

Central Valley Regional Water Quality Control Board

27 May 2026

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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, TORTUGA SALMONID HABITAT RESTORATION PROJECT ON THE STANISLAUS RIVER (WDID#5B50CR00134), STANISLAUS COUNTY

On 12 March 2026, the East Stanislaus Resource Conservation 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 application was deemed complete on 12 May 2026. Prior to receiving a complete NOI, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates:

Date of Notice of Incomplete Application:	9 April 2026
Date all requested information was received:	29 April 2026

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Tortuga Salmonid Habitat Restoration Project on the Stanislaus River (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) (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under the Order is no longer valid if the Project (as described) is modified.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 35-acre Project consists of grading side channel habitats adjacent to the Stanislaus River main channel that will establish rearing habitat for Chinook Salmon and California Central Valley (CCV) steelhead, with anticipated ancillary benefits to other native fish.

The Project will create approximately 7.4 acres of seasonally inundated rearing habitat by constructing a meandering side channel complex and backwater alcoves. The constructed features will function under a variety of flow conditions present on the lower Stanislaus River and will support a variety of ecological services. The side channels will be lined along their bottom widths with approximately 910 cubic yards of imported gravel. The gravel liner will be half a foot thick and will require over-excavation along the side channel bottom. Site designs will incorporate the use of large wood structures obtained from the excavation footprint, such as trees with root wads, to create side channel and alcove habitat complexity. The Project will excavate approximately 59,100 cubic yards of material. Excavated materials will be hauled to a disposal area within the Project site.

Construction will require the operation of construction equipment such as rubber-tired front-end loaders, excavators, articulated haulers, bulldozers, scrapers, skid-steers, and water trucks. Staging areas will be restricted to existing roads, disturbed areas, or areas with only ruderal vegetation within and adjacent to the Project area that will avoid any significant impacts to sensitive natural resources, as required by Best Management Practices. Direct impacts to the Stanislaus River consist of creating a new side channel habitat including connections to the main channel. In-water construction activities will occur within the Stanislaus River when constructing the connections between the side channel and main channel habitats. An excavator and a bulldozer will be used to create the connections, and construction activities will be sequenced to occur near the end of the earthwork activities to limit water flowing through the site. To further avoid or minimize any potential negative effects on salmonids, off-channel habitat connection work will occur from 1 June to 30 September when flows are typically and comparatively low (approximately 200 cubic feet per second or less) and adult spawning has not yet begun.

The Project will result in permanent impacts to 5.99 acres of forested riparian wetland and 0.03 acre of the Stanislaus River from excavation to create seasonal side channels and alcoves. The Project is expected to enhance habitat within the Project area and will not result in a loss of waters of the state.

PROJECT LOCATION:

The Project is located along the north bank of the Stanislaus River, approximately 0.4 miles west of the Highway 120 bridge in Oakdale.

Latitude 37.770953°N and longitude -120.866342°W

PROJECT SCHEDULE:

April 2027 through October 2027

APPLICATION FEE RECEIVED:

\$1,123.00 was received on 29 April 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

On 5 March 2026, the East Stanislaus Resource Conservation District, as lead agency for the Tortuga Salmonid Habitat Restoration Project on the Stanislaus River, adopted the State Water Resources Control Board's Programmatic Environmental Impact Report (PEIR) State Clearinghouse (SCH) No. 2019100230 for the Statewide Restoration General Order (SRGO) and filed a Notice of Determination (NOD) at the SCH on 10 March 2026 under the SRGO PEIR for the Project.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and has reviewed, considered, and finds that the PEIR addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required. (California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.)

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. Within three (3) working days following completion of work in water or stream diversions, or within a timeframe specified by the approving Water Board, an In-Water Work and Diversions Water Quality Monitoring Report must be submitted to the Water Board.

