



Central Valley Regional Water Quality Control Board

29 November 2022

Stephen Cheney
Union Pacific Railroad Company
1400 Douglas Street
Omaha, NE 68179

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO. WQ 2021-0048-DWQ), UNION PACIFIC RAILROAD COMPANY (UPRR), CANYON SUBDIVISION, MILEPOST 235.99 BRIDGE REPLACEMENT PROJECT (WDID NO. 5A04CR00347), BUTTE COUNTY

On 11 October 2022, Union Pacific Railroad Company (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Canyon Subdivision, Milepost 235.99 Bridge Replacement Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 14, Linear Transportation Projects. After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Canyon Subdivision, Milepost 235.99 Bridge Replacement Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-DWQ. This Notice of Applicability (NOA) is being issued at the request of Union Pacific Railroad Company (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. Project Status Notifications in the General Order include a Commencement of Construction Notice at least seven days prior to start of initial disturbance activities and a Request for Notice of Project Complete Letter within 30 days following completion of all project activities, including post-construction monitoring.

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

The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

I. Public Notice

The Central Valley Water Board provided public notice of the application from 14 October 2022 to 4 November 2022. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The proposed project will replace the existing 206-foot-long by 60-inch-diameter structural plate pipe culvert at Milepost 235.99. Because the existing culvert cannot be removed and replaced at the current location without taking the rail lines out of service, UPRR will replace the existing culvert with an adjacent 206-foot-long by 72-inch diameter smooth steel pipe culvert. The replacement culvert will be horizontally auger bored through the existing railroad embankment approximately 12 feet south of the existing culvert.

Prior to new culvert placement, a temporary jack and bore pit will be excavated near the inlet of the existing culvert, east of the existing headwall. This pit will be approximately centered on the location of the proposed replacement culvert (immediately south of and adjacent to the existing culvert). The jack and bore pit will extend east of the existing culvert headwall, roughly perpendicular to the track alignment. To position the jack and bore equipment at the proper elevation, the pit will be excavated to a depth of no more than 6 feet below the invert elevation of the existing culvert. A smaller temporary receiving pit will be excavated near the outlet at the west end to daylight the new culvert. The jack and bore equipment will be used to push 20-foot segments of smooth steel pipe into the railroad fill, with additional pipe segments welded onto the previous segment as it is driven through the railway fill material.

The completed culvert will be stabilized at both ends with small concrete headwalls within the existing embankment fill, and the drainage will be restored to align to the replacement culvert on either side. Riprap will be placed to extend 4 feet from the culvert inlet and outlet and sloped to form an apron, resulting in a new culvert structure approximately 214 feet long. The existing culvert will be grouted to abandon it in place. The new headwall aprons will extend 12 feet on either side of the proposed culvert and will permanently impact approximately 0.001 acre (43.6 square feet) of waters of the United States associated with the channel at the existing culvert 12 feet to the north.

III. Project Location

County: Butte County

Address: The Project site area is located along the UPRR railway, approximately 2.2 miles south of the intersection of State Route 70 and Pulga Road, and is not accessible by passenger vehicle.

Section 18, Township 22 North, Range 05 East, MDB&M.

Latitude: 39.7616° and Longitude: -121.4583°

Maps showing the Project location are found in Attachment A of this NOA.

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This NOA promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity are shown in Table 2 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project will impact 0.001 acre of Waters of the United States. These impacts include permanent impacts of 0.001 acre of stream channel.

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity for Permanent Impacts

Aquatic Resources Type	Acre	Cubic Yards	Linear Feet
Stream Channel	0.001	2.4	8

VI. California Environmental Quality Act (CEQA)

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 issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15302, Class 2. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as

the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

VIII. Fees Received

An application fee of \$2,417.00 was received on 11 October 2022. 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.

IX. Compensatory Mitigation

No compensatory mitigation was required for the permanent impacts due to the scope and nature of the impacts and waterbody affected. The Project proposes to improve the flow conditions and capacity of the existing drainage thereby improving water quality. To the extent feasible, the Enrollee is required to restore and stabilize the area following disturbance.

