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## Central Valley Regional Water Quality Control Board

22 March 2024

Ricardo Ortega  
Grassland Water District  
200 W. Willmott 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, MUD SLOUGH WATER CONVEYANCE ENHANCEMENT PROJECT (WDID# 5B24CR00111), MERCED COUNTY**

On 22 February 2024, the Grassland Water District 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 Mud Slough Water Conveyance 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/s/hrpcert032713.pdf) ([https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/s/hrpcert032713.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/s/hrpcert032713.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 27-acre Project consists of removing and replacing existing pipes under Arroyo Canal and Agatha Extension Canal within Mud Slough, removal of accumulated vegetation and sediment in Mud Slough, wetland enhancement at a borrow site, and spoils placement along an existing upland levee alignment to improve its integrity. Mud Slough carries flows from several seasonally managed wetlands including North Grasslands Wildlife Area Gadwall Unit. Accumulated sediment and vegetation caused

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

by reduced capacity through Mud Slough culverts reduces available water in surplus years. The Project would facilitate water delivery and conveyance to improve vegetation management within wetland habitats and would result in a net increase in aquatic resource area functions and services. Additionally, a portion of a marginal wetland will be enhanced by lowering the ground surface elevation of the wetland at the borrow site. Ground surface elevations at the borrow area would be lowered to an elevation that would allow for a longer hydroperiod, less than 1 foot. Recontouring within the borrow area and an associated extended hydroperiod would support establishment of a more diverse wetland plant community within the existing marginal elevated wetland portion of the borrow area.

Project elements that affect aquatic resources include removal and replacement of the existing metal corrugated pipes that carry Mud Slough flows under the canals. Rock slope protection would be placed around the inlet and outlet of the pipes. Soil that will be used in the replacement of the pipes will come from the borrow area, which is currently a marginal wetland habitat. The borrow site will be re-graded to a suitable state that would allow for the enhancement of the existing marginal wetland habitat. Water diversions will be in place in the canals during the replacement of the metal pipes.

The Project will temporarily impact 0.230 acre/approximately 500 linear feet and permanently impact 0.179 acre of stream channel. The Project will permanently impact 0.362 acre of wetlands. Impacted areas shall be restored to pre-Project condition. The Project will directly rehabilitate 1.88 acres of wetlands at the borrow site and enhance up to 1,475 acres of managed wetlands through increased water deliveries and increased inundation period to those 1,475 acres of managed wetlands.

**PROJECT LOCATION:**

The Project is located on Mud Slough where it crosses the Agatha and Arroyo Canals in Merced County. The approximate center of the Project area is located at latitude 37.049930 Degrees and longitude -120.7695 Degrees.

**PROJECT SCHEDULE:**

The Project is anticipated to begin construction in June 2024 and continue through September 2024.

**APPLICATION FEE RECEIVED:**

An application fee of \$796.00 was received on 13 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 from the document, "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](mailto: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]

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