



Central Valley Regional Water Quality Control Board

15 May 2024

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The Nature Conservancy
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San Francisco, CA 94111
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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, STATEN ISLAND WETLAND RESTORATION AND CARBON FARMING FOR HABITAT, CLIMATE, AND COMMUNITIES PROJECT (WDID#5B39CR00403), SAN JOAQUIN COUNTY

On 12 March 2024, the Nature Conservancy 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 Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate, and Communities 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 Coverage under the Order is no longer valid if the Project (as described) is modified.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 745.9-acre Project consists of enhancing approximately 710 acres of semi-permanent and seasonal wetland habitats and preserving another 143 acres of wildlife friendly aquatic cropland on Staten Island. The Project would create twelve discrete wetland units in the Project area that would be managed to support establishment of palustrine emergent wetland habitat, and two agricultural units that would continue to be managed in wildlife friendly aquatic crops, such as rice. Water will be conveyed onto the project site through an existing siphon on the South Mokelumne River. Project elements include grading and construction of swales to facilitate water distribution within wetland units; creation of potholes and islands in wetland units to diversify vegetation and habitat conditions; construction and reconfiguration of water conveyance and control infrastructure (berms, ditches, pipelines, lift pumps, water control structures) to support water management within the wetland units; and grading to support rice or other aquatic crop production in the agricultural units.

Construction of the Project would involve excavating and relocating approximately 910,000 cubic yards of material within the Project area. Prior to the start of ground-disturbance work, the siphon to the South Mokelumne River would be turned off to allow for the drawdown of any irrigation waters within the Project area. If any remaining ponded water is encountered, portable pumps will be used to discharge water to adjacent agricultural fields, drainage ditches, or wetland units where the water can percolate into the soil. Installation of up to five cofferdams may be needed during the installation of the new pump stations within the existing ditch network.

Project elements that affect aquatic resources include grading the project site and construction of the habitat features and water conveyance infrastructure. The Project will temporarily impact 0.02 acre of wetland and 3.0 acres (500 linear feet) of agricultural ditch, and permanently impact 412.33 acres of wetland and 8.30 acres (9,560 linear feet) of agricultural ditch. Temporarily impacted areas will be restored to pre-Project condition.

The wetland habitat that exists on the project site is flooded croplands. Permanent impacts to these areas will not result in loss of wetland habitat and are expected to provide an uplift in wetland habitat functions and ecological benefits.

PROJECT LOCATION:

The Project is in the southeastern portion of Staten Island, an approximately 9,200-acre island located in the eastern Sacramento-San Joaquin Delta. The approximate center of the Project area is located at latitude 38.133645° and longitude -121.51364°.

PROJECT SCHEDULE:

May 2025 through October 2029.

APPLICATION FEE RECEIVED:

\$796.00 was received on 12 March 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 as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

The Central Valley Water Board has determined that the issuance of this Order is exempt by the CEQA Statutory Exemption for Restoration Projects pursuant to California Public Resources Code, Division 13, section 21080.56.

The California Department of Fish and Wildlife (CDFW) provided concurrence that the Project is exempt from review under CEQA by the CEQA Statutory Exemption for Restoration Projects pursuant to California Public Resources Code, Division 13, section 21080.56 on 20 October 2023.

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 and cc Nicholas Savino at Nicholas.Savino@waterboards.ca.gov.

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.

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.

ADDITIONAL CONDITIONS:

1. 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.
2. The Applicant shall submit a finalized monitoring plan for Central Valley Water Board Approval prior to commencing construction.

