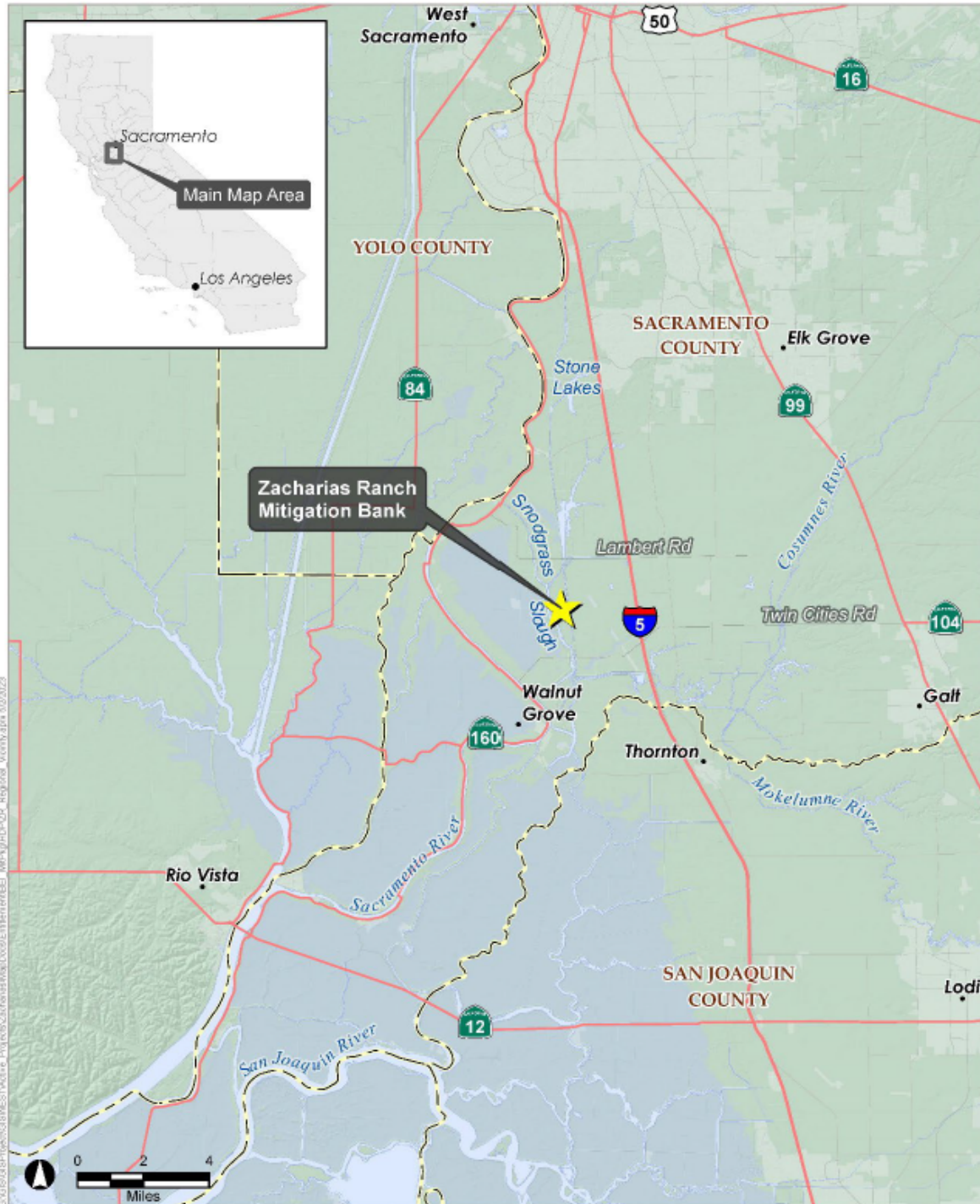


Figure 3 Project Location Map

Zacharias Ranch Mitigation Bank

Figure 4: Habitats



Figure 5: Impacts- North



Figure 6: Impacts- South



Figure 7: Conceptual Restoration- North



Figure 8: Conceptual Restoration- South

