

Central Valley Regional Water Quality Control Board

Khalid Dahir
California Department of Transportation
2015 E. Shields Ave., Suite 100
Fresno, CA 93726

7 October 2022

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION RANCHOS REHABILITATION PROJECT (WDID NO. 5B20CR00116A1), MADERA COUNTY

This Order responds to the 7 September 2022 request for an amendment of the Ranchos Rehabilitation Project (Project) Section 401 Water Quality Certification (WDID No. 5B20CR00116). The original Water Quality Certification (Certification) was issued on 20 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 an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE) or it is otherwise determined by USACE that an amendment of the 404 Permit is unnecessary.

AMENDMENT:

California Department of Transportation (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order for revising the impact quantities to waters of the state and for modifying the compensatory mitigation requirements for both temporary and permanent impacts. Therefore, Section VII; Section XIII.J., Section XIII.K., are amended in underline format below. In addition, the impact maps in Attachment A, and Tables 1 through 5 in Attachment B have been updated.

Section VII

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			

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.

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	0.005		
Vernal Pool	<u>0.543</u>		
Wetland	<u>0.486</u>		

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	<u>0.012</u>		
Vernal Pool	<u>0.126</u>		
Wetland	<u>0.14</u>		

Section VIII.

J. Mitigation for Temporary Impacts

Table 3: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres			0.005			
Wetland	Permittee Responsible	Acres			<u>0.486</u>			
Vernal Pool	Permittee Responsible	Acres			<u>0.543</u>			

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 within 90 days after 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 0.012 acre of stream channel by purchasing 0.01 Aquatic Resource Credits in the San Joaquin River Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.
- b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.14 acre of wetland by purchasing 0.28 Aquatic Resource Credits in the San Joaquin River Aquatic Resource Watershed Service Area. Required credits shall be purchased from the NFWF's Sacramento District California In-Lieu Fee Program.
- c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.126 acre of vernal pool by purchasing 0.26 Vernal Pool Credits in the Southern Sierra Foothill Vernal Pool Service Area. Required credits shall be purchased from the (NFWF)'s Sacramento District California In-Lieu Fee Program.
- d. 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	Acres						<u>0.012</u>
Wetland	In-Lieu Fee Credits	Acres						<u>0.28</u>
Vernal Pool	In-Lieu Fee Credits	Acres						<u>0.26</u>

