



Central Valley Regional Water Quality Control Board

17 April 2025

Mike Morris
Merced Irrigation District
744 W. 20th Street
Merced, CA 95344

NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, MERCED RIVER SALMONID HABITAT RESTORATION PROJECT – ABOVE HENDERSON PARK PROJECT (WDID# 5B24CR00118), MERCED COUNTY

On 24 January 2025, the Merced Irrigation District (Permittee) 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 (General Certification Order), which was adopted on 16 August 2022.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Merced River Salmonid Habitat Restoration Project – Above Henderson Park 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 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.

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 Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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 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.

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

Merced River Salmonid Habitat Restoration Project – Above Henderson Park

PROJECT DESCRIPTION:

The 90-acre Project aims to improve salmonid habitat in the Lower Merced River. This includes restoring natural hydrogeomorphic processes, increasing salmonid spawning and rearing habitat, reducing water temperature warming, controlling submerged aquatic vegetation, and minimizing juvenile salmonid predation.

Project elements that affect aquatic resources result from enhancing the Merced River main channel habitat and creating a seasonal floodplain with inset side channels. Additionally, an isolated dredge pond will be filled and converted into floodplain habitat. Since the existing Merced River main channel is overly wide, it will be filled with coarse sediment screened from mine tailings within the Project site to create a mosaic of habitat units such as riffles, pools, and gravel bars. The design will rebuild the alluvial channel by placing excavated and sorted dredger tailings from floodplain excavation into the main channel and creating a new lowered floodplain with an inset channel. The Project will permanently impact 0.004 acre stream channel and 0.36 acre of wetlands. The Project activities will result in 19.3 acres of re-established stream channel.

PROJECT LOCATION:

The Project is located on the Merced River just north of Henderson Park in Merced County. The approximate center of the Project area is located at latitude 37.518461 degrees North and longitude -120.408555 degrees West.

PROJECT SCHEDULE:

The Project is scheduled to begin the initial construction phase in April 2025 and stop in October 2025. Seasonal work and monitoring periods for any year are from 16 April to 31 October, annually.

APPLICATION FEE RECEIVED:

\$1,123.00 was received on 12 February 2025.

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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

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.

ADDITIONAL CONDITIONS:**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

Merced River Salmonid Habitat Restoration Project – Above Henderson Park

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 centralvalleyfresno@waterboards.ca.gov with a cc to Brandon Salazar at brandon.salazar@waterboards.ca.gov. The WDID No. for this Project is 5B24CR00118.

2. Notification for In-Water Work and Diversions

The Project proponent shall notify the Central Valley 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.

3. Environmental Monitoring

Per General Protection Measure 5 (GPM-5) of the General Certification Order, a resource specialist shall ensure that all applicable protective measures are implemented during Project construction. The resource specialist shall have the 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 General Certification Order.

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

Original signed by Alex S. Mushegan
for Patrick Pulupa
Executive Officer

Attachment 1 – Project Maps

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

Justin Sloan
United States Fish & Wildlife Service
justin_sloan@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

