
Central Valley Regional Water Quality Control Board

5 September 2024

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River Partners
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Modesto, CA 95354
nwilson@riverpartners.org

**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, DOS RIO RANCH COMPLEX RUBBLE REMOVAL PROJECT
(WDID#5B50CR00121), STANISLAUS COUNTY**

On 23 July 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 Dos Rios Ranch Complex Rubble Removal 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 Coverage under the Order is no longer valid if the Project (as described) is modified.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 purpose of the Project is to remove approximately 9,909 cubic yards of concrete, asphalt rubble, and other debris from approximately 2.66 acres (4,960 linear feet) of

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

streambank habitat along the San Joaquin and Tuolumne Rivers and restore the area with native riparian vegetation. The rubble was typically dumped as emergency, non-engineered private revetment by prior agricultural operators at the site, and has had the unintended consequence of robbing the river of sediment and woody debris that provides nutrients, cover, and temperature control for migrating salmonids.

Debris will be removed from six different locations (4 along the San Joaquin River and two along the Tuolumne River). Debris removal will be performed using the least invasive methods possible, with minimal removal of native soils and no changes to the existing bank grade. Removal work will be restricted to areas with easy access from existing site roads to prevent damage to existing vegetation, with no tree removal planned. A long-arm excavator will operate from the top of the bank, and the operator shall implement any stabilization measures necessary to ensure safe operation. Only rubble and debris reachable with this equipment from the top of bank will be removed. The Project will not include reaching out into the river channel and removing rubble that is completely submerged from the river bottom. In no cases shall the excavator be driven into or physically enter the water or an aquatic resource.

Approximately 4% of the total rubble to be removed will require the excavator's bucket to contact the water or work along the waterline. In-water removal activities shall start at the downstream end of the rubble work area at the beginning of the work window and proceed upstream. Prior to the excavator bucket entering the water, the operator shall "tap" the surface of the water and pause to allow any fish in the area to move out of the vicinity. Operation of the bucket when contacting the water or working along the waterline shall proceed slowly and deliberately, with consistent direction and motion, to allow fish time to respond and flee, if present. In-river work shall occur for no more than 12 hours per day, to allow a 12 hour window for fish to migrate through the area without noise or disturbance. The rubble will be hauled off outside of the floodplain using existing access roads to an existing debris storage area onsite for potential future reuse (crushing for road base) or disposal, pending funding.

The areas from which rubble is removed will then be seeded with native herbaceous vegetation to reduce erosion, provide pollinator and songbird cover and forage benefits, and prevent establishment of non-native invasive plants on the exposed banks. The work areas will also be planted with 496 cuttings of black willow (*Salix gooddingii*), arroyo willow (*Salix lasiolepis*), and Fremont cottonwood (*Populus fremontii*) along the top of bank to establish new Shaded Riverine Aquatic conditions along the channels at these locations.

The primary goals of the Project are to improve connectivity and habitat quality for anadromous fish and other riparian wildlife species by removing pollution and debris from the riverbanks. Removing the debris will improve floodplain inundation frequency and duration, contributing to improved stream quality and habitat productivity by linking the rivers with their historic floodplains and the restored riparian habitat onsite. Approximately 2.7 acres of new Shaded Riverine Aquatic habitat will be established, which will increase cool water refugia and improved food web productivity to benefit fish and riparian wildlife.

Project elements that affect aquatic resources include the long arm excavator removing debris from below the ordinary high-water mark of the San Joaquin and Tuolumne Rivers. In some areas, the bucket of the excavator will enter the river to remove debris,

which may result in turbidity plumes. The Project will temporarily impact 1.74 acres/4,960 linear feet of stream channel habitat through the debris removal process. Temporarily impacted areas will be planted with native riparian vegetation.

PROJECT LOCATION:

The Project is located at Dos Rios Ranch Preserve in Stanislaus County, near the confluence of the Tuolumne River and San Joaquin River.

Address: 3599 Shiloh Road, Modesto, CA 95358

Latitude: 37.606275°, Longitude: -121.147779°

PROJECT SCHEDULE:

September 2024 through December 2024.

APPLICATION FEE RECEIVED:

\$796.00 was received on 24 July 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:

A. Environmental Review

On 29 June 2017, Reclamation District 2092, as lead agency, adopted an Initial Study/Negative Declaration (IS/ND) for the Project and filed a Notice of Determination (NOD) at the Stanislaus County Clerk on 29 June 2017. A Notice of Determination was filed at the State Clearinghouse (No. 2015112050) on 17 August 2023. 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: 121 W Main St. Suite H, Turlock, CA 95380.