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: Figure 1 – Project Location
Figures 2-6 – Site Impact Maps

cc: Distribution List, page 5

DISTRIBUTION LIST

[Via email only]

Sara Castellanos Cortez
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Regulatory Division
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United States Environmental Protection Agency
R9CWA401@epa.gov

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

Nicholas Torrez
Ducks Unlimited, Inc.
ntorrez@ducks.org

Richard McHenry
CA Sportfishing Protection Alliance
RMcHenry@calsport.org

Figure 1: Project Location



Figure 2: Aquatic Resources

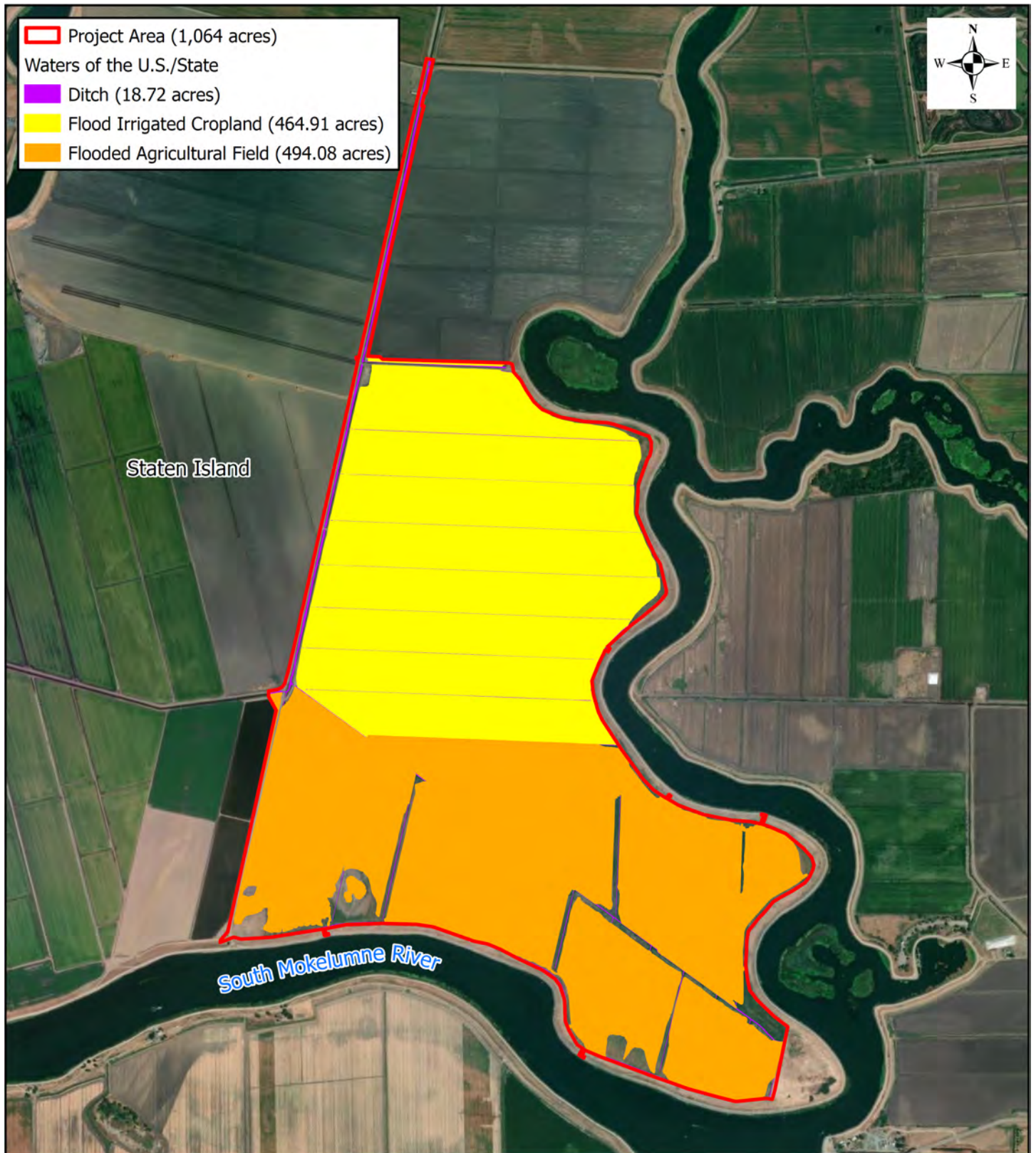
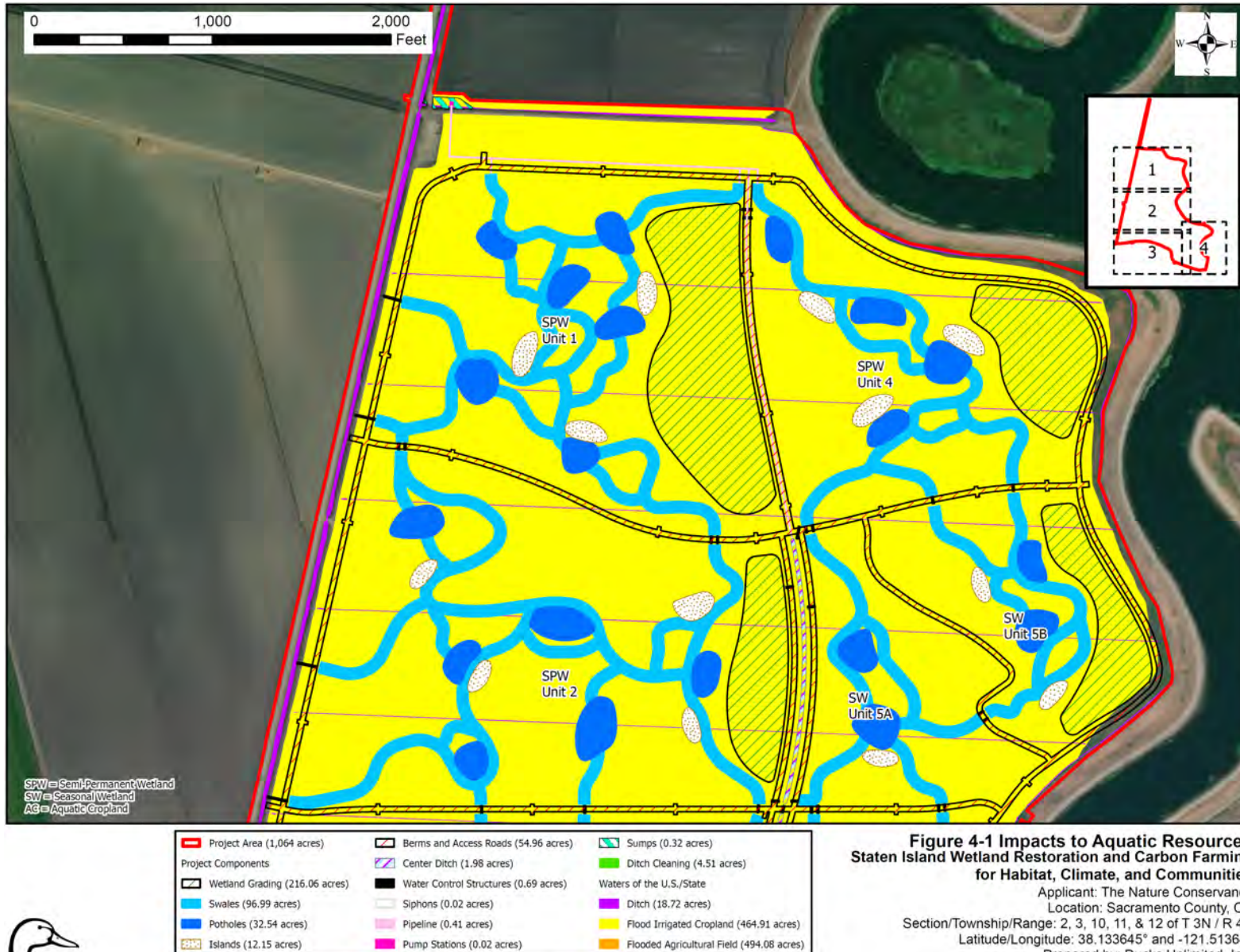


