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## Central Valley Regional Water Quality Control Board

17 November 2023

Patrick Koepele  
Tuolumne River Trust  
PO Box 3727  
Sonora, CA 95370  
[Patrick@tuolumne.org](mailto:Patrick@tuolumne.org)

**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. WQ 2022-0048-DWQ, ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE, BASSO LA GRANGE REACH FLOODPLAIN RESTORATION AND SPAWNING HABITAT PROJECT (WDID# 5B50CR00113), STANISLAUS COUNTY**

On 4 October 2023, the Tuolumne River Trust (Permittee) 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 (General Certification Order).

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Basso La Grange Reach Floodplain Restoration and Spawning Habitat Project (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 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](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.

The Project is described in the NOI requesting coverage under the General Certification Order and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.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.

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

## **PROJECT DESCRIPTION:**

The purpose of the 203-acre Project is to create and restore habitat for fall-run Chinook Salmon and Steelhead Trout along a section of the Tuolumne River. The project will create stream channel, riparian, and floodplain habitat, reduce non-native predatory fish habitat, restore geomorphic function and sediment transport, increase aquatic microhabitats and food sources, and design areas for salmonid spawning and rearing. There are multiple project elements that have been designed to achieve these goals:

### **Floodplain Rearing Habitat**

The project will create 53 acres of floodplain rearing habitat for salmonids. The surfaces of the floodplains will be excavated down to inundation thresholds that will reconnect to the river during specified flows. The project will also add rearing habitat features to floodplains and side channels in several places to increase cover for rearing salmonids. These include large and small wood habitat features and boulder clumps.

The coarse sediment excavated from floodplain lowering will be used to construct spawning habitat and other features in the main channel, such as riffles and gravel bars. Excavated sediment will be screened to sort out fine material and the remaining gravel will be washed before being placed in the channel.

### **Spawning Habitat**

A series of riffles and gravel bars will be created in the mainstem of the Tuolumne River that will provide spawning habitat for Chinook Salmon and Steelhead Trout. Riffles and gravel bars will be constructed by hauling screened and washed gravel sized sediment to each of the design features and pushing the gravel from the bank into the river. A front-end loader will be used to push and spread gravel into the channel and contour each feature to grade. Once the finished grade is achieved, micro habitat elements, such as dunes, will be added on top of the riffles for topographic complexity. Geomorphic change over time will allow gravel to move downstream, eventually creating additional spawning habitat.

### **Reduction of Predatory Fish Habitat**

The project will reduce predatory fish habitat by filling in two former dredger pools which host predatory fish species. The former dredger pools will be filled with excavated sediment from the floodplain creation area and will become low floodplain habitat.

### **Enhanced Geomorphic Processes**

Geomorphic Processes will be improved by constructing alternating riffles, bars, and pools, increasing river sinuosity, varying riffle gradients, adding gravel, increasing areas of local erosion and meander, and reconnecting adjacent surfaces to contemporary flows.

Increasing river sinuosity will be achieved by excavating new mainstem channels and meanders in several areas. The existing mainstem channels will be filled with gravel and converted into a new low floodplain surface that would inundate during higher flows. The new mainstem channel excavation would be done in dry conditions outside of the existing channel. Once the new mainstem channel has been excavated, loaders will place gravel into the existing mainstem channel. Equipment will drive on top of the newly placed gravel to place additional gravel and slowly spread the gravel until it has spanned the existing mainstem and pushes water into the new mainstem meander. The installation of mainstem channel plugs will ensure that flows stay in the new meanders and channels.

In addition to the new mainstem channels, several side channels, and adjacent low and high floodplain habitat will be excavated on the south side of the river. These areas have been designed to inundate during specific flows and will provide additional habitat for salmonids.

### **Remove Abandoned Haul Road Bridge Remnants**

Remnants of a haul road bridge remain in the Tuolumne River, degrading habitat and posing a risk to wildlife and boaters. These remnants will be removed from the channel and banks. The remnants include approximately 12 concrete blocks; 350 linear feet of riprap bank protection; several bridge I-beams, bridge sheet piles, and concrete bridge footing.

A rock pad will be constructed for a long reach excavator to drive out on to conduct the haul road bridge remnant removal. This rock pad will be constructed by pushing out gravel from the bank into the Tuolumne River. The remnant concrete blocks, bridge I-beams, concrete bridge footing, and bridge sheet piles would all be removed and disposed of off-site, and the remnant riprap bank protection would be salvaged for in-channel habitat features on site. Where demolition and removal take place below grade, appropriately sized gravel and sediment will be placed to meet grade.