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Carson Blodow at (530) 224-4994 or Carson.Blodow@waterboards.ca.gov

Original Signed by Clint Snyder
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

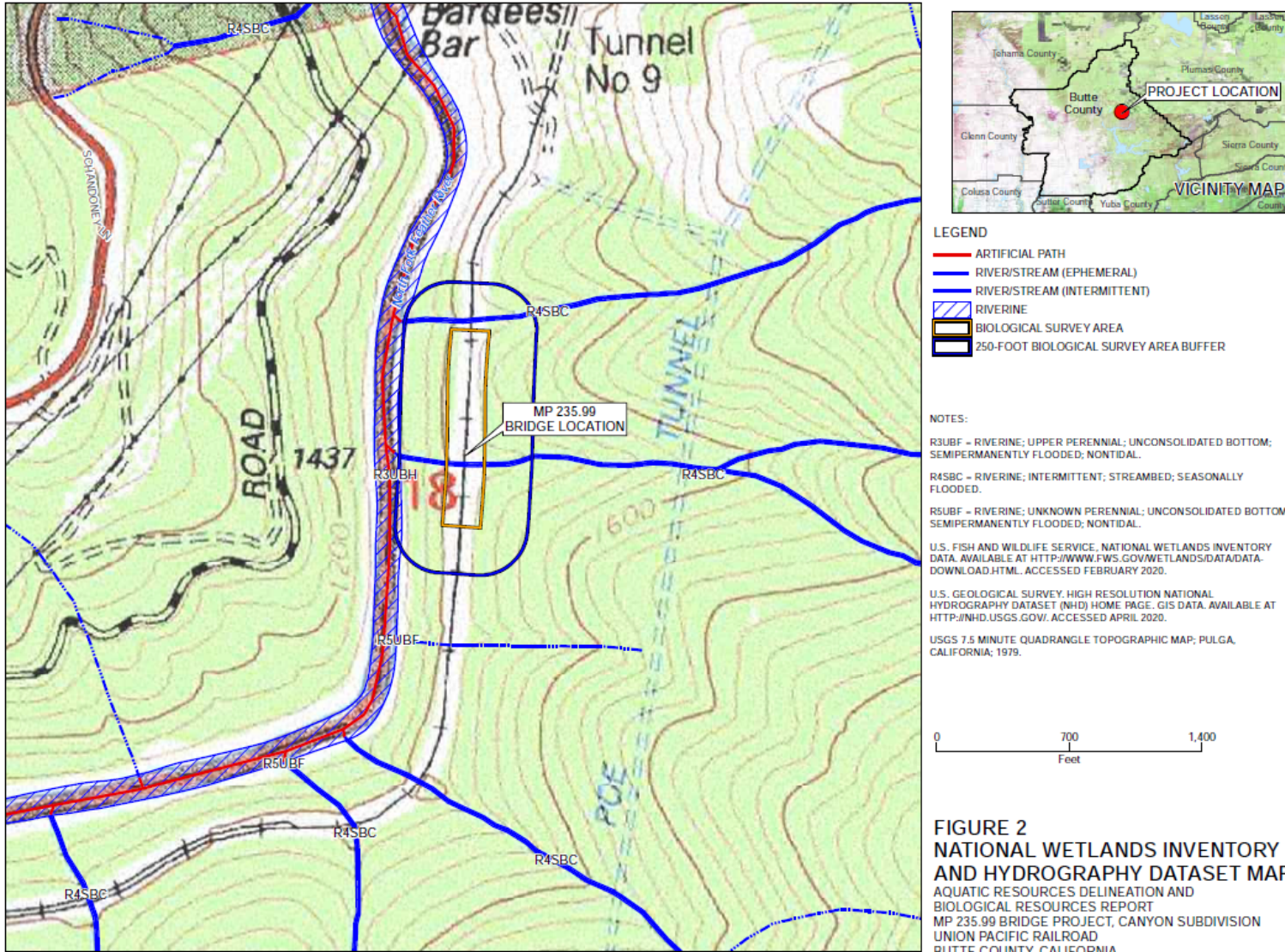
1/29/2022
Date

Enclosure: State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impact, and Mitigation Information
Attachment C - CEQA