ATTACHMENT A: UPDATED PROJECT IMPACTS MAPS

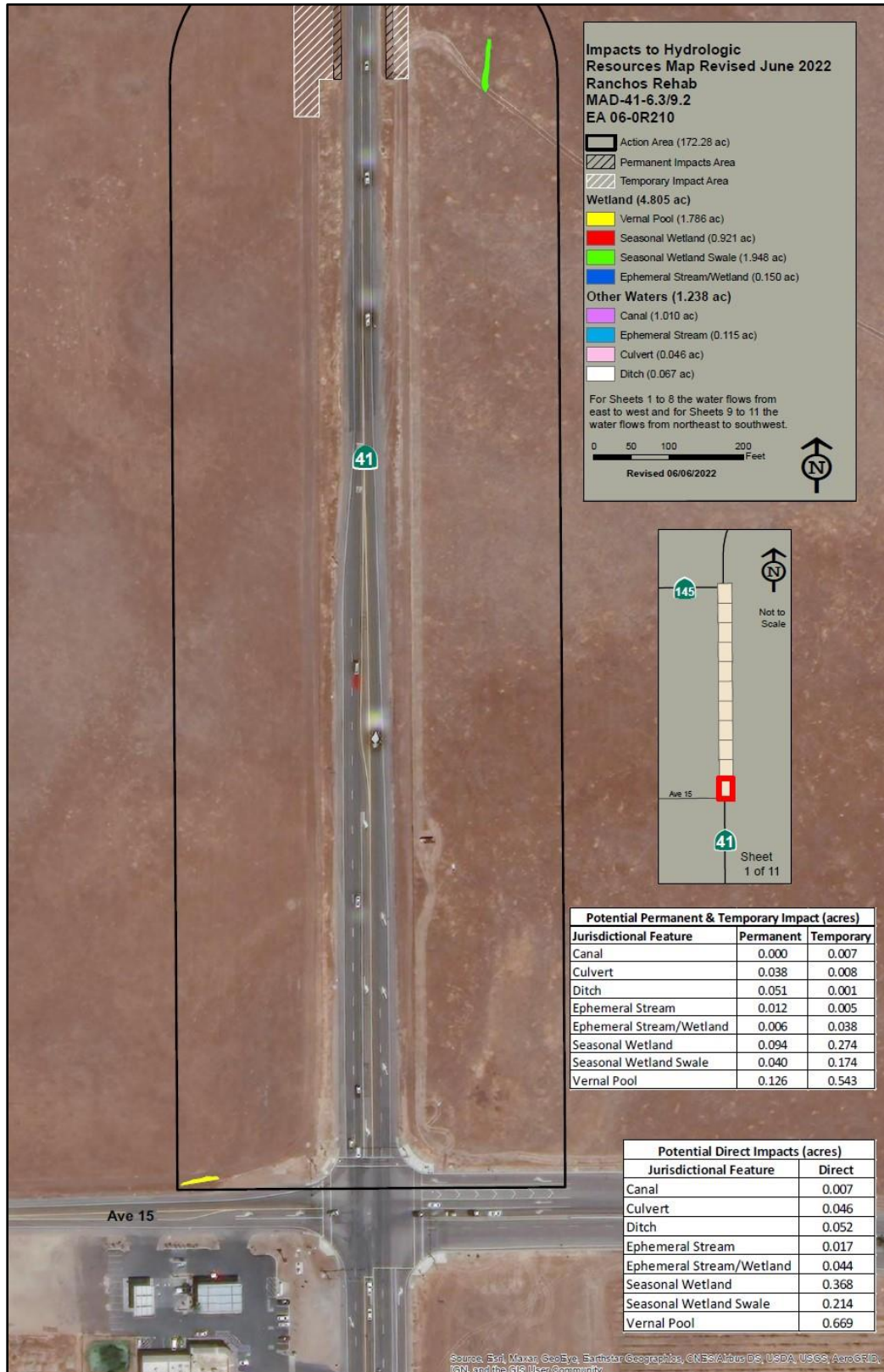


Figure 1: Impact Map 1