Figure 3: Project Design

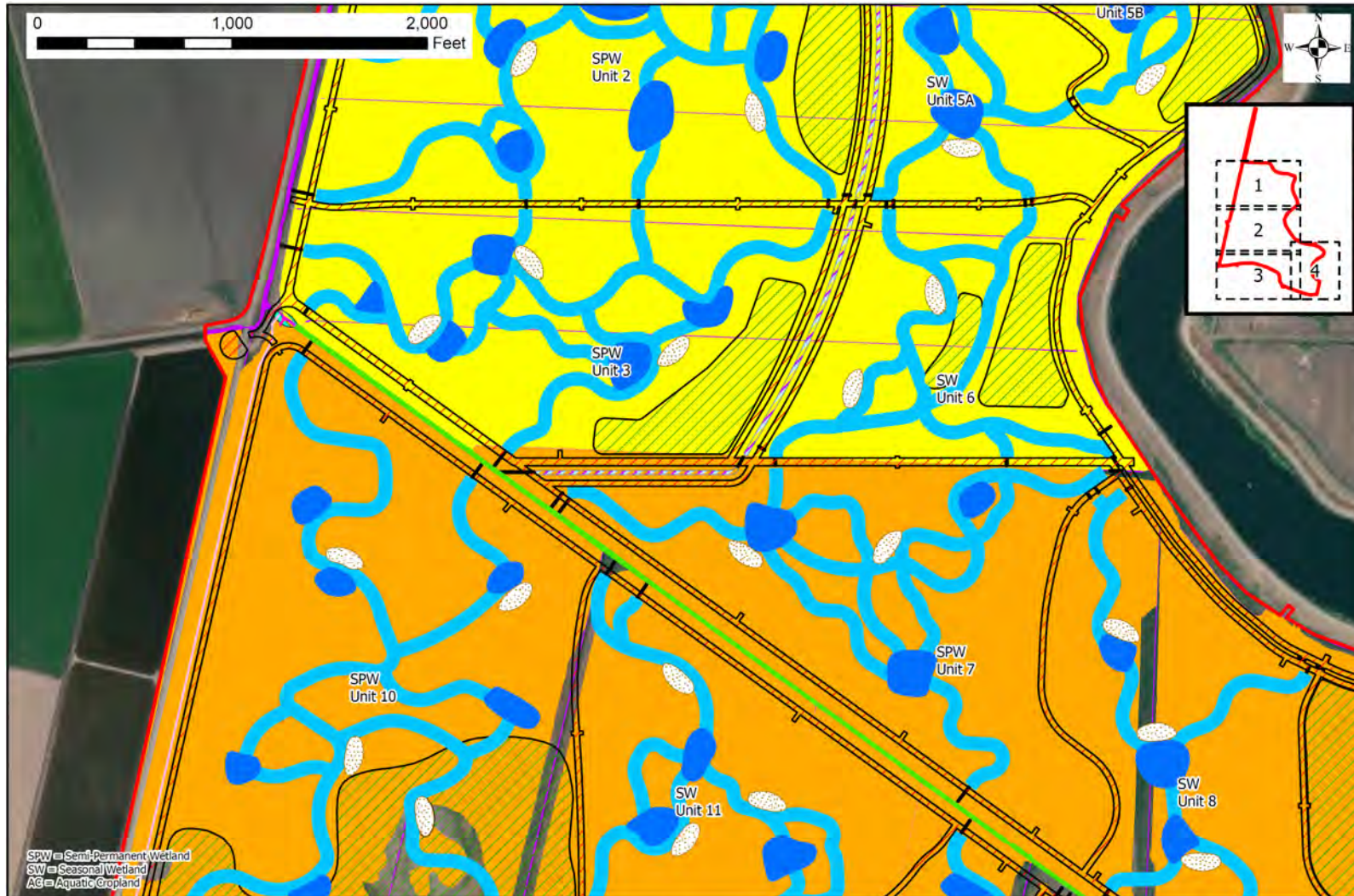


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**Figure 4-1 Impacts to Aquatic Resources
 Staten Island Wetland Restoration and Carbon Farming
 for Habitat, Climate, and Communities**

