
Central Valley Regional Water Quality Control Board

13 August 2021

John A. Bonadelle
Bonadelle Neighborhoods
7030 N. Fruit, #101
Fresno, CA 93711

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BONADELLE NEIGHBORHOODS, DOG CREEK CULVERT FOR TRACT NO. 6304 PROJECT (WDID NO. 5B10CR00104A1), FRESNO COUNTY

This Order responds to the 13 July 2021 request for an amendment of the Dog Creek Culvert for Tract No. 6304 (Project) Section 401 Water Quality Certification (WDID No. 5B10CR00104). The original Water Quality Certification (Certification) was issued on 14 May 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

This amendment is not valid until and unless an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE).

AMENDMENT:

Bonadelle Neighborhoods (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order to revise the compensatory mitigation requirements for aquatic resource type, quantity, and location. Specifically, the mitigation location will change from in-lieu fee program to a mitigation bank, wetland credits will be purchased to satisfy the impacts for stream channel, and the mitigation ratio will be lower than the original certification. Therefore, Section XIII.K and Table 3 are amended in underline format below. In addition, Table 3 and 4 have been amended in Attachment B.

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

- 1. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**
 - a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of impacts to waters of the state.
 - b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

- 2. Total Required Compensatory Mitigation**
 - a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.22 acre of stream channel by purchasing 0.22 seasonal wetland aquatic resources credits. Required credits shall be purchased from the Grasslands Mitigation Bank.
 - b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.06 acre of wetland by purchasing 0.06 seasonal wetland aquatic resources credits. Required credits shall be purchased from the Grasslands Mitigation Bank.
 - c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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
Wetland	<u>Mitigation Bank</u>	Acres		<u>0.28</u>				

Attachment B

Compensatory Mitigation Information

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

Mitigation Bank Compensatory Mitigation Information

Table 3: Mitigation Bank

<u>Mitigation Bank</u> Name:	<u>Grasslands Mitigation Bank</u>
Website:	https://wesmitigation.com/cabanks/grasslands-mitigation-bank/
Watershed Service Area:	<u>EPA level III ecoregion (California Central Valley) within the HUCs 180400 and 180300</u>
<u>Mitigation Bank</u> Contact Name:	<u>Travis Hemmen</u>
Phone:	<u>916-646-3644</u>
Email:	themmen@westervelt.com
<u>Mitigation Bank</u> Location - County:	<u>Merced</u>
Latitude:	<u>TBD</u>
Longitude:	<u>TBD</u>

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Required to Purchase
Wetland	<u>0.28</u>		<u>0.28</u>

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$5,156.00 for the original Certification were received on 21 April 2021. 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:

Brandon Salazar, Water Resource Control Engineer
1685 E Street
Fresno, CA 93706
Brandon.Salazar@waterboards.ca.gov
(559) 445-6278

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Dog Creek Culvert for Tract No. 6304 Project (WDID#5B10CR00104A1). 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 Clay L. Rodgers for:
Patrick Pulupa
Executive Officer

cc: [Via email only]

United States Army Corps of Engineers
Sacramento District Headquarters
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

United States Environmental Protection Agency
Region 9
R9cwa401@epa.gov

Patricia Cole
United States Fish & Wildlife Service
patricia_cole@fws.gov

California Department of Fish and Wildlife, Region 4
R4LSA@wildlife.ca.gov

Bonadelle Neighborhoods
Dog Creek Culvert for Tract No. 6304

13 August 2021

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401@waterboards.ca.gov

Stan Harbour
Harbour & Associates
stanley@harbour-engineering.com