



Central Valley Regional Water Quality Control Board

22 March 2024

Sean Allen
California Department of Fish and Wildlife
18110 Henry Miller Avenue
Los Banos, CA 93635

**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER SB12006GN,
AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER
QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS,
LOS BANOS WILDLIFE AREA MUD SLOUGH UNIT WETLAND ENHANCEMENT
PROJECT, (WDID# 5B24CR00110), MERCED COUNTY**

On 26 February 2024, the California Department of Fish and Wildlife submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. SB12006GN, Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Los Banos Wildlife Area Mud Slough Unit Wetland Enhancement Project (Project) meets the requirements of, and is hereby enrolled under, Order No. SB12006GN. You may proceed with your Project in accordance with the Order.

A copy of [Order SB12006GN](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/srhcpcert032713.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/srhcpcert032713.pdf) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. SB12006GN. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. SB12006GN constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 60-acre Project site consists of modifications to former catfish ponds along Mud Slough within the Project footprint. The proposed Project would improve water delivery conveyance within an approximate 60-acre area associated with the Mud Slough Unit of the Los Banos Wildlife Area, commonly referred to as the "catfish ponds". The proposed Project will result in direct enhancement of 44 acres of freshwater wetlands.

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

Project elements that affect aquatic resources include enhancement of wetlands within the former catfish ponds and to provide a more reliable, seasonal water supply to over 100 acres of downstream managed wetlands adjacent to Mud Slough. The Project will include replacement of a lift pump station that no longer functions; installation of water control structures and culverts; and improvements to an existing levee crossing to allow for water diversions to the catfish ponds, water level management within the ponds, and water delivery back into Mud Slough and downstream wetlands. Additionally, a new swale would be constructed in the northern portion of the Project to convey water within the wetland units and back to Mud Slough. The swale would have a 15-foot bottom width and 3 to 1 side slopes. Excavation depths would be less than one foot. Material excavated during swale construction would be used to improve the levee crossing within Mud Slough. Any excess spoil material will be placed on existing levees within the Project area.

The Project will temporarily impact 1.221 acres and permanently impact 0.226 acre of wetlands. Additionally, the Project will temporarily impact 0.70 acre and permanently impact 0.047 acre/375 linear feet of stream channel. Temporarily impacted areas shall be restored to pre-Project condition.

PROJECT LOCATION:

The Project is located within the Mud Slough Unit of the Los Banos Wildlife Area in Merced County. The approximate center of the Project area is located at latitude 37.059936 Degrees and longitude -120.764642 Degrees.

PROJECT SCHEDULE:

The Project is scheduled to begin construction in the summer of 2024 and continue through December 2024.

APPLICATION FEE RECEIVED:

An application fee of \$796.00 was received on 6 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.

MITIGATION AND MINIMIZATION MEASURES:

You must implement the mitigation and minimization measures proposed in your Mitigation Plan, "Small Habitat Restoration Projects General Order (Order No. SB12006GN) Notice of Intent: Supplemental Attachment", that was submitted with the NOI.

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 Brandon Salazar by phone at (559) 445-6278 or by email at Brandon.Salazar@waterboards.ca.gov.

Original Signed by Christina Shupe
For Patrick Pulupa
Executive Officer

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File # SB12006GN

cc: Via email only

Chris Link
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
christopher.m.link@usace.army.mil

United States Environmental Protection Agency
Region 9
R9cwa401@epa.gov

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

California 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

Kim Untermoser
Ducks Unlimited
kuntermoser@ducks.org