Applicant: The Nature Conservancy
 Location: Sacramento County, CA
 Section/Township/Range: 2, 3, 10, 11, & 12 of T 3N / R 4E
 Latitude/Longitude: 38.133645° and -121.51364°
 Prepared by: Ducks Unlimited, Inc.
 Date Prepared: March 2024

Figure 4: Project Design



SPW = Semi-Permanent Wetland
 SW = Seasonal Wetland
 AG = Aquatic Cropland

Project Area (1,064 acres)	Berms and Access Roads (54.96 acres)	Sumps (0.32 acres)
Wetland Grading (216.06 acres)	Center Ditch (1.98 acres)	Ditch Cleaning (4.51 acres)
Swales (96.99 acres)	Water Control Structures (0.69 acres)	Waters of the U.S./State
Potholes (32.54 acres)	Siphons (0.02 acres)	Ditch (18.72 acres)
Islands (12.15 acres)	Pipeline (0.41 acres)	Flood Irrigated Cropland (464.91 acres)
	Pump Stations (0.02 acres)	Flooded Agricultural Field (494.08 acres)

**Figure 4-2 Impacts to Aquatic Resources
 Staten Island Wetland Restoration and Carbon Farming
 for Habitat, Climate, and Communities**

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 Location: Sacramento County, CA
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 Prepared by: Ducks Unlimited, Inc.
 Date Prepared: March 2024



