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## Central Valley Regional Water Quality Control Board

17 July 2024

Stephen Cheney  
Union Pacific Railroad  
1400 Douglas Street, Stop 0910  
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 (UPRR), UPRR CANYON SUBDIVISION MILE POST 255.26 CULVERT REPLACEMENT PROJECT (WDID NO. 5A32CR00245), PLUMAS COUNTY**

On 21 May 2024, Union Pacific Railroad (Applicant) filed a Notice of Intent (NOI) requesting coverage for the UPRR Canyon Subdivision Mile Post 255.26 Culvert 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 UPRR Canyon Subdivision Mile Post 255.26 Culvert 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 (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](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 If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

## I. Public Notice

The Central Valley Water Board provided public notice of the application from 24 May 2024 to 14 June 2024. The Central Valley Water Board did not receive any comments during the comment period.

## II. Project Description

The purpose of the proposed project is to continue and improve freight and passenger rail service in the region by replacing the existing structure that has outlived its useful life. The Enrollee proposes to replace the existing 54-foot-long, 48-inch-diameter, corrugated metal pipe culvert with a 60-inch-diameter, 60-foot-long, smooth steel pipe culvert. Construction will occur within an existing UPRR right-of-way (ROW) extending 100 feet to both sides of the track alignment (200 feet total ROW width). The Project limits include the existing and proposed replacement culvert structures, access route, and staging areas on all four corners of the proposed structure within the UPRR ROW. The existing culvert conveys surface flow for an unnamed intermittent stream, designated as Water-1, under the rail embankment. Water-1 flows to the North Fork Feather River, a tributary to the Feather River.

Proposed activities within Water-1 include the placement of permanent fill material for the riprap aprons, temporary excavation for the bore pit, and temporary workspace. The new culvert structure will be installed using jack and bore methods and will be located approximately 12 feet west of the existing culvert. A cast-in-place concrete headwall will be constructed at the new culvert inlet, and rock aprons consisting of Class 2 riprap will be installed at the new culvert inlet and outlet. Jack and bore equipment will be placed on the upgradient (south) side of the proposed structure in a temporarily excavated pit to install the new culvert. The existing culvert will be filled and abandoned in place.

The permanent impacts of 0.0049 acre to Water-1 are associated with the proposed riprap aprons. Temporary impacts to Water-1 include 0.004 acre of excavation associated with the bore pit, and 0.007 acre for temporary workspace. No wetlands were identified within the Project limits. Riparian vegetation was identified within the Project limits upstream of the culvert inlet; however, no impacts to riparian vegetation will occur. Vegetation trimming and removal will be avoided as much as possible.

The proposed project is not anticipated to include dewatering and will be limited from July 15 to October 15 when flow in Water-1 is expected to be low or non-existent and the likelihood of encountering foothill yellow-legged frog (*Rana boylei*) is minimized. If dewatering becomes necessary, the contractor will determine the means and methods for any dewatering and will obtain a WDR Permit for any dewatered surface water discharged to land or an NPDES Dewatering Permit for any dewatered surface water discharged to surface waters. The contractor will be instructed to containerize, treat, and properly dispose off-site any dewatered surface water. Concrete will be poured for the cast-in-place inlet headwall. Contact

between surface water and green concrete for the proposed cast-in-place headwall will be avoided. The length of the Project as measured along the railroad tracks is approximately 1,750 linear feet.

### III. Project Location

County: Plumas County

Nearest City: Rodgers Flat

Section 02, Township 24 North, Range 06 East, MDB&M.

Latitude: 39.958027° and Longitude: -121.281064°

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/](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

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 Impacts<sup>1</sup>**

Aquatic Resources Type	Acre	Cubic Yards	Linear Feet
Stream Channel	0.011	15	25

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

Aquatic Resources Type	Acre	Cubic Yards	Linear Feet
Stream Channel	0.0049	12	26

**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 \$2,985.00 was received on 23 May 2024. 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

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<sup>1</sup> 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.

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](mailto:Carson.Blodow@waterboards.ca.gov).

