# Central Valley Regional Water Quality Control Board

17 November 2023

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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, TUOLUMNE RIVER MAINSTEM CHANNEL RESTORATION UPSTREAM OF OLD LA GRANGE BRIDGE PROJECT (WDID#5B50CR00114), STANISLAUS COUNTY**

On 6 October 2023, Turlock Irrigation District 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 Tuolumne River Mainstem Channel Restoration Upstream of Old La Grange Bridge 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) 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 Coverage under the Order is no longer valid if the Project (as described) is modified.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 51-acre Project is to create and restore salmonid habitat along a section of the Tuolumne River. The project would create spawning habitat, restore geomorphic function and sediment transport, and design and plan for future habitat improvements, primarily for salmonid spawning and rearing. The project restoration objectives would be accomplished by restoring 5-6 spawning riffles upstream of the Old La Grange Bridge, restoring geomorphic processes through construction of alternating riffles, bars, and pools, increasing sinuosity, and reconnecting adjacent surfaces to contemporary flows. There are multiple project elements that have been designed to achieve these goals:

**Spawning Habitat Features**

The Project will add 53,100 cubic yards of spawning gravel along 7.16 acres of the Tuolumne River to create riffles and gravel bars, using gravels sized appropriately for salmonid spawning. The creation of pool-riffle sequences in the mainstem of the Tuolumne River will provide spawning habitat for salmonids. Geomorphic change over time will allow gravel to move downstream, eventually creating additional spawning habitat.

Riffles and bars will be constructed by hauling screened and washed gravel to each of the design features and dumping within each of the areas. Upon delivery of the material, a front-end loader will be used to push and spread material into the channel and contour each feature to grade. Once the finished grade is achieved, micro habitat elements, such as dune structures, will be constructed on top of the riffle features for topographic complexity.

The area owned by Stanislaus County upstream of the New La Grange Bridge will be used for gravel excavation, screening, and washing. The contractor will excavate up to 201,400 cubic yards of coarse sediment gravel from this area to supply the 53,100 cubic yards of coarse sediment required to construct the riffle and bar features. Excavated sediment will be screened to sort out fine material and the remaining gravel will be washed before being placed in the channel. After excavation and sorting of the area is complete, the contractor would seed and mulch all disturbed areas within the Stanislaus County property. This excavation and sorting area will eventually be constructed into floodplain habitat as part of the Basso La Grange Reach Floodplain Restoration and Spawning Habitat Project.

A temporary river crossing will be constructed out of spawning sized gravel that will allow haul trucks to move gravel from the gravel excavation area to the upstream areas where the riffle and bar features will be constructed. The crossing has been designed to not impede channel flow. The crossing will add additional spawning sized gravel to the project area once the project is complete.

**Restored Geomorphic Function and Sediment Transport**

Improvements to geomorphic function will be made by constructing alternating

riffles, bars, and pools, increasing river sinuosity, varying riffle gradients, adding gravel, and increasing areas of local erosion and meander. Riffles will be given geomorphic complexity through the addition of dunes, which are smooth raised areas of coarse sediment in the channel. Large wood and boulders will be incorporated into the streambanks to provide better cover for fish. Geomorphic change over time will allow gravel to move downstream, eventually creating additional spawning habitat.

Existing trails will be used to access the project site wherever feasible. New temporary access routes will be graded to access areas along the project site. Staging for equipment and construction material will occur in specified staging areas. Staging areas will be prepared by removing and storing topsoil. At the end of the construction period the contractor will remove temporary access materials and restore the access routes through decompaction, replacement of topsoil to restore original grade, native seeding, and mulching. All constructed floodplain surfaces, staging areas, and constructed access roads will be de-compacted after final grading.

The Project will temporarily impact 1.06 acre and permanently impact 3.05 acre of wetland habitat. The Project will temporarily impact 0.47 acre and permanently impact 8.72 acre of stream channel habitat. Temporarily impacted areas will be restored to pre-Project condition.

**PROJECT LOCATION:**
The Project is located at approximately river mile (RM) 50.8 to RM 51.8 upstream of the confluence of the Tuolumne River with the San Joaquin River in the City of La Grange, CA. The approximate center of the Project area is located at latitude 37.665740°N and longitude -120.460550°W.

