

---

## Central Valley Regional Water Quality Control Board

24 February 2021

Laurie Smith  
City of Modesto  
1010 10th Street, Suite 4400, P.O. Box 642  
Modesto, CA 95354  
*lsmith@modestogov.com*

**NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE CITY OF MODESTO, TRRP NEECE DRIVE NON-MOTORIZED BOAT LAUNCH & RIVER ACCESS PROJECT (WDID#5B50CR00099), STANISLAUS COUNTY**

On 16 October 2020, City of Modesto (Applicant) filed a notification requesting coverage under the 17 March 2017 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification and Order of the United States Army Corps of Engineers 2017 Nationwide Permits (General Certification Order) for the TRRP Neece Drive Non-Motorized Boat Launch & River Access Project (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity will take place within 0.06 acre of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit #36 (Boat Ramp Activities), subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). 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 the [General Certification Order](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nw_p_go.pdf) ([http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/generalorders/nw\\_p\\_go.pdf](http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nw_p_go.pdf)) can be found on the State Water Resources Control Board's General Order webpage and is enclosed.

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 16 October 2020, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

**PROJECT DESCRIPTION:**

The 6.27-acre TRRP Neece Drive Non-Motorized Boat Launch & River Access Project (Project) involves the development of recreational facilities within the Tuolumne River Regional Park, including installing a non-motorized boat launch access. The Project consists of installing an access road from Neece Drive to a new non-motorized boat launch ramp. The boat launch consists of a 16-foot wide, 245-foot long reinforced concrete ramp extending into the river channel from the parking facility at the western bank. The concrete ramp includes 1-foot thick, 4-foot deep, cast-in-place concrete cutoff wall and perimeter rip rap for erosion protection. If flow is present in the river, a temporary cofferdam will be installed, and the work area completely dewatered prior to construction activities.

The Applicant will mitigate for the loss of 0.04 acre of waters of the state to comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of authorization. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion.

The Project will permanently impact 0.04 acre and temporarily impact 0.02 acre of waters of the United States.

**PROJECT LOCATION:**

Section 5, Township 4 South, Range 9 East, MDB&M  
Latitude: 37.619748° and Longitude: -120.99992°

**PROJECT SCHEDULE:**

1 June 2021 through 31 December 2021

**APPLICATION FEE RECEIVED:**

An application fee of \$1,949.00 was received on 16 October 2020. 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.

If you have any questions regarding this Notice of Applicability, please contact Nicholas White at (916) 464-4856 or [Nicholas.White@waterboards.ca.gov](mailto:Nicholas.White@waterboards.ca.gov).

*Original Signed By Bryan J. Smith for:*

Patrick Pulupa  
Executive Officer

Enclosure: State Water Board Certification of the 2017 Nationwide Permits General  
Water Quality Certification and Order

cc: Distribution List, page 3

**DISTRIBUTION LIST**  
via email only

Ramon Aberasturi (Non-Reporting)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
SPKRegulatoryMailbox@usace.army.mil

Department of Fish and Wildlife, Region 4  
R4LSA@wildlife.ca.gov

Sam Ziegler  
United States Environmental Protection Agency  
Ziegler.Sam@epa.gov

CWA Section 401 WQC Program  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Bill Jennings  
CA Sportfishing Protection Alliance  
DeltaKeep@me.com

Nathan Houx  
City of Modesto  
nhoux@modestogov.com