

## Central Valley Regional Water Quality Control Board

19 March 2025

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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, SNAKE MARSH WETLAND RESTORATION PROJECT  
(WDID#5A34CR00910), SACRAMENTO COUNTY**

On 13 January 2025, the California Department of Fish and Wildlife (CDFW) 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 NOI was deemed complete on 12 February 2025. Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete NOI and the Permittee responded to the request for supplemental information on the following dates:

Date of Request for Supplemental Information: 19 February 2025

Date all requested information was received: 25 February 2025

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Snake Marsh Wetland Restoration 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 (NOA) 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 Coverage under the Order is no longer valid if the Project (as described) is modified.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.

## **PUBLIC NOTICE**

The Central Valley Water Board provided public notice of the application from 17 January 2025 to 7 February 2025. The Central Valley Water Board did not receive any comments during the comment period.

## **PROJECT DESCRIPTION:**

The Snake Marsh Wetland Restoration Project will enhance approximately 176 acres of perennial freshwater marsh habitat which supports an important population of federal and state-listed giant garter snake (GGS). Two berms will be constructed to improve water retention, and two pipelines will be installed to provide more reliable water delivery from an existing irrigation well to the marsh. Invasive Uruguayan water primrose will be controlled using goat grazing and herbicide application. These actions will enhance aquatic habitat for GGS and other wetland-dependent species and will result in a net increase in aquatic resource area functions and services within the Project site. The project design was developed with significant input and oversight by Wilton Rancheria and reflects the shared goals of improving the quantity and quality of aquatic habitat and preserving and enhancing tribal cultural resources onsite.

Water is currently supplied to the project area by gravity flow from Badger Creek and agricultural runoff from adjacent fields. To improve the hydrologic resiliency of the marsh, the project will construct two berms to retain larger amounts of water during the rainy season. One berm will be constructed along the northwest edge of the marsh and the second berm will be constructed within the southeast portion of the marsh, spanning the width of the marsh at their respective locations. The berms will have a 12-foot top-width and will be constructed to a top elevation of 32 feet above mean seal level (approximately 0 to 7 feet above existing ground surface elevations). The berms will have 5:1 side slopes to provide fringe habitat for GGS within Snake Marsh, and will be designed with 1 foot of freeboard (i.e., water surface elevations within Snake Marsh will be managed to within 1 foot of the top elevation of each berm during the wet period of the growing season). Management of water surface elevations to within 1 foot of the berm top will allow for soil saturation in the root zone, supporting the establishment of wetland vegetation along the majority of the berm side slopes within or adjacent to Snake Marsh. Excavation in the vicinity of the berm will be limited to stripping organic material (vegetation, topsoil) from the berm footprints to allow for adequate compaction. Strippings will be replaced on the compacted side slopes of the berms after work is complete to facilitate revegetation. Material to construct the berms will be imported to the site to avoid potential effects on tribal cultural resources associated with subsurface excavation.

A water control structure (WCS) will be installed in each berm to provide CDFW with the ability to drain water from the marsh, as needed, to conduct maintenance activities, including vegetation management tied to primrose control. Each WCS will consist of a pre-cast concrete riser outfitted with boards to control water levels; a 36-inch diameter pipeline backfilled with soil; and riprap installed at the inlet and outlet to protect the

structure from erosion and scour.

The project will also install two new 18-inch diameter PVC pipelines to direct water from an existing irrigation well into the northeastern area of the marsh and to the southern portion of the marsh. The purpose of the pipelines will be to improve hydrologic resiliency during years when water inputs to the marsh are low and evapotranspiration rates are high. Both pipelines will be installed in an approximate 2-foot-deep trench along existing access road alignments. The alignments of the pipelines were determined in collaboration with Wilton Rancheria to minimize potential disturbance of cultural resources. The trenches will be backfilled with soil side cast to create the trench.

Primrose control will primarily be provided through goat grazing and limited herbicide application. Goats will be confined to targeted areas with the highest non-native coverage of primrose using portable fencing deployed in targeted areas. It is anticipated that one treatment and subsequent retreatment will significantly reduce primrose biomass. Goats could be redeployed annually depending on the subsequent regrowth of the plant.

Construction will be completed during the summer months (1 May to 1 October) when site conditions are anticipated to be the driest. The project is anticipated to be constructed over a 12-week period as soon as site conditions allow. Prior to the commencement of construction, CDFW will coordinate with adjacent landowners to limit agricultural runoff to the site. Conditions in the project area are variable, and it is uncertain if the work area will be dry at the time of construction. If necessary, water could be redirected to the Snake Marsh outfall using temporary ditch plugs or other site isolation techniques, such as cofferdams. Any remaining water will be pumped from the work area and discharged via a temporary pipeline to an adjacent vegetated wetland.