**PROJECT SCHEDULE:**
The Project is scheduled to take place from June 2024 to October 2028.

**APPLICATION FEE RECEIVED:**
$729.00 was received on 20 October 2023.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.

Specifically, 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 24 October 2022.

**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. An In-Water Work and Diversions Water Quality Monitoring Report shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter.

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 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 of 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 Anne Walters for:*
Patrick Pulupa
Executive Officer

Attachments: Project Maps

cc: Distribution List, page 6

**DISTRIBUTION LIST**
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Figure 1: Project Location

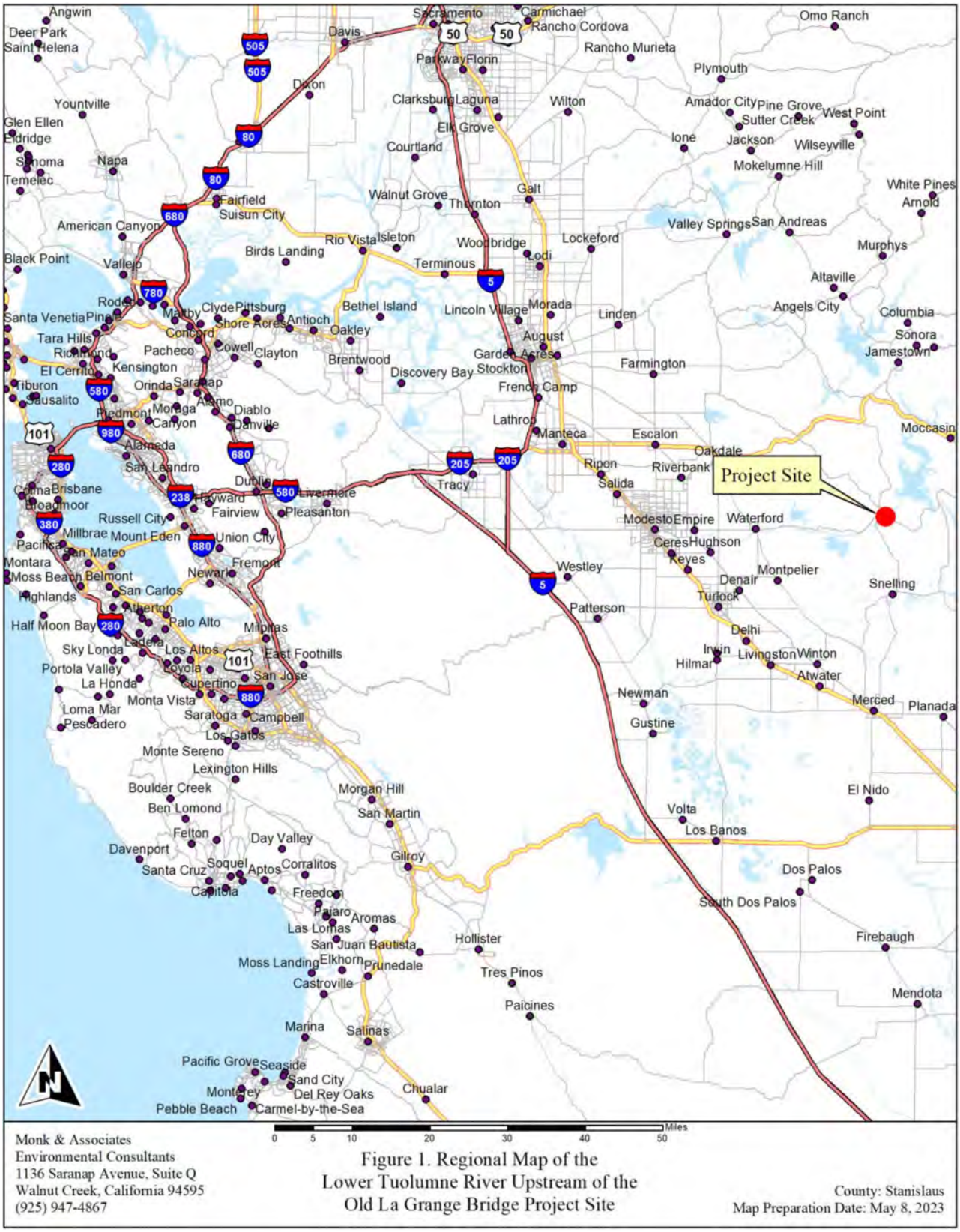

Figure 2: Project Features

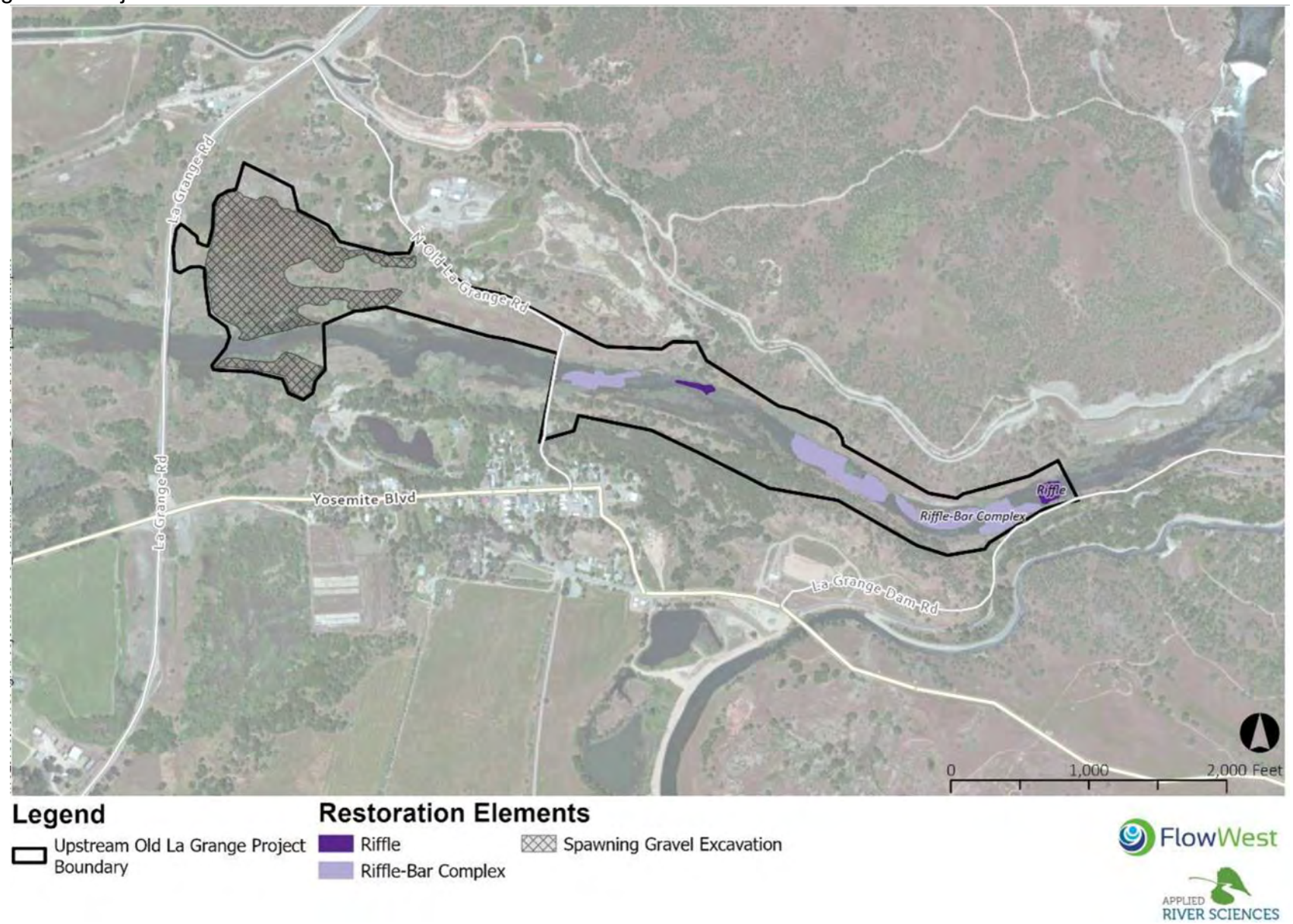

Figure 3: Project Impacts