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

7/17/2024  
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, Impact, and Mitigation Information  
Attachment C - CEQA

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Figure 1. Project Location Map

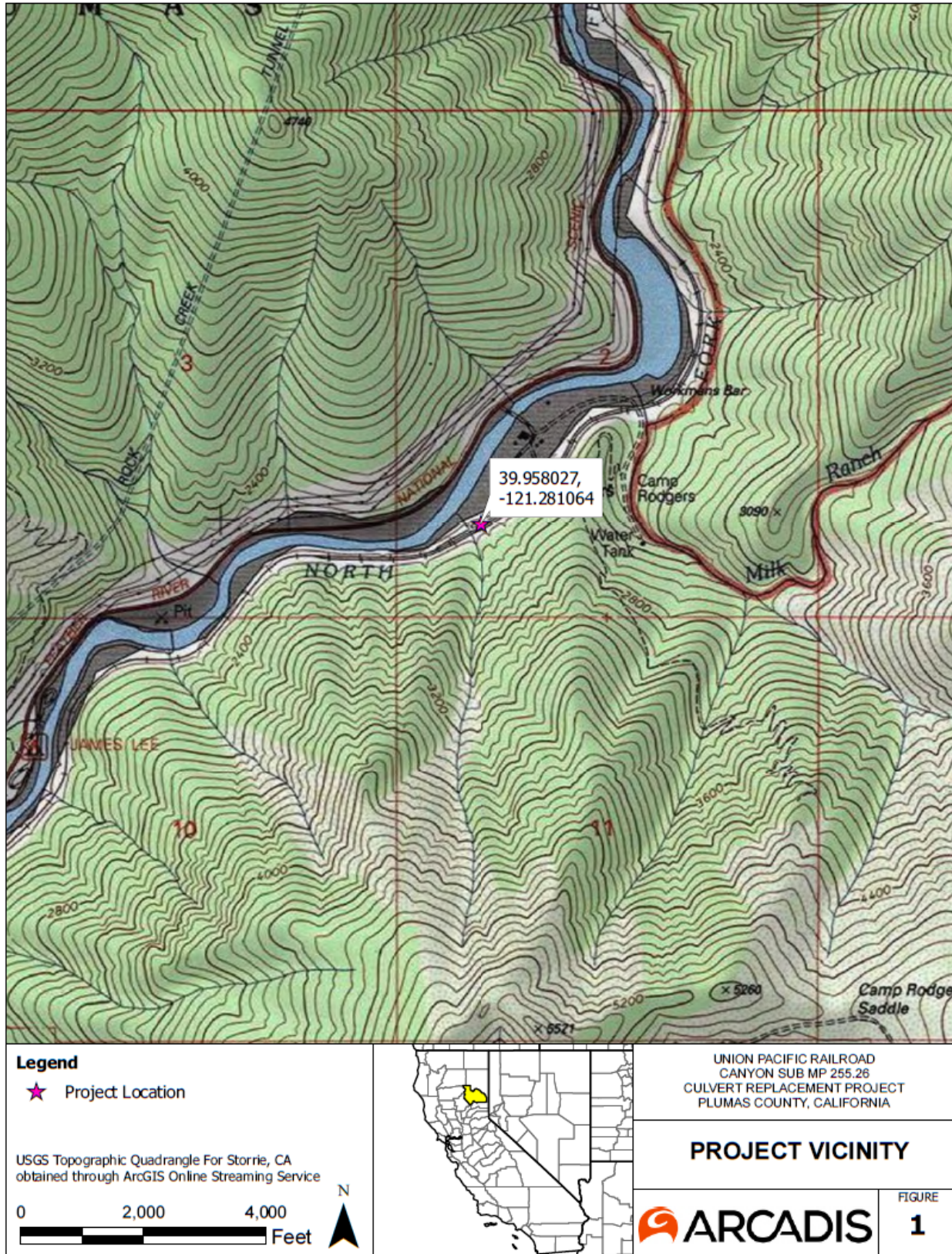
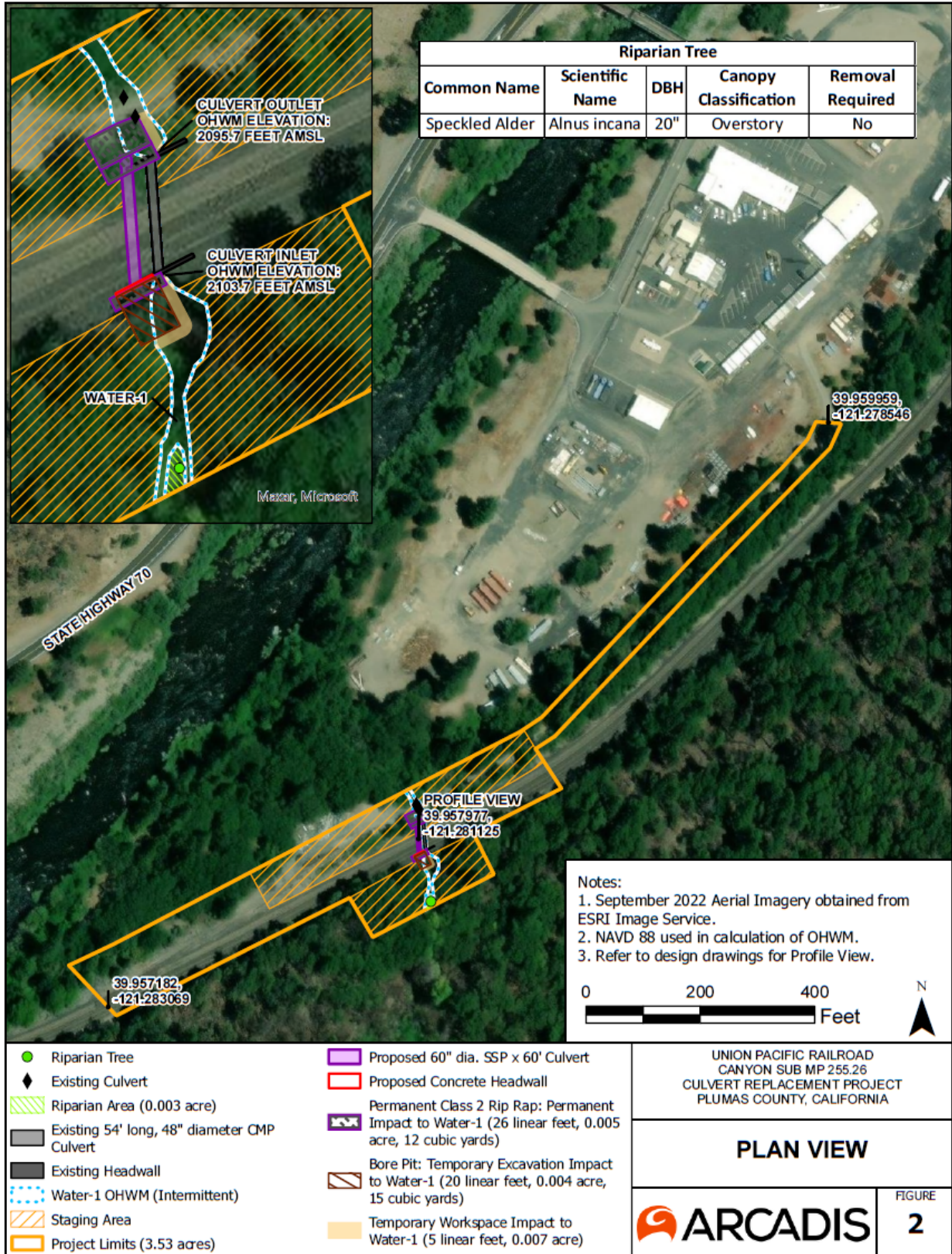




Figure 2. Project Impacts Map





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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
Water-1	Unnamed	Stream	518.42	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Mercury, PCBs, Temperature, Toxicity	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
Water-1	39.958027°	-121.281064°	No	0.011	15	25

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Water-1	39.958027°	-121.281064°	No	0.0049	12	26



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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. 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

United States Environmental Protection Agency  
Region 9, San Francisco  
[R9cwa401@epa.gov](mailto:R9cwa401@epa.gov)

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State Water Resources Control Board  
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