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 or 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

Enclosure: 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

Attachments: Project Figures

cc: [Via email only]

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Figure 1: Project Location

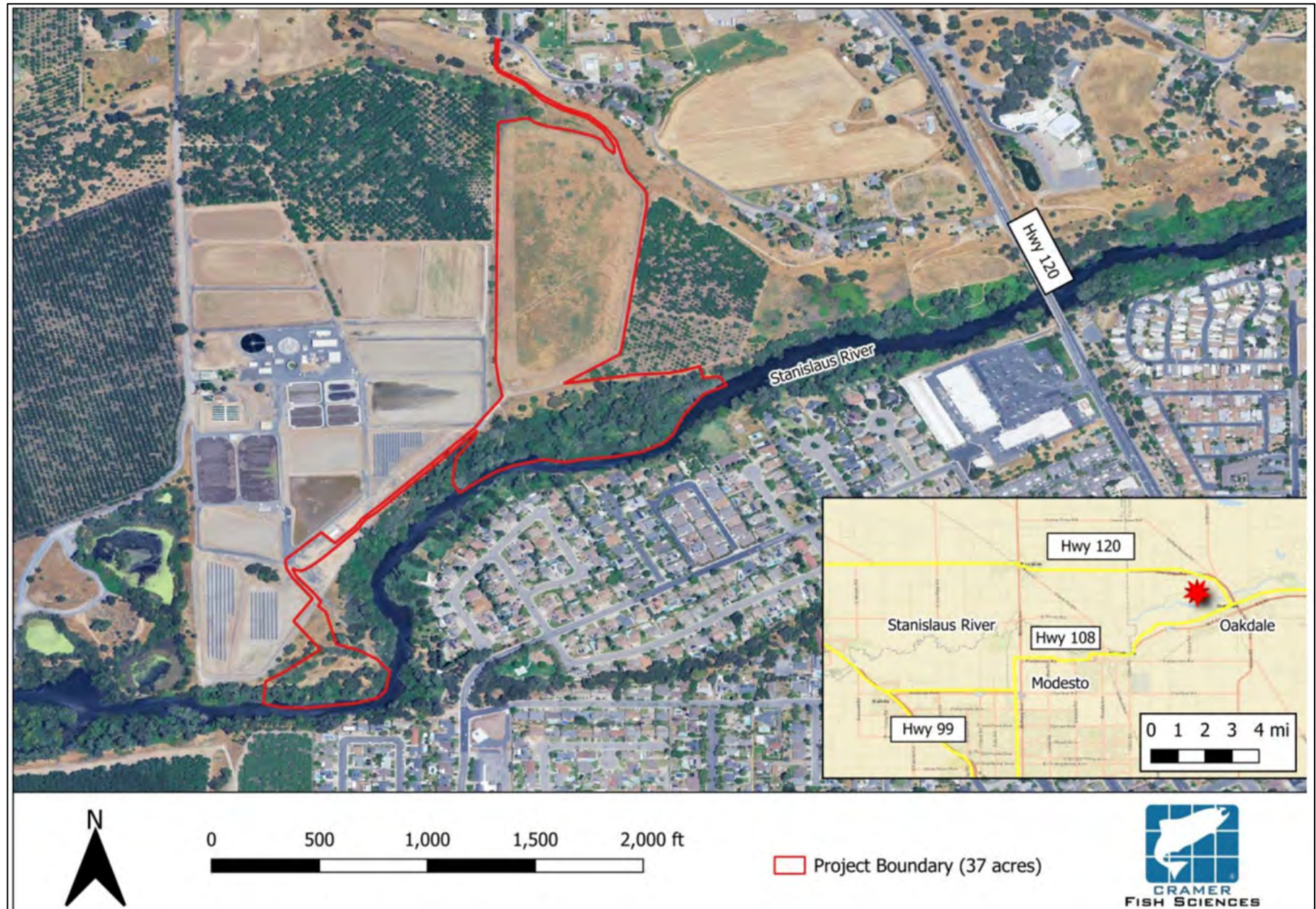


Figure 2: Project Design