Philip Colombano
Cramer Fish Sciences

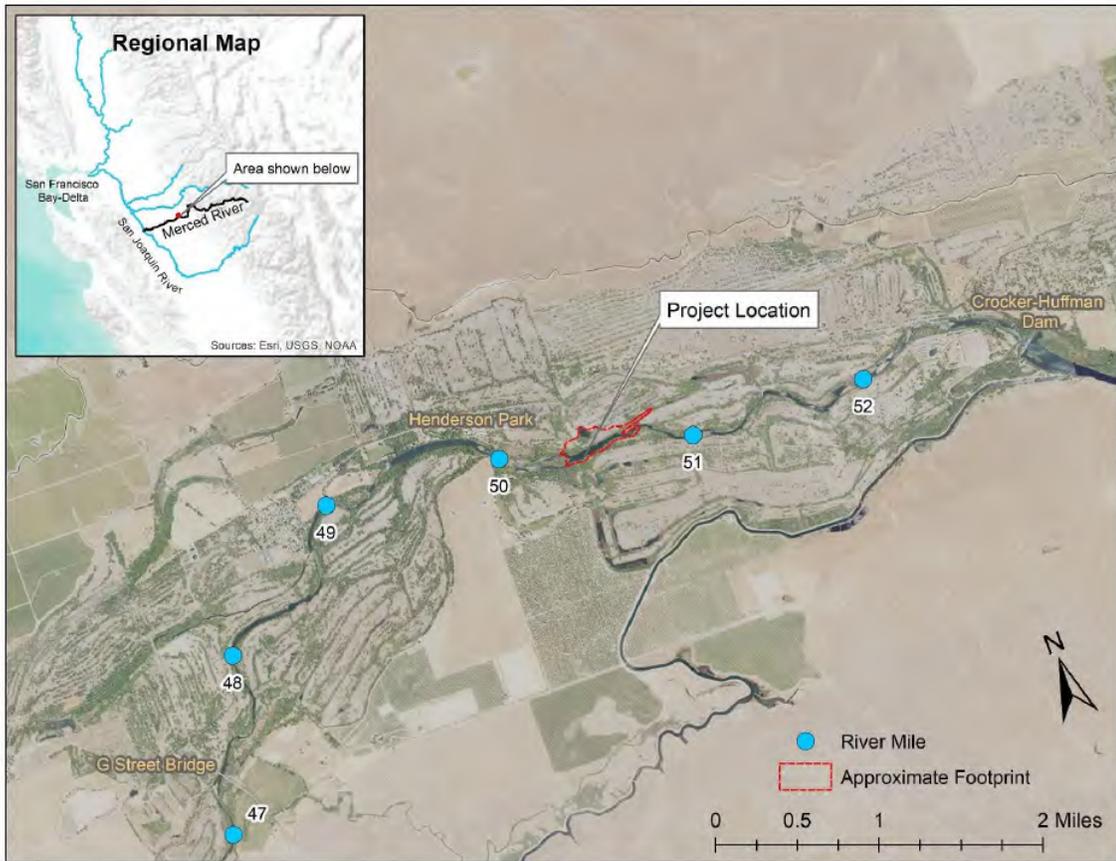


Figure 1. Project Vicinity

Figure 1: Project Vicinity Map

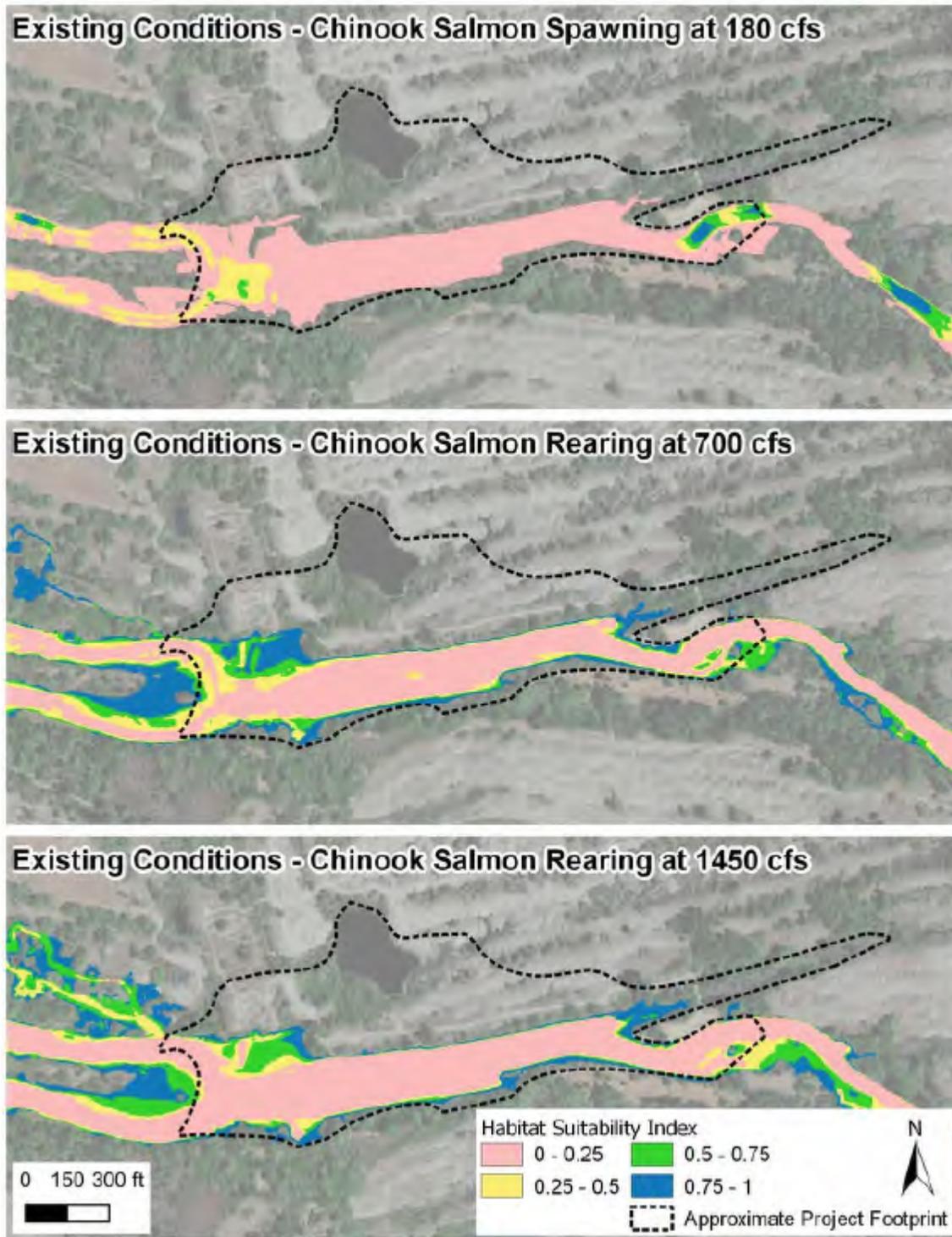


