



Central Valley Regional Water Quality Control Board

27 March 2026

Levi Emerson
K.W. Emerson, Inc.
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NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, KW EMERSON CONSTRUCTION YARD ACCESS ROAD PROJECT (WDID#5B05CR00136), CALAVERAS COUNTY

On 11 February 2026, K.W. Emerson, Inc. submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the United States Army Corps of Engineers to be Outside of Federal Jurisdiction.

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the KW Emerson Construction Yard Access Road Project (Project) meets the requirements of, and is hereby enrolled under, Order No. 2004-0004-DWQ. You may proceed with your Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](#) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf) can be found on the State Water Resources Control Board's Adopted Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-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 0.03-acre Project consists of a culvert installed in a man-made channel to provide access to a construction storage yard from Moran Road. This is an after-the-fact

NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

authorization for an impact that occurred in late June 2025.

Project elements that affect aquatic resources include permanent impacts from the placement of approximately 3.8 yd³ of clean fill dirt and a 40-foot, 24-inch diameter culvert in the constructed ditch. The Project permanently impacted 0.006 acre/40 linear feet of stream channel.

PROJECT LOCATION:

The Project is located at 4650 Moran Road, Avery CA 95224. The approximate center of the Project area is located at latitude 38.204112°N and longitude 120.368233°W.

PROJECT SCHEDULE:

Construction occurred beginning 15 June 2025 and ended 30 June 2025.

APPLICATION FEE RECEIVED:

\$4,212.00 was received on 12 February 2026.

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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

MITIGATION AND MINIMIZATION MEASURES:

The Permittee has agreed to provide compensatory mitigation for direct impacts.

Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the revised Compensatory Mitigation Plan, dated 20 March 2026, and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

Irrevocable Letter of Credit

- a) The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 90 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b) If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 90 days of

issuance of this Order.

- c) The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.
- d) If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff acceptance following the same procedure described in the conditions above.

Total Required Compensatory Mitigation

- a) The Permittee is required to provide compensatory mitigation for the authorized impact to stream channel by purchasing 0.006 credits from the Zacharias Ranch Mitigation Bank.
- b) Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 1 [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 1: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Mitigation Bank Credits	Acres		0.006				

TERMINATION OF COVERAGE:

Upon completion of the Project, you shall submit a complete Notice of Termination (NOT) requesting to be un-enrolled under Order No. 2004-0004-DWQ. Attachment 2 to the Order contains the NOT form.

If you have questions concerning this matter, please contact Carter Cook by phone at (916) 464-4699 or by email at Carter.Cook@waterboards.ca.gov.

Original Signed by Anne Walters
For Patrick Pulupa
Executive Officer

Enclosure: State Water Resources Control Board Water Quality Order No.
2004-0004-DWQ

Attachments: Figure 1: Aerial Photograph

cc: [Via email only]

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Figure 1: Aerial Photograph



Source (Basemap): Google Earth

Scale: 1 inch = 75+/- feet

**Moore Biological
Consultants**



FIGURE 2

AERIAL PHOTOGRAPH