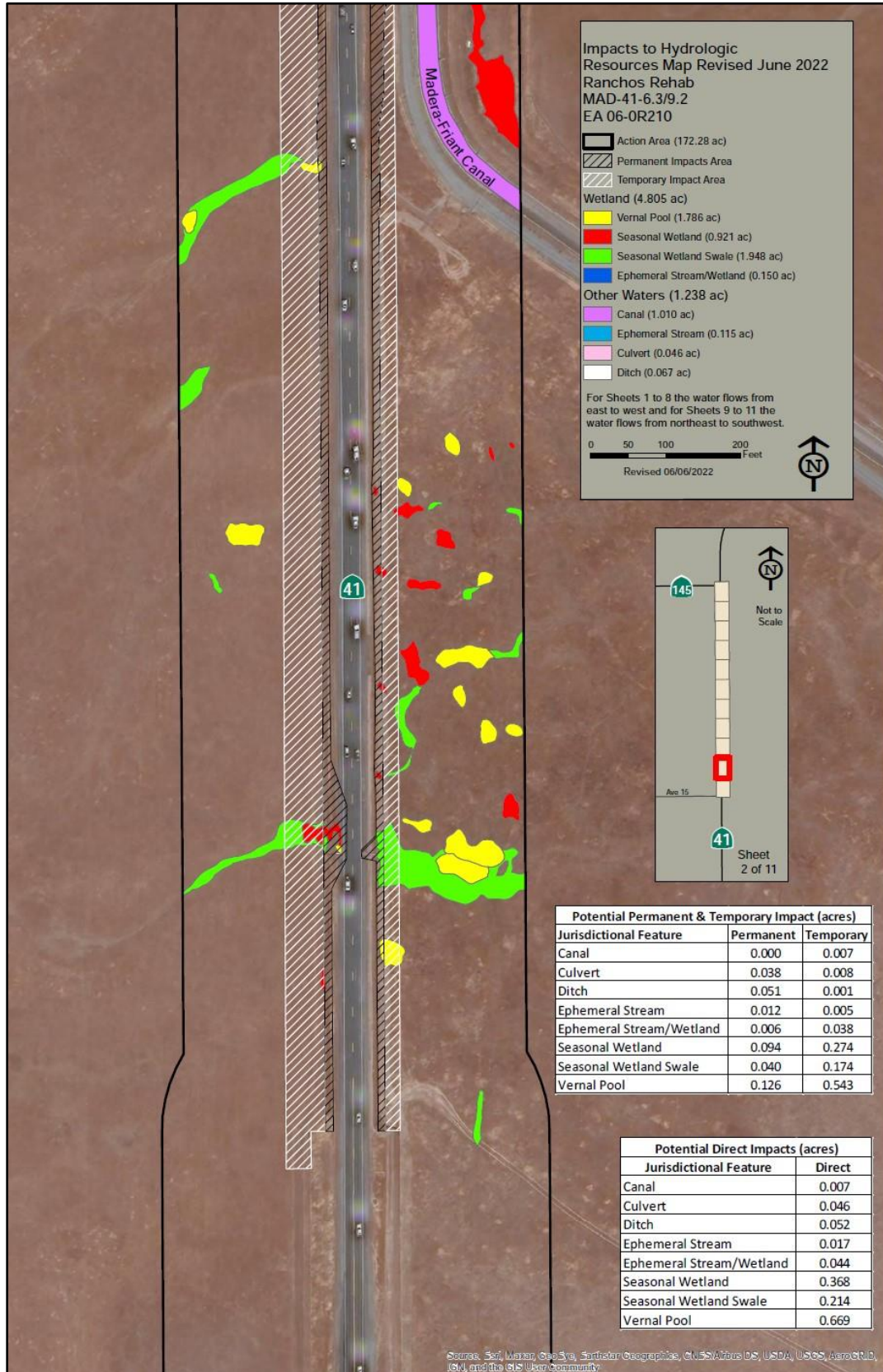


Figure 2: Impact Map 2

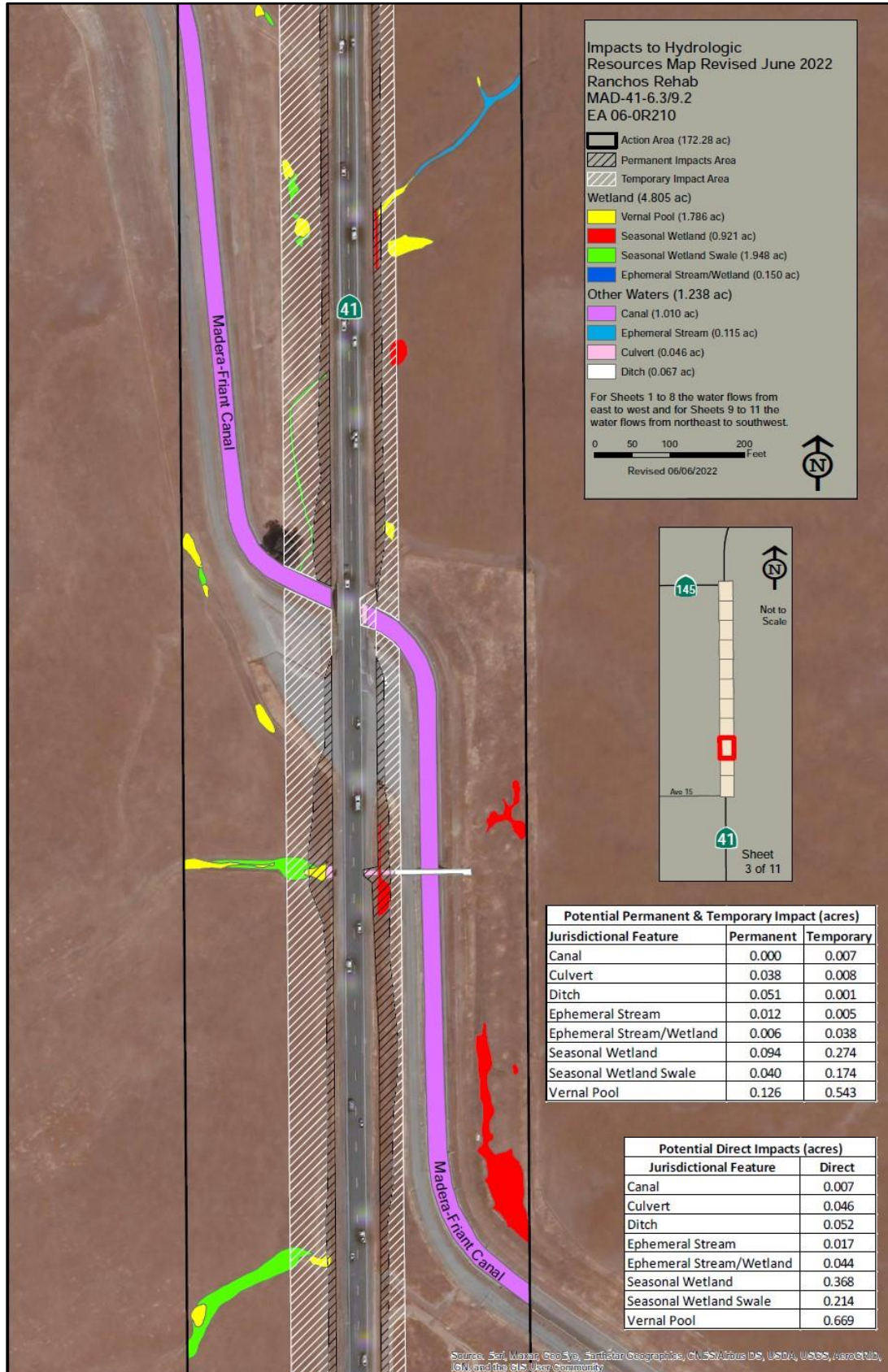


Figure 3: Impact Map 3

Source: Soil, Water, Geo Sys, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