Figure 2: Existing Conditions of Chinook Spawning Habitat at Project Site

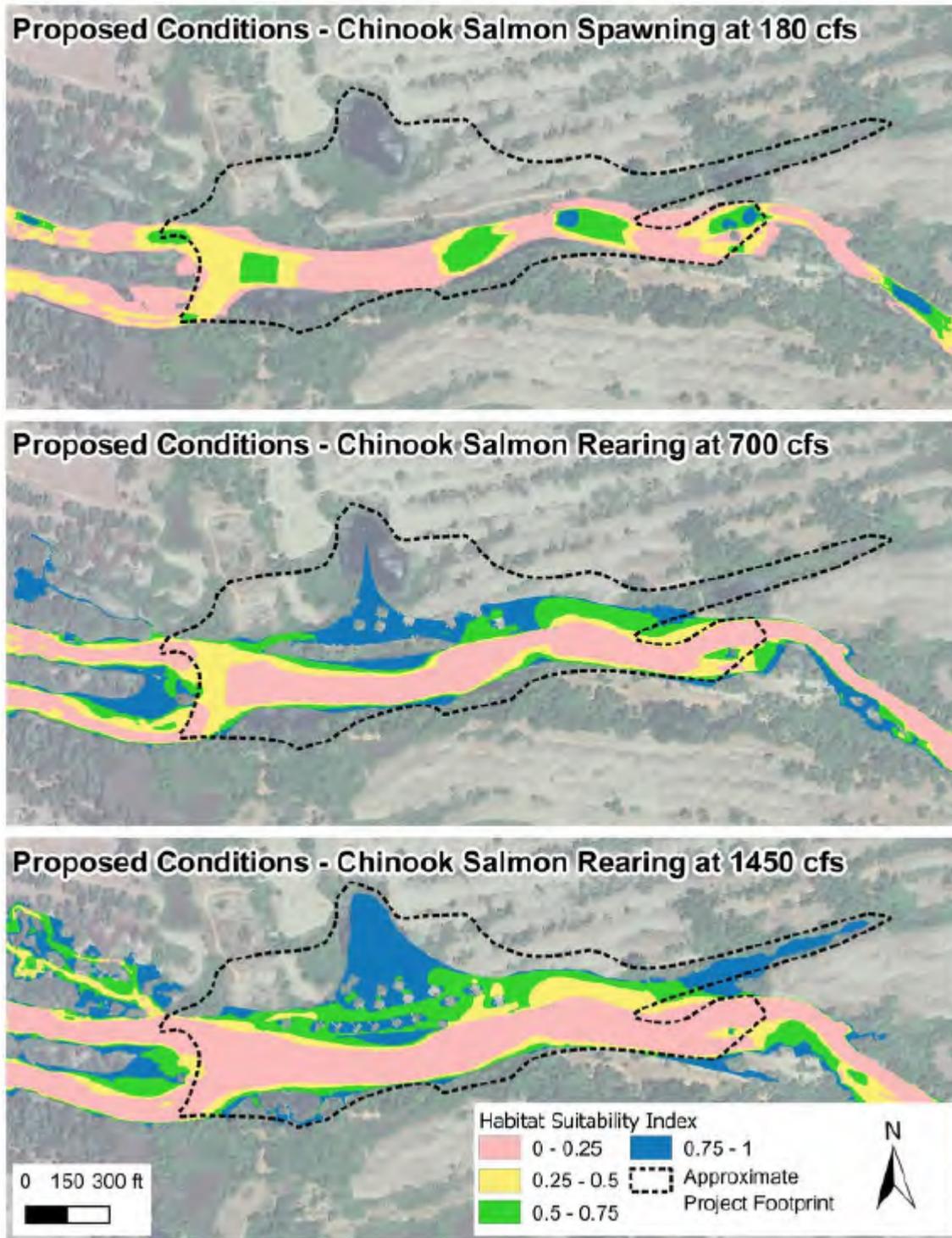


Figure 3: Proposed Conditions of Chinook Spawning Habitat at Project Site