



Central Valley Regional Water Quality Control Board

23 January 2024

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, MILEPOST 458.78 BRIDGE
REPLACEMENT, MODOC SUBDIVISION PROJECT (WDID NO. 5A25CR00065),
MODOC COUNTY**

On 12 December 2023, Union Pacific Railroad (Applicant) filed a Notice of Intent (NOI) requesting coverage for the Milepost 458.78 Bridge Replacement, Modoc Subdivision 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 Milepost 458.78 Bridge Replacement, Modoc Subdivision 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. 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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

I. Public Notice

The Central Valley Water Board provided public notice of the application from 15 December 2023 to 5 January 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

Union Pacific Railroad inspections have identified defects indicating that routine maintenance can no longer extend the safe operational condition of Bridge 458.78. The project will replace the existing 87-foot-long Segment B with proposed 93-foot-5-inch-long Segment B in the same alignment. Proposed Segment B will consist of three prestressed concrete box (PCB) girder spans, consisting of one 34-foot, one 30-foot, and one 29-foot-5-inch PCB. The replacement structure will have a total length of 93 feet 5 inches.

Prior to construction activities, best management practices (BMPs) will be installed as needed to avoid downgradient impacts to water quality. Staging and temporary work areas will be cleared and graded for equipment access and mobility. All work will occur within the existing right-of-way except for temporary access along previously disturbed routes. The existing spans will be removed and hauled offsite.

Seven temporary 36-inch diameter x 70-foot-long corrugated metal pipe culverts will be installed under the existing bridge. Two temporary clean rock fill causeways, approximately 35-feet wide on each side of the bridge, will be installed on the temporary culverts. Pile driving will occur between the existing bridge deck and between temporary culverts.

The existing concrete sack slope protection on the east bank will remain in place. To maintain train service during construction, construction will be completed off-track and adjacent to the existing bridge structure from both sides of Bridge 458.78. Work includes driving piles for the permanent replacement segment, removing the existing bridge segment, and installing new bridge caps and girders. Temporary culverts and causeways will be removed upon successful replacement of Segment B. Following construction activities, debris will be removed, temporary work and staging areas will be restored to pre-project contours as needed, and BMPs will be removed.

III. Project Location

County: Modoc County

Nearest City: Alturas

Assessor's Parcel Number: 022-180-008-000

Section 14, Township 42 North, Range 12 East MDB&M

Latitude: 41.476679° and Longitude: -120.550876°

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, February 2019 (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 Tables 2 and 3 of Attachment B.

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

The Project will impact 0.11005 acre of Waters of the United States. These impacts include temporary impacts of 0.11 acre of stream channel and permanent impacts of 0.00005 acre of stream channel.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts are categorized as those resulting in a physical loss of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.11	35,820	90

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts.

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.00005	0.16	30

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, Replacement or Reconstruction. 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 \$2,985 was received on 12 December 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 E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

No compensatory mitigation was required due to the limited scope and nature of the impacts and the aquatic resources affected. To the extent feasible, the Permittee 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 Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