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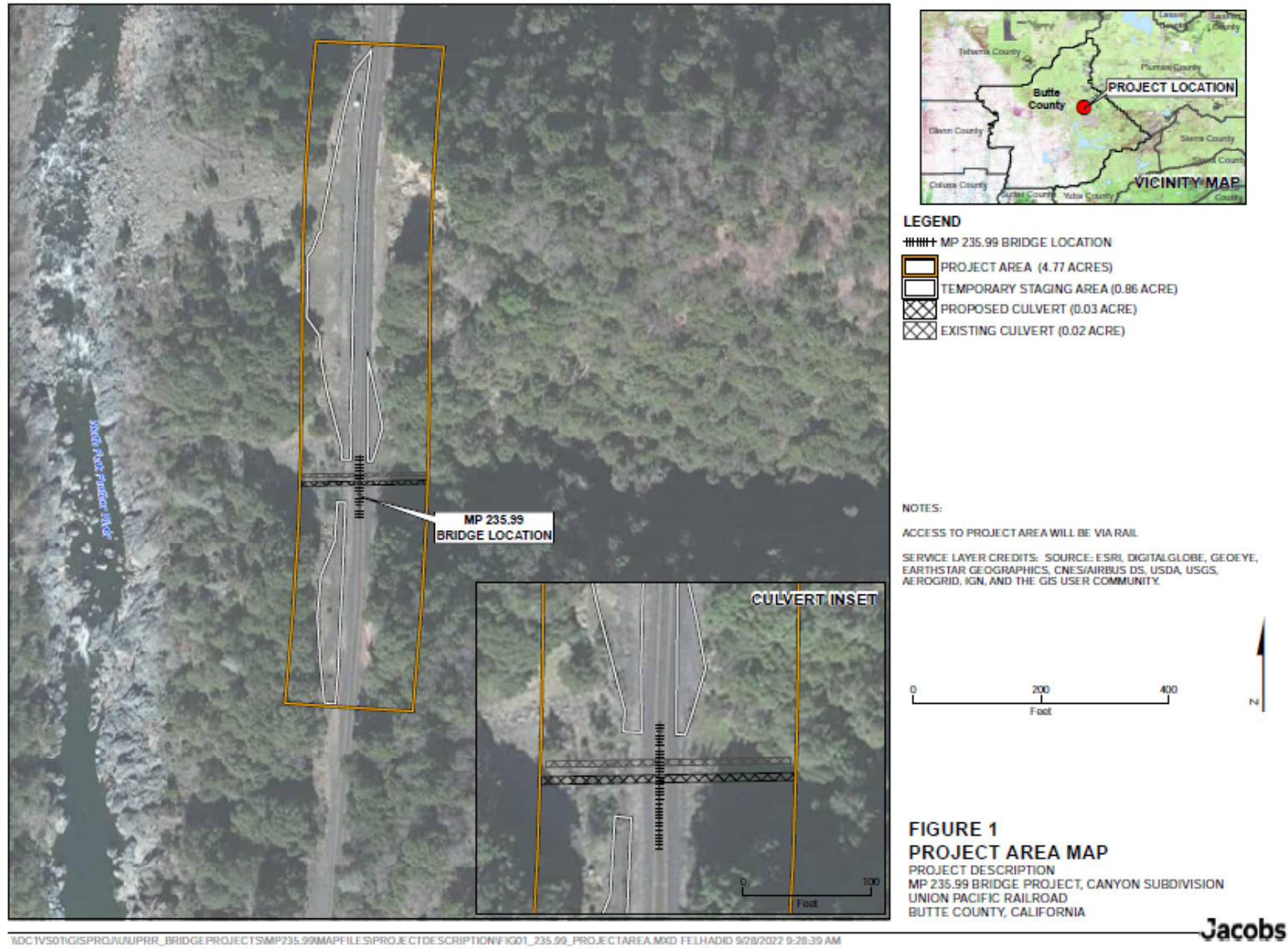
Figure 1. Project Location Map



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Figure 2. Project Impacts Map



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Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Waters Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Canyon Subdivision, Milepost 235.99 Bridge Replacement Project	Unnamed Stream	Stream	518.11	North Fork, Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Mercury, PCBs, Toxicity, Temperature	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Canyon Subdivision, Milepost 235.99 Bridge Replacement Project	39.7616°	-121.4583°	No	0.001	2.4	8

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FINDINGS FOR CEQA EXEMPT PROJECT

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 issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15302. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15062.)

DISTRIBUTION LIST

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