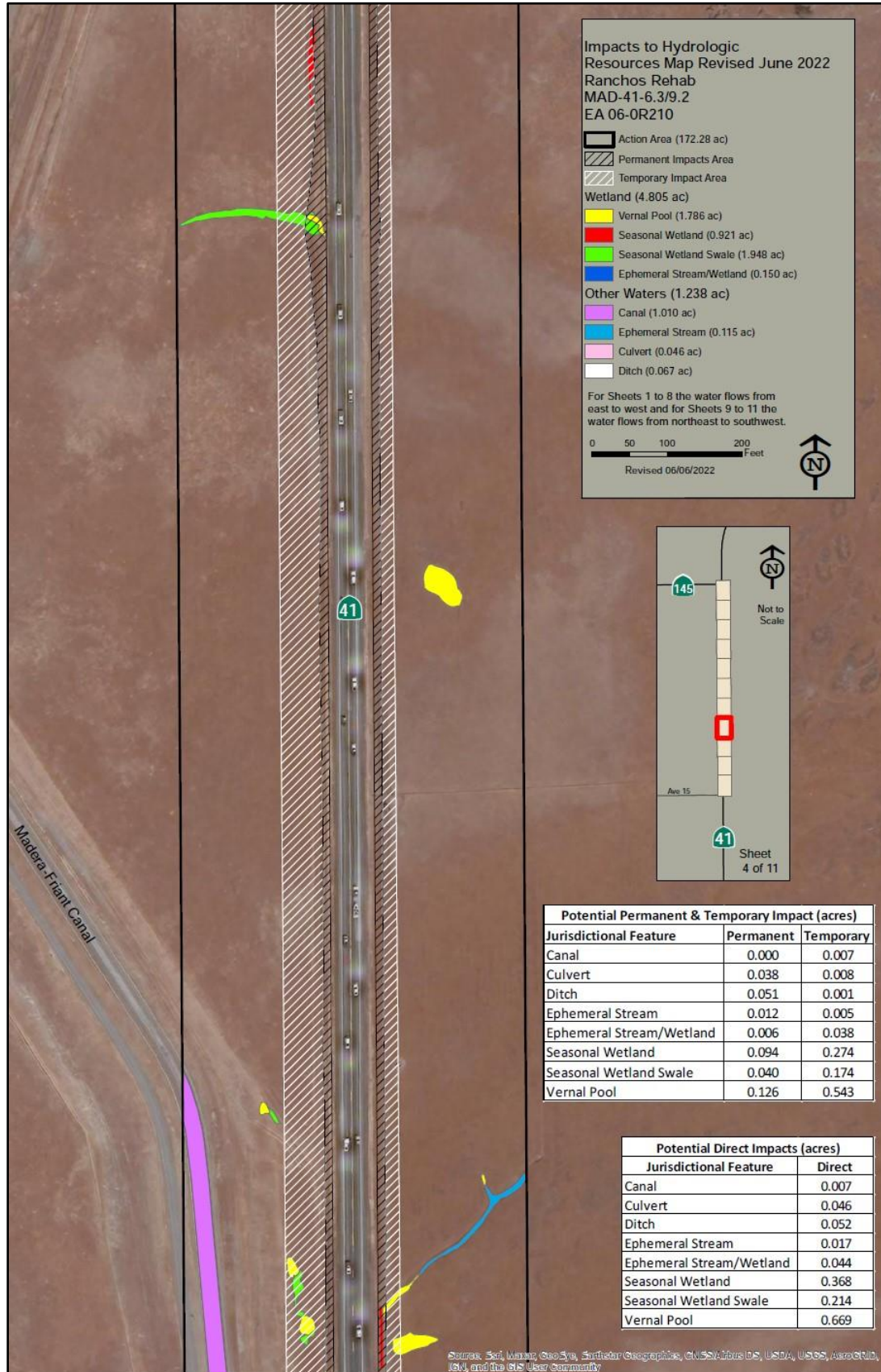


Figure 4: Impact Map 4

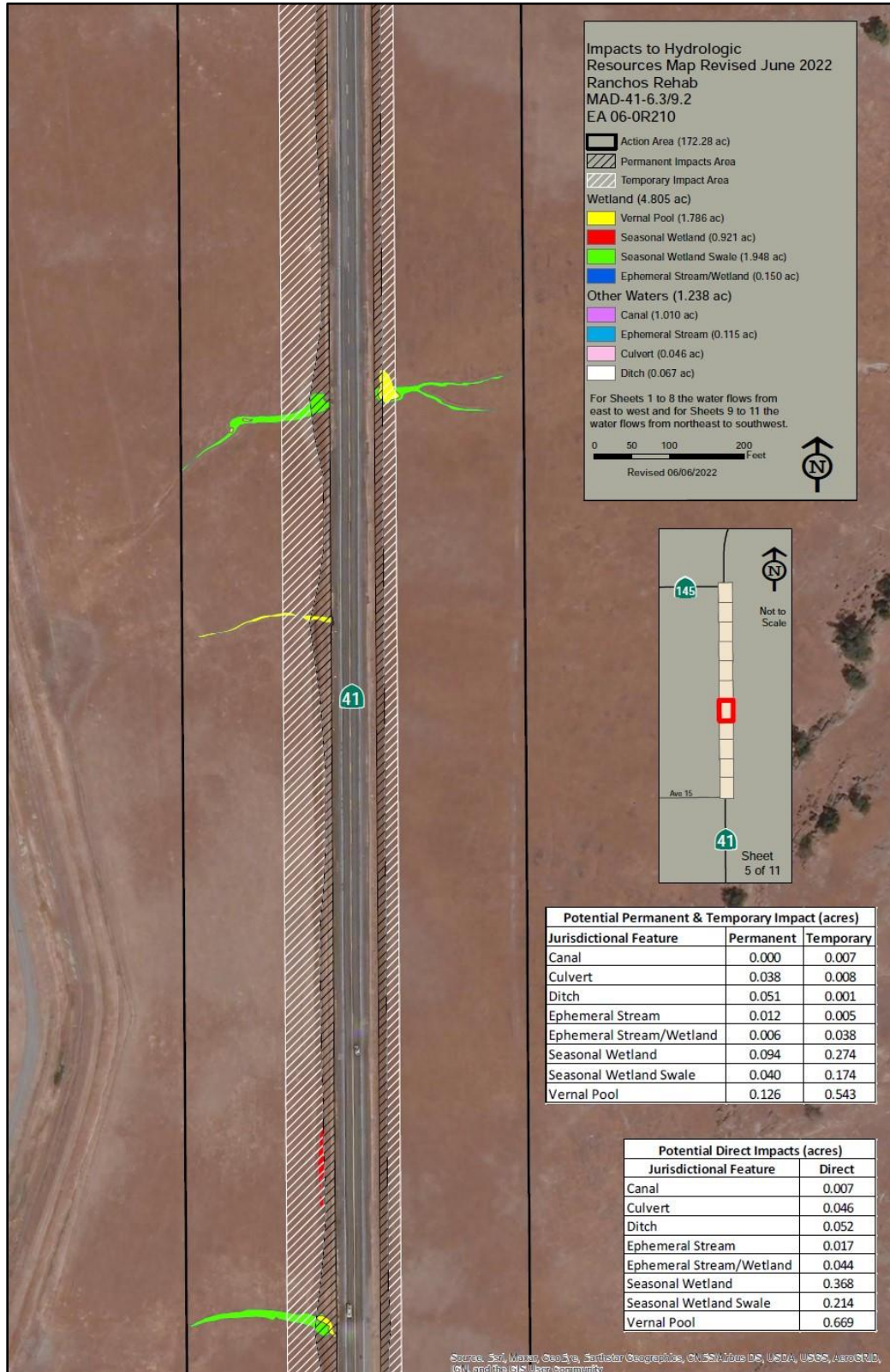


Figure 5: Impact Map 5