A silt curtain will be placed 100 yards downstream of the removal area. The silt curtain will follow the specifications as detailed in a project-specific water quality control plan.

### **Wetland Avoidance and Enhancement**

The project will avoid grading into a portion of the property northeast of a remnant haul road, which is an area that contains wetland-associated plant species. The project will lower the southern portion of the remnant haul road to restore more of the wetland connection to the water source. The portion of the remnant haul road will be removed and revegetated with riparian and transitional plant species.

### **Revegetation**

The project area will be revegetated with native vegetation. Revegetation is intended to recreate larger patches of emergent and riparian vegetation similar to what was historically present at the site. Existing native vegetation within and adjacent to the project has been preserved to the greatest extent feasible and will provide cover and a readily available seed source immediately after construction.

### **Non-Motorized Boat Access Path (Kayak and Canoe Launch Path)**

A non-motorized boat access path will be constructed upstream of Old La Grange Bridge to facilitate and direct recreational access. The path will be designed at-grade with the floodplain such that it will not affect high flow hydraulics.

New temporary access routes will be graded to access areas along the project site. Staging for equipment and construction material will occur in specified staging areas. Staging areas will be prepared by removing and storing topsoil. At the end of the construction period the contractor will remove temporary access materials and restore the access routes through decompaction, replacement of topsoil to restore original grade, native seeding, and mulching. All constructed floodplain surfaces, staging areas, and constructed access roads will be de-compacted after final grading.

The Project will temporarily impact 0.01 acre of wetland habitat and 0.14 acre of stream channel habit. The Project will permanently impact 0.07 acre of wetland habitat and 15.6 acre of stream channel habitat. Temporarily impacted areas will be restored to pre-Project condition. The Project will establish approximately 66 acres of aquatic and riparian habitat.

### **PROJECT LOCATION:**

The Project is located approximately 50 miles upstream of the confluence of the Tuolumne River with the San Joaquin River, in the City of La Grange, CA. The approximate center of the Project area is located at latitude 37.664534° and longitude -120.471656°.

### **PROJECT SCHEDULE:**

The Project is scheduled to take place from June 2024 to December 2028.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the Central Valley Water Board has determined that the issuance of this Order is exempt by the CEQA Statutory Exemption for Restoration Projects pursuant to California Public Resources Code, Division 13, section 21080.56.

The California Department of Fish and Wildlife (CDFW) provided concurrence that the Project is exempt from review under CEQA by the CEQA Statutory Exemption for



Restoration Projects pursuant to California Public Resources Code, Division 13, section 21080.56 on 24 October 2022.

**APPLICATION FEE RECEIVED:**

\$729.00 was received on 18 October 2023. 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.

**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](mailto:CentralValleySacramento@waterboards.ca.gov) with a cc to Nicholas Savino at [nicholas.savino@waterboards.ca.gov](mailto:nicholas.savino@waterboards.ca.gov). The WDID No. for this Project is 5B50CR00113.

**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. An In-Water Work and Diversions Water Quality Monitoring Report shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter.

**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. Mercury**

Prior to construction activities, the Permittee shall submit a mercury sampling plan for Central Valley Water Board staff approval. The plan shall include procedures and descriptions of locations and frequency for sediment total mercury sampling.

Sampling for total mercury in sediment shall occur prior to construction activities for excavated material that will be placed as fill into waters of the state, and after construction activities are complete in areas that contain fine grained sediments (grain size less than 63 microns) that will be inundated. Samples must be representative of the entire depth and volume to be excavated. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific total mercury sediment monitoring locations. If the median concentration of total mercury on fine grained sediments (grain size less than 63 microns) is greater than 0.1 mg/kg [dry weight], the Permittee shall submit for approval a mercury-contaminated sediment management plan. The mercury-contaminated sediment management plan shall describe actions the Permittee will implement to isolate, remove, and/or prevent downstream transport of mercury-contaminated sediments once flows are reestablished in the graded areas. The Permittee is required to implement the plan upon approval.

After each sampling event, the Permittee shall submit the laboratory results to Central Valley Water Board staff and upload the results to the California Environmental Data Exchange Network's website (<http://www.ceden.org/>). Water Quality Monitoring Templates for data submittal can be found on the same website.

#### **5. 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 CONDITIONS:**

1. The Permittee 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.

2. The Permittee shall obtain coverage under the Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge within the Central Valley Region, Resolution R5-2018-0085 (Waiver) for the placement of excavated material into waters of the state.

**NOTICE OF COMPLETION:**

Upon completion of the Project, the Permittee shall submit a Request for Notice of Project Complete (NOC) Letter no later than 30 days after Project completion. The NOC request 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 request is listed in section B (Report Type 4) of the Order.