Installation of project infrastructure will be implemented using heavy equipment, such as excavators, scrapers, graders, and bulldozers. Construction materials and equipment will likely be staged along the access route to the east of the railroad tracks, and on the west side of the marsh near the proposed location of the northwestern berm. Areas temporarily disturbed by construction activities will be re-contoured to pre-project conditions after work is complete.

### **DESCRIPTION OF DIRECT IMPACTS TO WATERS OF THE STATE**

The project will discharge soil, rock riprap, pipes, precast concrete risers, and aggregate base to aquatic resources within the project area. Approximately 4.4 acres of waters of the State, including 1.5 acres of Snake Marsh and 2.9 acres of seasonal wetlands, will be permanently impacted by the construction of berms and installation of water control structures. Access routes are anticipated to temporarily disturb an additional 0.1 acre of Snake Marsh. Although the construction of berms will permanently impact wetlands, only a portion of that fill footprint (approximately 1.58 acres, including 0.42 acre of Snake Marsh and 1.16 acres of seasonal wetland) will be permanently converted from wetland to upland. This area represents the portion of the berm footprint that is above the designed water level within Snake Marsh. The areas of the berms below the designated water level are expected to receive sufficient saturation that will support the establishment of wetland vegetation along the majority of the berm side slopes.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	0.1		760

**Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Freshwater Marsh (Snake Marsh)	1.5	6,085	930
Seasonal Wetland	2.9	5,665	1,600

Project activities are expected to result in net increases in aquatic resource functions and services. Once implemented, the berm construction will allow for larger amounts of water to be retained during the rainy season and impounded longer in the GGS active period. Deep water habitat will be less susceptible to primrose invasion which clogs the water column and decreases GGS foraging quality. The pipeline installation will improve water supply reliability in the dry season. These activities will benefit GGS as well as improve other wetland-dependent species by limiting non-native invasive primrose spread and supporting diverse vegetation growth. These improvements will offset the permanent loss of 1.58 acres of wetlands from construction of the berms.

#### **PROJECT LOCATION:**

The 379-acre project area is located approximately five miles north of Galt, just west of the Arno Road and Highway 99 interchange. The project area is in the Arno Unit of the Cosumnes River Ecological Preserve. The approximate center of the Project area is located at latitude 38.326072° and longitude -121.336592°.

#### **PROJECT SCHEDULE:**

May 2025 through October 2025

#### **APPLICATION FEE RECEIVED:**

\$1,123.00 was received on 11 February 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3),

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<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

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

### **ANNUAL FEES:**

This NOA is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Central Valley Water Board receives an acceptable Request for a Notice of Project Complete Letter (see Attachment D of Statewide Restoration General Order). Invoices are usually sent out at the end of each calendar year.

To stop annual billing, the Enrollee must request a Notice of Project Complete Letter from the Central Valley Water Board. Central Valley Water Board staff will verify if the conditions of the NOA are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the [State Water Board's Water Quality Fees website](https://www.waterboards.ca.gov/resources/fees/water_quality/), ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/](https://www.waterboards.ca.gov/resources/fees/water_quality/)) under Water Quality Certification (WQC) Program Fees.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

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.

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 December 2023.

### **REPORTING AND NOTIFICATION REQUIREMENTS**

The Permittee shall follow notification and reporting requirements described in this 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. Reports shall include the specified report contents in Attachment D of the Statewide Restoration General Order and shall be emailed to [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc Nicholas Savino at [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov).

#### **1. Annual Reporting**

The Permittee shall submit an Annual Report (Report Type 1) each year within one month of the anniversary of the effective date of this NOA. Annual reporting shall continue until the active discharge period is complete and the project enters the post-construction monitoring phase.

#### **2. Post-Construction Monitoring Report**

Once the active discharge period is complete and the project enters the post-construction monitoring phase, the Enrollee shall submit a Post-Construction Monitoring Report (Report Type 2) annually on the anniversary of the date that

the project restoration activities were completed and shall continue until a Notice of Project Complete Letter is issued to the Enrollee.

### **3. Water Quality Monitoring Plan for In-Water Work or Diversions**

A dewatering plan and Water Quality Monitoring Plan shall be submitted to the Central Valley 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 Central Valley Water Board's specific water quality control plan's water quality objectives and reporting requirements.

### **4. 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.

### **5. Request for Notice of Project Complete Letter**

The Enrollee shall submit a Request for Notice of Project Complete Letter within thirty (30) days following completion of all project activities including post-construction monitoring of restoration sites. Upon approval of the request, the Central Valley Water Board shall issue a Notice of Project Complete Letter to the Enrollee.

## **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.

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](mailto:Nicholas.Savino@waterboards.ca.gov).