Figure 5: Project Design



SPW = Semi-Permanent Wetland
 SW = Seasonal Wetland
 AC = Aquatic Cropland

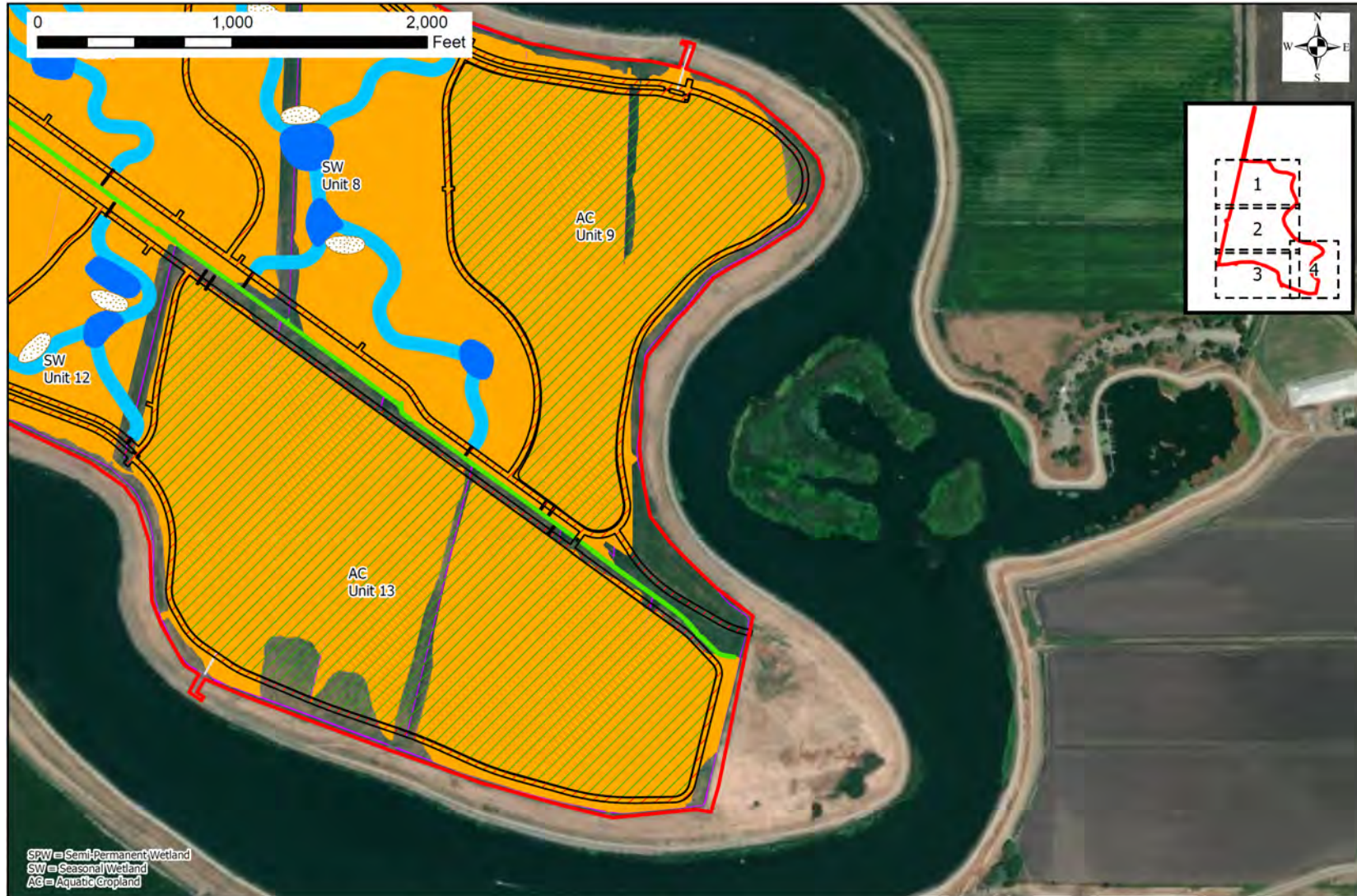
Project Area (1,064 acres)	Berms and Access Roads (54.96 acres)	Sumps (0.32 acres)
Project Components	Center Ditch (1.98 acres)	Ditch Cleaning (4.51 acres)
Wetland Grading (216.06 acres)	Water Control Structures (0.69 acres)	Waters of the U.S./State
Swales (96.99 acres)	Siphons (0.02 acres)	Ditch (18.72 acres)
Potholes (32.54 acres)	Pipeline (0.41 acres)	Flood Irrigated Cropland (464.91 acres)
Islands (12.15 acres)	Pump Stations (0.02 acres)	Flooded Agricultural Field (494.08 acres)

Figure 4-3 Impacts to Aquatic Resources
 Staten Island Wetland Restoration and Carbon Farming
 for Habitat, Climate, and Communities

Applicant: The Nature Conservancy
 Location: Sacramento County, CA
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 Latitude/Longitude: 38.133645° and -121.51364°
 Prepared by: Ducks Unlimited, Inc.
 Date Prepared: March 2024



Figure 6: Project Design



Project Area (1,064 acres)	Berms and Access Roads (54.96 acres)	Sumps (0.32 acres)
Wetland Grading (216.06 acres)	Center Ditch (1.98 acres)	Ditch Cleaning (4.51 acres)
Swales (96.99 acres)	Water Control Structures (0.69 acres)	Ditch (18.72 acres)
Potholes (32.54 acres)	Siphons (0.02 acres)	Flood Irrigated Cropland (464.91 acres)
Islands (12.15 acres)	Pipeline (0.41 acres)	Flooded Agricultural Field (494.08 acres)
	Pump Stations (0.02 acres)	

**Figure 4-4 Impacts to Aquatic Resources
 Staten Island Wetland Restoration and Carbon Farming
 for Habitat, Climate, and Communities**

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