If you have any questions regarding this Notice of Applicability, please contact Nicholas Savino at (916) 464-4920 or at [nicholas.savino@waterboards.ca.gov](mailto:nicholas.savino@waterboards.ca.gov).

*Original Signed by Anne Walters for:*  
Patrick Pulupa  
Executive Officer

Attachment 1 – Project Maps

cc: Electronic copy only

Taylor Powell  
United States Army Corps of  
Engineers  
Sacramento District Office  
Regulatory Division  
[Taylor.M.Powell@usace.army.mil](mailto:Taylor.M.Powell@usace.army.mil)

Megan Rooney  
California Department of Fish and  
Wildlife  
[Megan.Rooney@Wildlife.ca.gov](mailto:Megan.Rooney@Wildlife.ca.gov)

Cassandra Bicakci  
Central Valley Flood Protection Board  
[Cassandra.Bicakci@cvflood.ca.gov](mailto:Cassandra.Bicakci@cvflood.ca.gov)

Jake Rennert  
National Marine Fisheries Service  
[jake.rennert@noaa.gov](mailto:jake.rennert@noaa.gov)

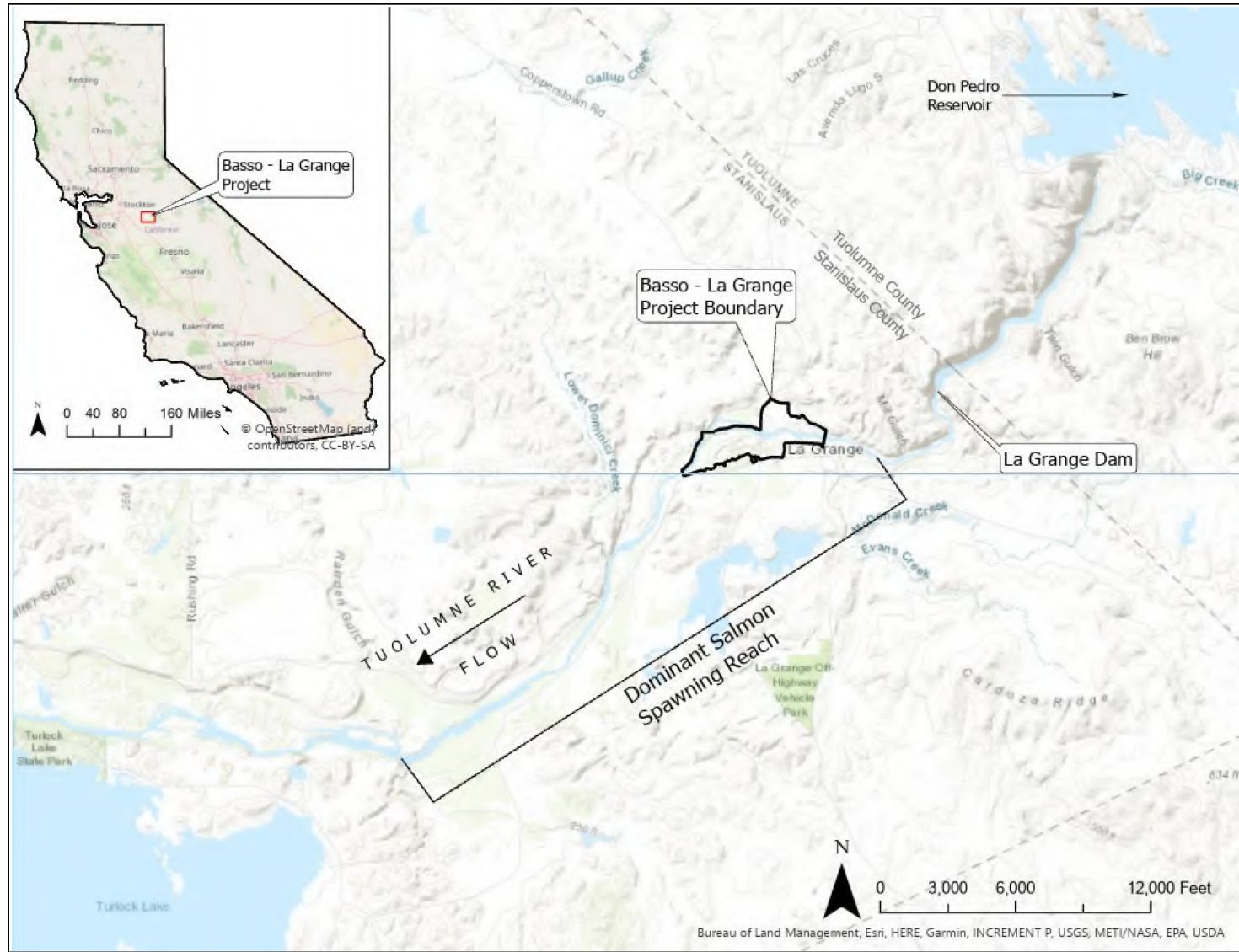
Ruth Goodfield  
National Marine Fisheries Service  
[ruth.goodfield@noaa.gov](mailto:ruth.goodfield@noaa.gov)

