

## Central Valley Regional Water Quality Control Board

6 June 2023

Javed Iqbal  
California Department of Transportation  
1031 Butte Street, MS 93  
Redding, CA 96001

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER; CALIFORNIA DEPARTMENT OF TRANSPORTATION, DIBBLE CREEK CAPM PROJECT EA 02-4H020 (WDID NO. 5A52CR00228A1), TEHAMA COUNTY**

This Order responds to the 9 May 2023 request for an amendment of the Dibble Creek CAPM Project EA 02-4H020 (WDID No. 5A52CR00228). The original Water Quality Certification (Certification) was issued on 18 April 2023. The requested amendment is hereby approved, and the original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

California Department of Transportation is requesting an amendment to the Section 401 Water Quality Certification and Order for an increase in permanent impacts to waters of the state and a change in the compensatory mitigation requirements. Therefore, Section IV; Section VII, Table 2; Section XIV.K.3; Section XIV, Table 4; Attachment A, Figure 2; and Attachment B, Table 3 are amended in underline format below.

#### **IV. Project Description**

A total of seven culverts located on SR 36 will be replaced, and/or improved as part of the proposed Project. Two culverts out of the seven are located within jurisdictional drainages and are covered under this Order. The other five culverts are either non-jurisdictional or will be replaced in kind and, therefore, exempt under CWA section 404(f). The two drainages that are covered under this Order are known as TEH-36-20.13 and TEH-36-32.41.

##### TEH-36-20.13 Project Summary

A section of culvert that is 35.54 feet long and has a diameter of 24 inches will be removed and replaced by a culvert that is 49.39 feet-long and has a diameter of 24 inches. This will occur because the current culverts at this location consist of two unconnected complexes, with a three-foot gap between them. The increase in length will allow for there to be one culvert that is fully connected.

At the outlet of this culvert, 0.007 acres of rock slope protection (RSP) will be placed, consisting of 0.005 acre placed below the ordinary high water mark (OHWM) and 0.002 acre placed above the OHWM. At the inlet, 0.006 acre of RSP will be placed below the OHWM.

One section of culvert which is 150 feet long and has a diameter of 24 inches will be lined. This will decrease the diameter of this section of culvert by 2 inches and is considered as replacement in kind.

A concrete ditch will be installed that will transport road run-off into the outlet at this location. No riparian vegetation is present, and the structure will not impact any area below the OHWM; therefore, construction will not result in jurisdictional impacts.

TEH-36-32.41 Project Summary

RSP will be placed at the inlet of the concrete culvert at this location; 0.002 acre of RSP will be placed below the OHWM and 0.008 acre will be placed above the OHWM. The only work that will occur to the culvert is the repair of the concrete joints, which will not impact any jurisdictional features.

**VII. Description of Direct Impacts to Waters of the State**

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 in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

| Aquatic Resources Type | Acres  | Cubic Yards | Linear Feet |
|------------------------|--------|-------------|-------------|
| Stream Channel         | 0.0026 |             | 185.54      |

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

| Aquatic Resources Type | Acres         | Cubic Yards | Linear Feet |
|------------------------|---------------|-------------|-------------|
| Stream Channel         | <u>0.0136</u> | <u>57</u>   | <u>85</u>   |

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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.