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, 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. 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. 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

The project proponent shall comply with the water quality monitoring requirements outlined in the Water Quality Monitoring Plan submitted to the Central Valley Water Board on 14 August 2024.

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 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 Adam Laptuz for:
Patrick Pulupa
Executive Officer

Attachments: Figure 1: Project Location
Figure 2: Rubble Removal Areas

cc: Distribution List, page 6

DISTRIBUTION LIST

[Via email only]

United States Environmental Protection Agency
R9CWA401@epa.gov

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State Water Resources Control Board
Stateboard401@waterboards.ca.gov

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Megan Rooney
California Department of Fish and Wildlife
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PROJECT FIGURES

Figure 1: Project Location

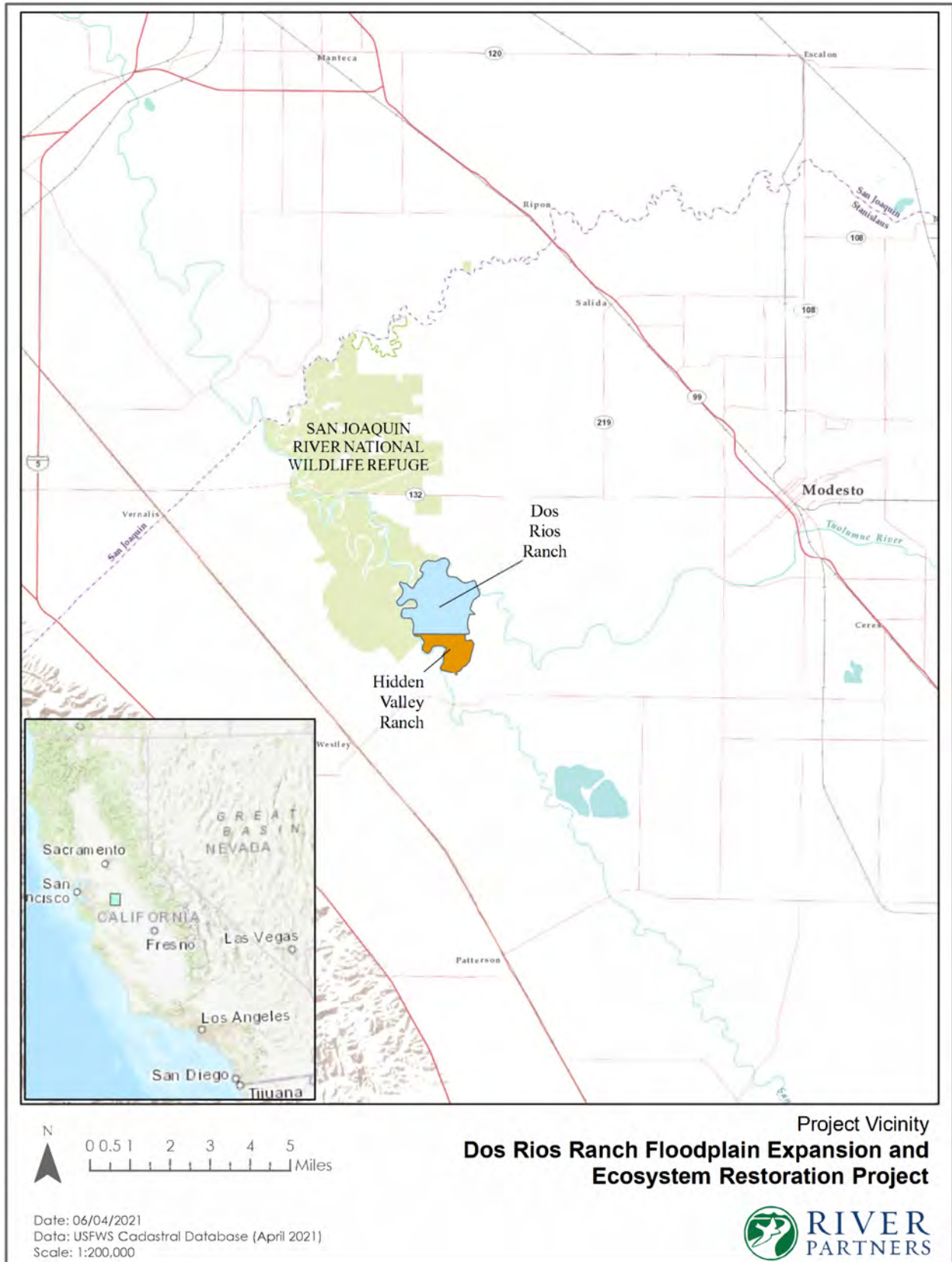


Figure 2: Rubble Removal Areas