United States Environmental  
Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

CWA Section 401 WQC Program  
State Water Resources Control Board  
[StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)

Ari Frink  
FlowWest  
[afrink@flowwest.com](mailto:afrink@flowwest.com)

**Figure 1: Project Location**





**Figure 2: Project Features**

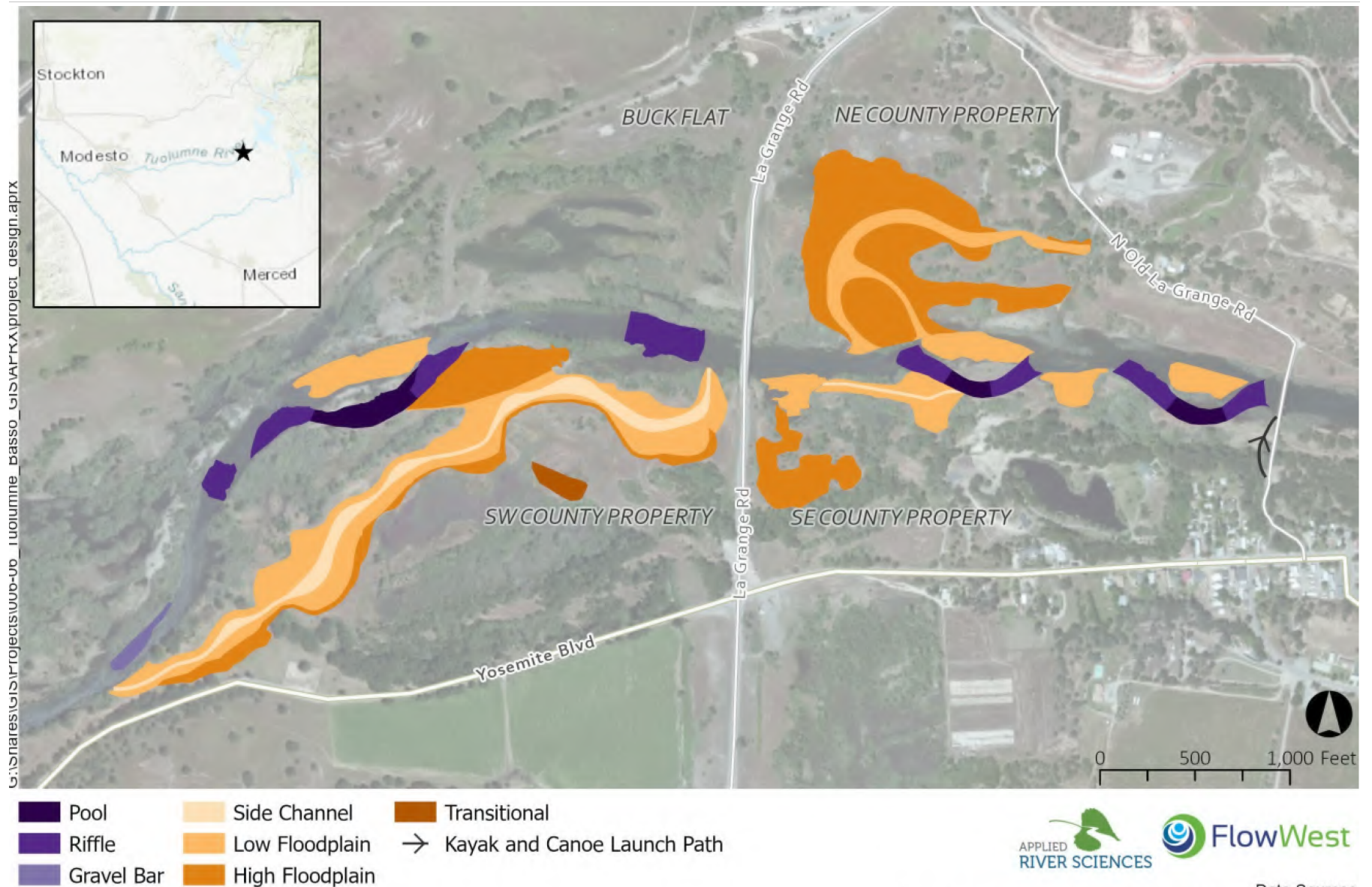
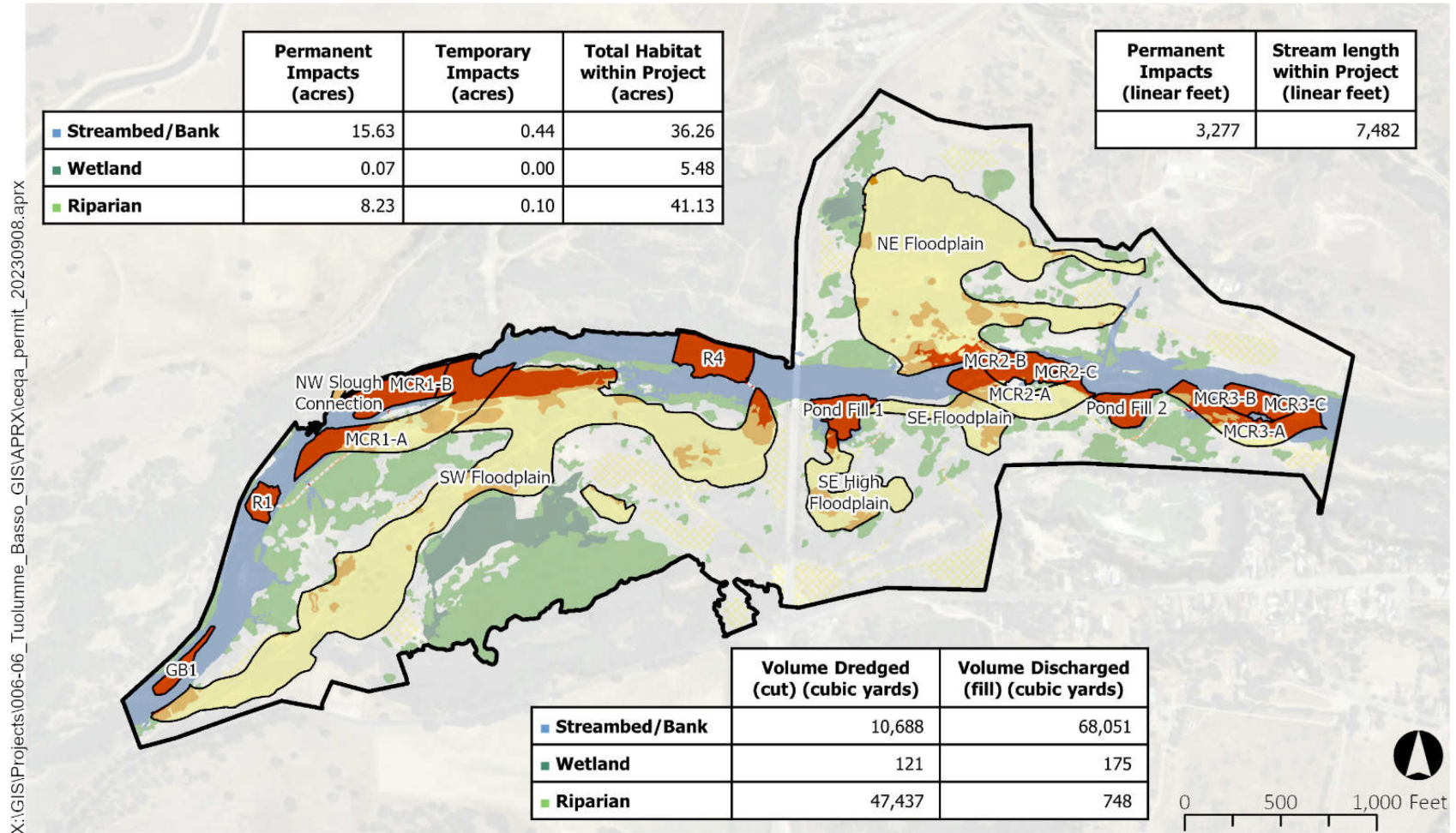


Figure 3: Project Impacts



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- Streambed/Bank - No Impact    Wetland - No Impact    Riparian - No Impact    Upland - No Impact
- Streambed/Bank - Permanent    Wetland - Permanent    Riparian - Permanent    Upland - Permanent
- Streambed/Bank - Temporary    Wetland - Temporary    Riparian - Temporary    Upland - Temporary
- LaGrange Project Boundary    Footprint of Perm. Impacts