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

1/23/2024
 Date

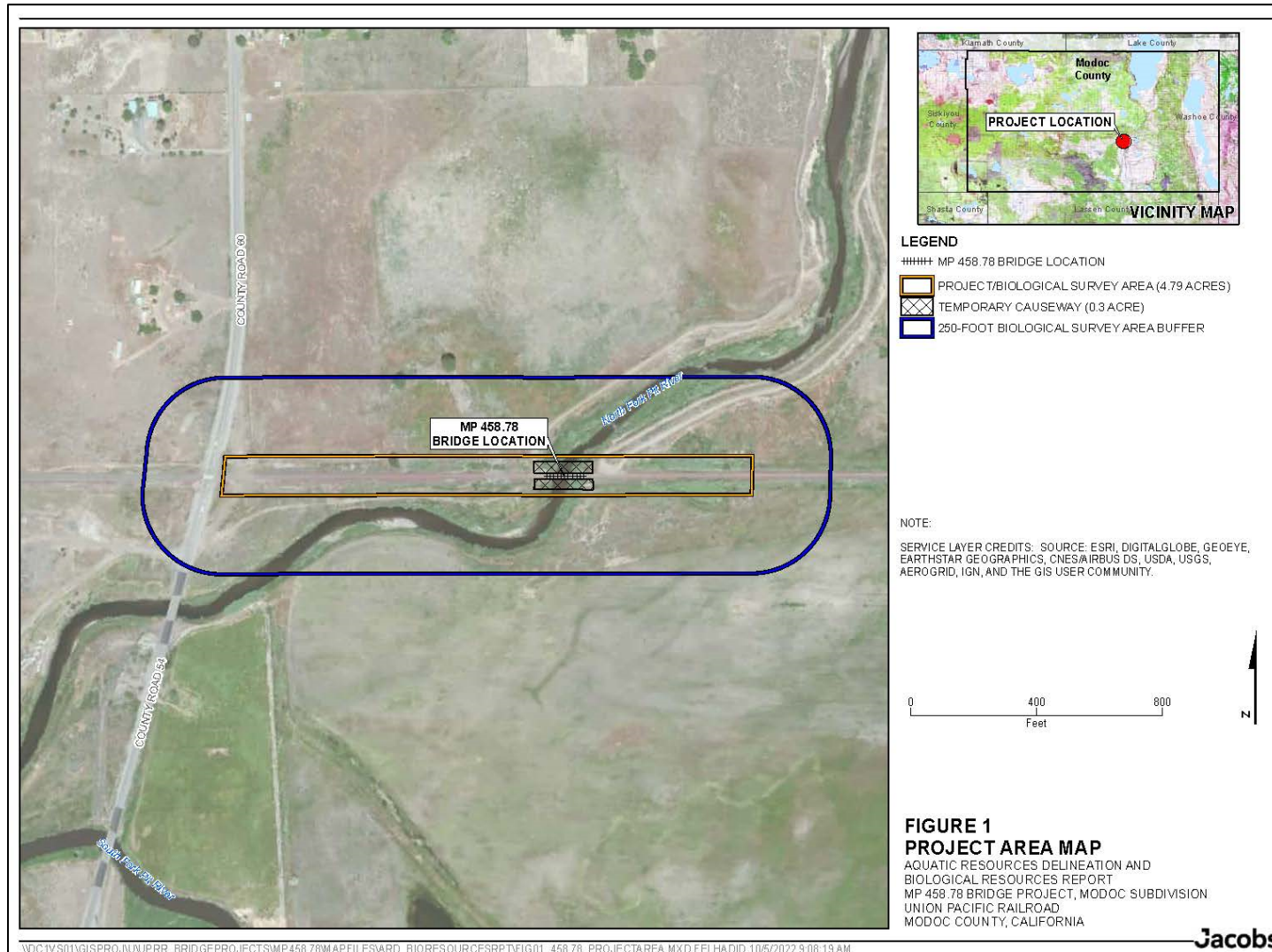
Enclosure: State Water Resources Control Board's Clean Water Act Section 401
General Water Quality Certification of Army Corps of Engineers' 2021
Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impacts, and Mitigation Information
Attachment C - CEQA Findings of Facts

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Attachment A

Figure 1: Project Location and Impact 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
Milepost 458.78 Bridge Replacement, Modoc Subdivision Project	North Fork Pit River	Stream	526.00	North Fork Pit River	MUN, AGR, REC-1, REC-2, WARM, COLD, SPWN, WILD	Aluminum, Manganese, Dissolved Oxygen, pH	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Milepost 458.78 Bridge Replacement, Modoc Subdivision Project	41.476679°	-120.550876°	No	0.11	35,820	90

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Milepost 458.78 Bridge Replacement, Modoc Subdivision Project	41.476679°	-120.550876°	No	0.00005	0.16	30

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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, Replacement or Reconstruction, which 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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