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Enclosure: State Water Resources Control 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

Attachments: Figure 1 – Project Location  
Figure 2 – Project Impacts

cc: [Via email only]

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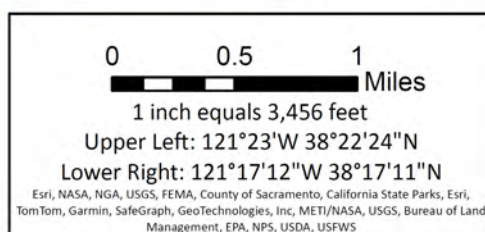
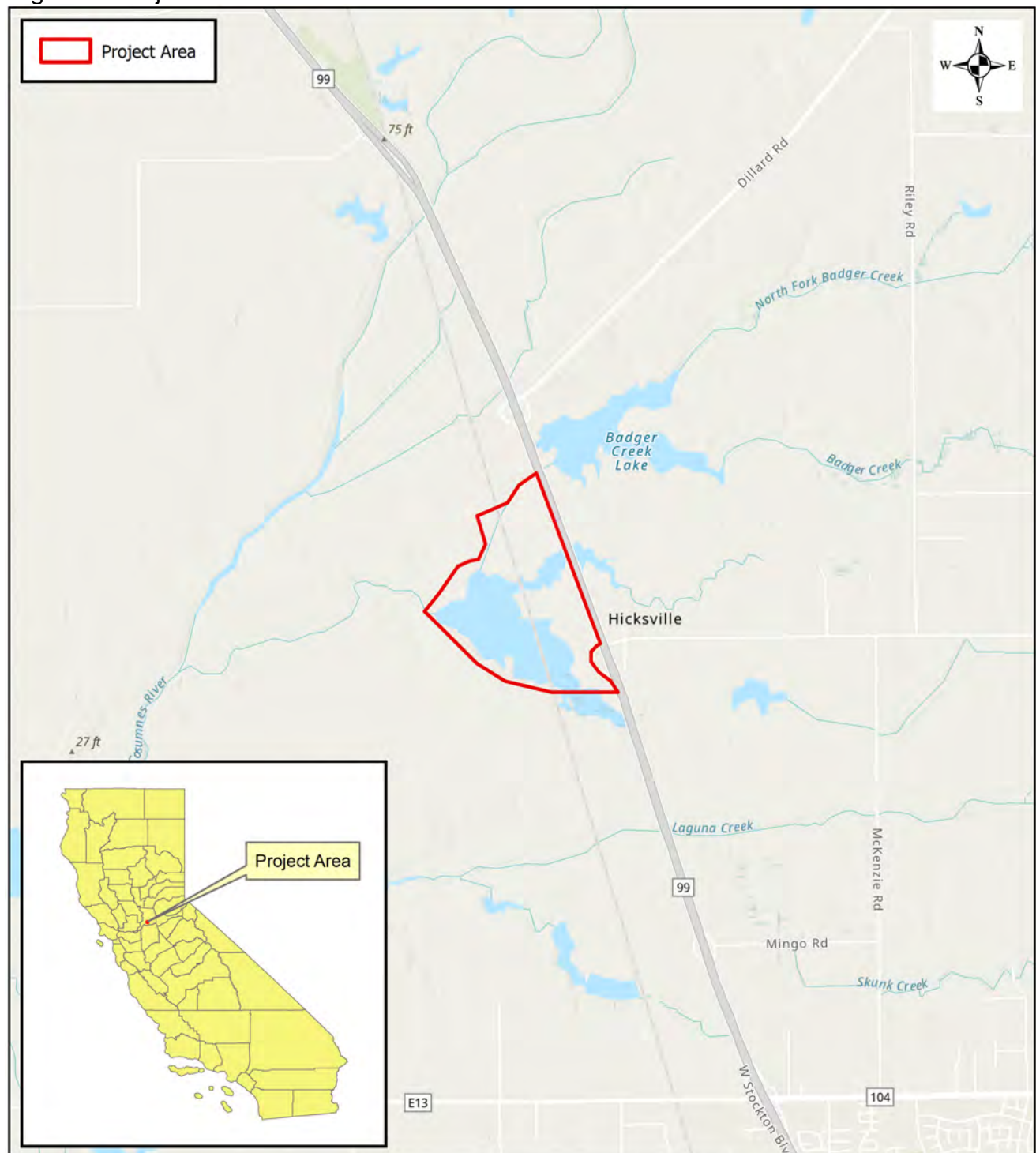
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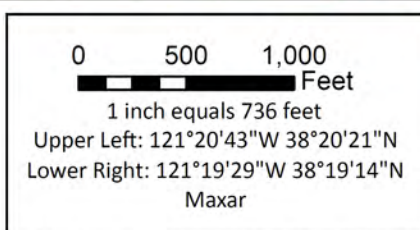
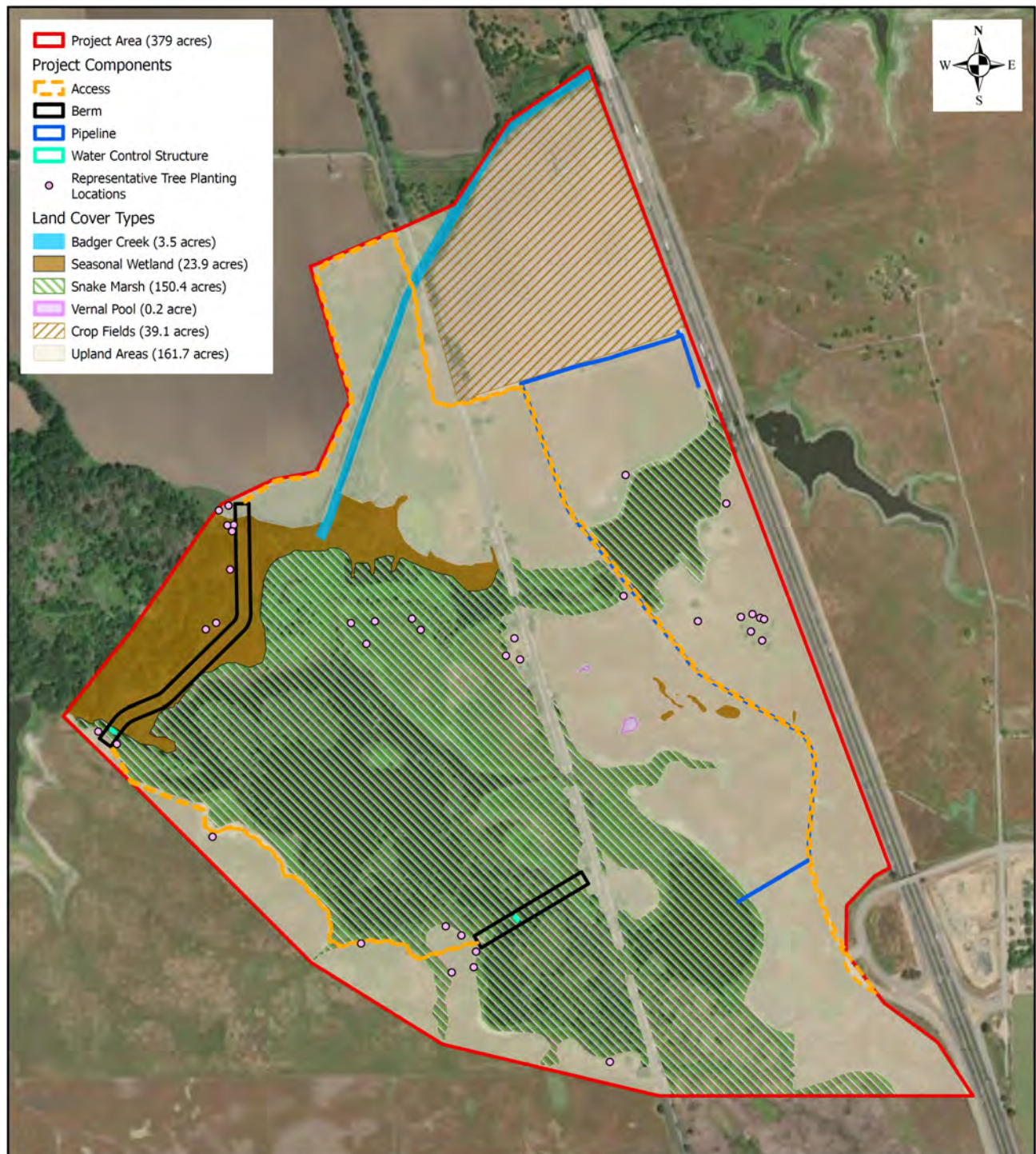
Figure 1: Project Location



**Figure 1. Project Vicinity**  
**Snake Marsh Wetland Restoration Project**  
Applicant: California Department of Fish and Wildlife  
Location: Sacramento County, CA  
Section/Township/Range: None Listed  
Latitude/Longitude: 38.327554, -121.33568  
Prepared by: Ducks Unlimited  
Date Prepared: October 2024



Figure 2: Project Impacts



**Figure 4. Project Impacts**  
**Snake Marsh Wetland Restoration Project**  
Applicant: California Department of Fish and Wildlife  
Location: Sacramento County, CA  
Section/Township/Range: None Listed  
Latitude/Longitude: 38.327554, -121.33568  
Prepared by: Ducks Unlimited  
Date Prepared: October 2024