**XIV.K.3 Total Required Compensatory Mitigation**

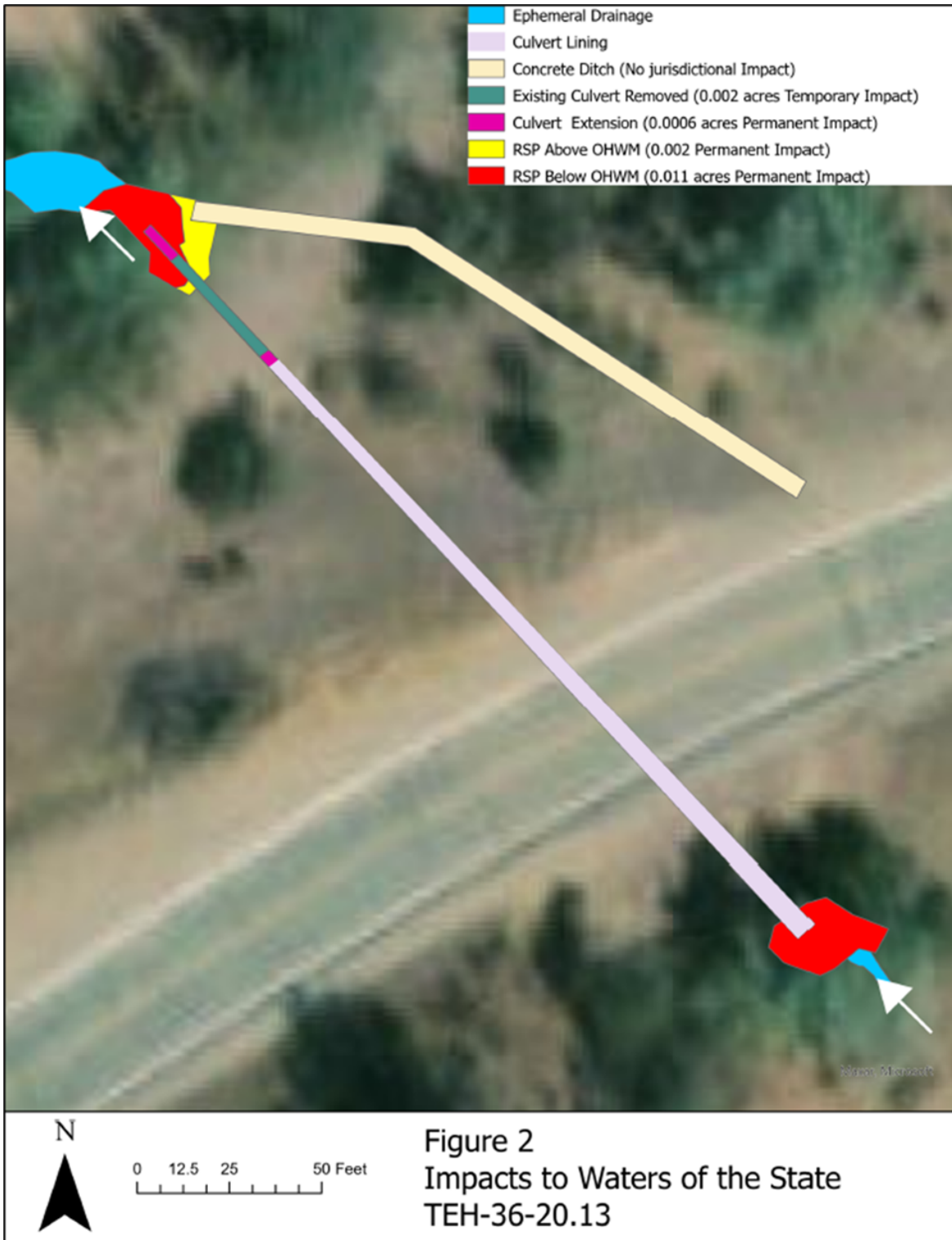
- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.0136 acre of Stream Channel Habitat by purchasing 0.01 Aquatic Resource Credit from the National Fish and Wildlife Foundation’s (NFWF)’s Sacramento District California In-Lieu Fee Program in the Northeast Sacramento River Watershed Service Area.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 4: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

| Aquatic Resource Type | Mitigation Type     | Units  | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|-----------------------|---------------------|--------|------|---------|------|------|-------|---------|
| Stream Channel        | In-Lieu Fee Credits | Credit |      |         |      |      |       | 0.01    |

**Attachment A**

Updated Figure 2: Project Impacts Map EA 02-4H020



**Attachment B**

**Individual Direct Impact Locations**

The following tables show individual impacts.

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

| Impact Site ID | Latitude  | Longitude   | Indirect Impact Requiring Mitigation? | Acres         | Cubic Yards | Linear Feet |
|----------------|-----------|-------------|---------------------------------------|---------------|-------------|-------------|
| TEH-36-20.13   | 40.27243° | -122.54314° | No                                    | <u>0.0116</u> |             | <u>65</u>   |
| TEH-36-32.41   | 40.21996° | -122.36532° | No                                    | 0.002         |             | 20          |

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations.

**In-Lieu Fee Compensatory Mitigation Information**

**Table 4: In-Lieu Fee Program**

|  |  |
|--|--|
| In-Lieu Fee Program Name:              | National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program  |
| Website:                               | <a href="https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program">Sacramento District California In-Lieu Fee Program   NFWF</a><br>( <a href="https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program">https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program</a> ) |
| In-Lieu Fee Program Contact Name:      | Heather Hoyles   |
| Phone:                                 | (415) 243-3105   |
| Email:                                 | <a href="mailto:heather.hoyles@nfwf.org">heather.hoyles@nfwf.org</a>   |
| In-Lieu Fee Program Location - County: | Northeast Sacramento River Watershed Service Area  |
| Latitude:                              | Not Applicable   |
| Longitude:                             | Not Applicable   |

**Table 5: Mitigation Type Information**

| Aquatic Resource Credit Type | Acres | Linear Feet | Number of Credits Purchased |
|------------------------------|-------|-------------|-----------------------------|
| Aquatic Resource Credit      | 0.01  |             | Not Yet Purchased           |

**AMENDMENT FEE RECEIVED:**

An amendment fee of \$2,734.00 was received on 18 May 2023. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as Category G – Amended Orders with the dredge and fill fee calculator.

**CENTRAL VALLEY WATER BOARD CONTACT:**

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(530) 224-4848

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act Section 401 Water Quality Certification and Order for Dibble Creek CAPM Project EA 02-4H02 (WDID No. 5A52CR00228A1). All other conditions and provisions of the original Water Quality Certification remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

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

6/6/2023  
Date

DLW: db

cc via  
email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Sara J. Hatch, U.S. Army Corps of Engineers, Sacramento  
Richard Lis, California Department of Fish and Wildlife, Region 1, Redding  
Michael Maples, California Department of Transportation, Marysville