



Central Valley Regional Water Quality Control Board

25 October 2023

Gerald Snow
California Department of Water Resources
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**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY
CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT
OF WATER RESOURCES, DELTA DAMS RODENT BURROW REMEDIATION
PROJECT (WDID#5B07CR00246A1), CONTRA COSTA COUNTY**

This Order responds to the 3 October 2023 request for an amendment of the Delta Dams Rodent Burrow Remediation Project (Project) Section 401 Water Quality Certification (WDID#5B07CR00246). The original Water Quality Certification (Certification) was issued on 27 September 2022. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

The California Department of Water Resources is requesting an update to the compensatory mitigation requirement by purchasing compensatory mitigation credits from the Cayetano Creek Mitigation Bank instead of the In-Lieu Fee Program because the California Department of Fish and Wildlife is not allowing impacts associated with their 1600 Lake and Streambed Alteration Agreement to be mitigated through the In-Lieu Fee Program. The United States Army Corps of Engineers also authorized purchase of riparian credits from Cayetano Creek Mitigation Bank on 21 September 2023.

The Certification is amended as shown below:

The Permittee is required to provide compensatory mitigation for the authorized impact to 0.17 acre of stream channel by purchasing 0.59 acre of riparian enhancement credit from Cateyano Creek Mitigation Bank. The habitat provided at Cateyano Creek Mitigation Bank represents a higher quality habitat compared to the impacted resources at the Project, which currently consists of unvegetated open water.

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

Table 3: 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
Riparian Zone	Mitigation Bank Credits	Acres				0.59		

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees were sent in multiple payments and the total of \$3,662.00 for the original Certification was received on 21 September 2022. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Delta Dams Rodent Burrow Remediation Project (WDID#5B07CR00246A1). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments 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 Anne Walters for:
Patrick Pulupa
Executive Officer

cc: Distribution List, page 3

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