



Central Valley Regional Water Quality Control Board

5 September 2023

Hicham El Tal
Merced Irrigation District
744 W. 20th St.
Merced, CA 95340

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE MERCED IRRIGATION DISTRICT, NORTH FORK STREAM GAUGE PROJECT, (WDID# 5B24CR00108), MERCED COUNTY

On 18 July 2023, Merced Irrigation District (Permittee) filed a notification requesting coverage under the 12 October 2021 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Nationwide Permits (Order No. WQ 2021-0048-DWQ) for the North Fork Stream Gauge (Project). After review of the notification and the supplemental material submitted by the Permittee, 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 0.0011 acres of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit 5, Scientific Measurement Device 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](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

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 18 July 2023, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

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

PROJECT DESCRIPTION:

The 0.31-acre Project entails constructing a stream gauge station including a Rohn Tower, two grounding rods, conduit piping, and five staff gauges. Staff gauges will be secured in the river bottom with concrete footings while the conduit, with an air orifice line, will extend 12 feet into the center of the river channel.

The Project will permanently impact 0.0011 acre of waters of the United States.

PROJECT LOCATION:

The Project is located on the Merced River. The approximate center of the Project area is located at latitude 37.652781 degrees North and longitude -120.05265 degrees West.

PROJECT SCHEDULE:

The project will begin in the Fall of 2023 and will last up to two months in duration depending on stream flows in the river.

APPLICATION FEE RECEIVED:

This Order is conditioned upon total payment of an application fee of \$2,734.00 required under title 23 of the California Code of Regulations and owed by the Permittee.

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 E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

Original Signed by Scott J. Hatton for:

Patrick Pulupa
Executive Officer

cc: Via email only:

U.S. Environmental Protection Agency
Region 9
R9cwa401@epa.gov

United States Army Corps of Engineers
Sacramento District Headquarters
SPKRegulatoryMailbox@usace.army.mil

Patricia Cole
United States Fish & Wildlife Service
patricia_cole@fws.gov

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

Merced Irrigation District
North Fork Stream Gauge

-3-

5 September 2023

cc: CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Molly Enloe
ECORP Consulting, Inc.
menloe@ecorpconsulting.com