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

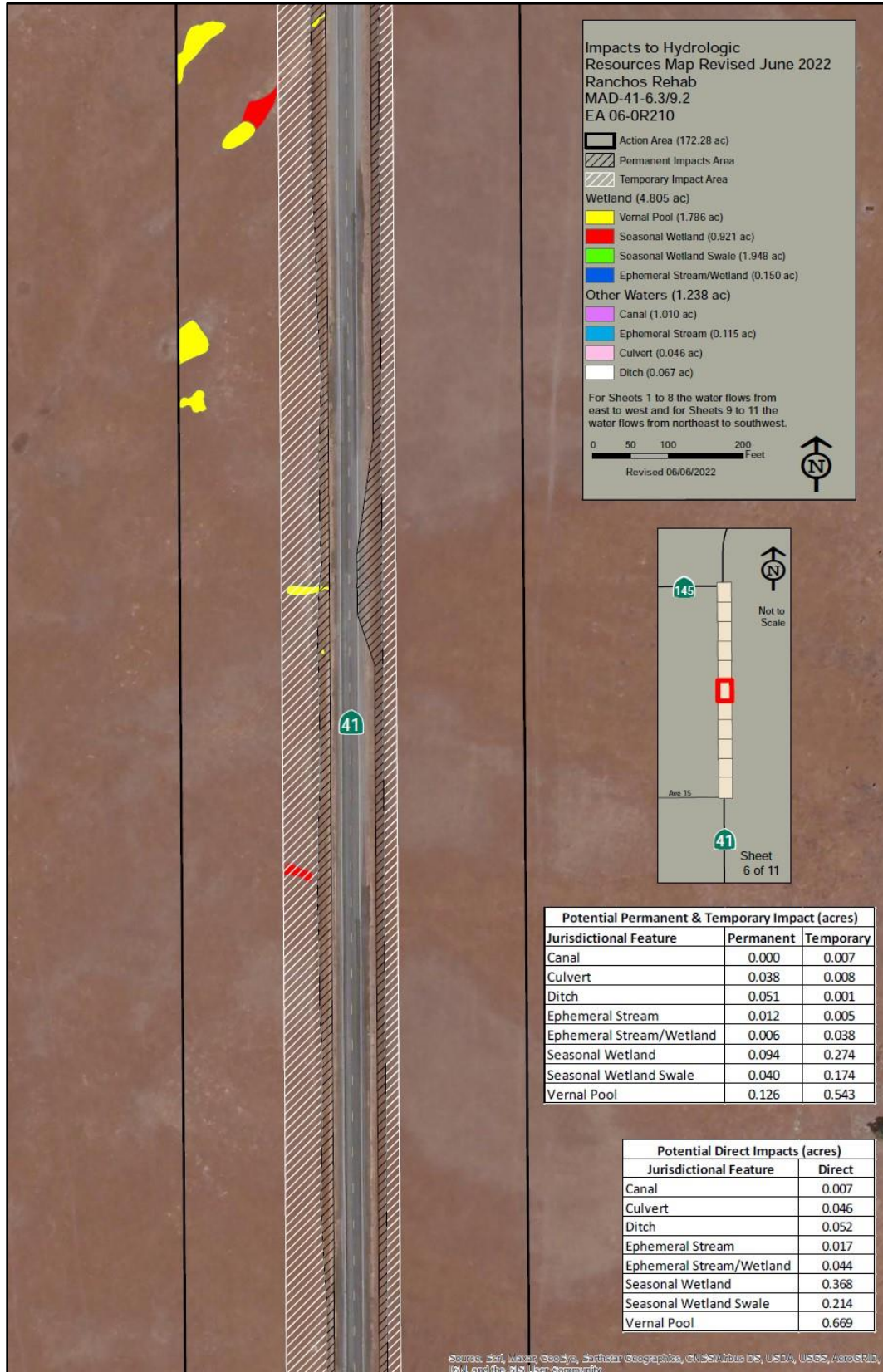


Figure 6: Impact Map 6

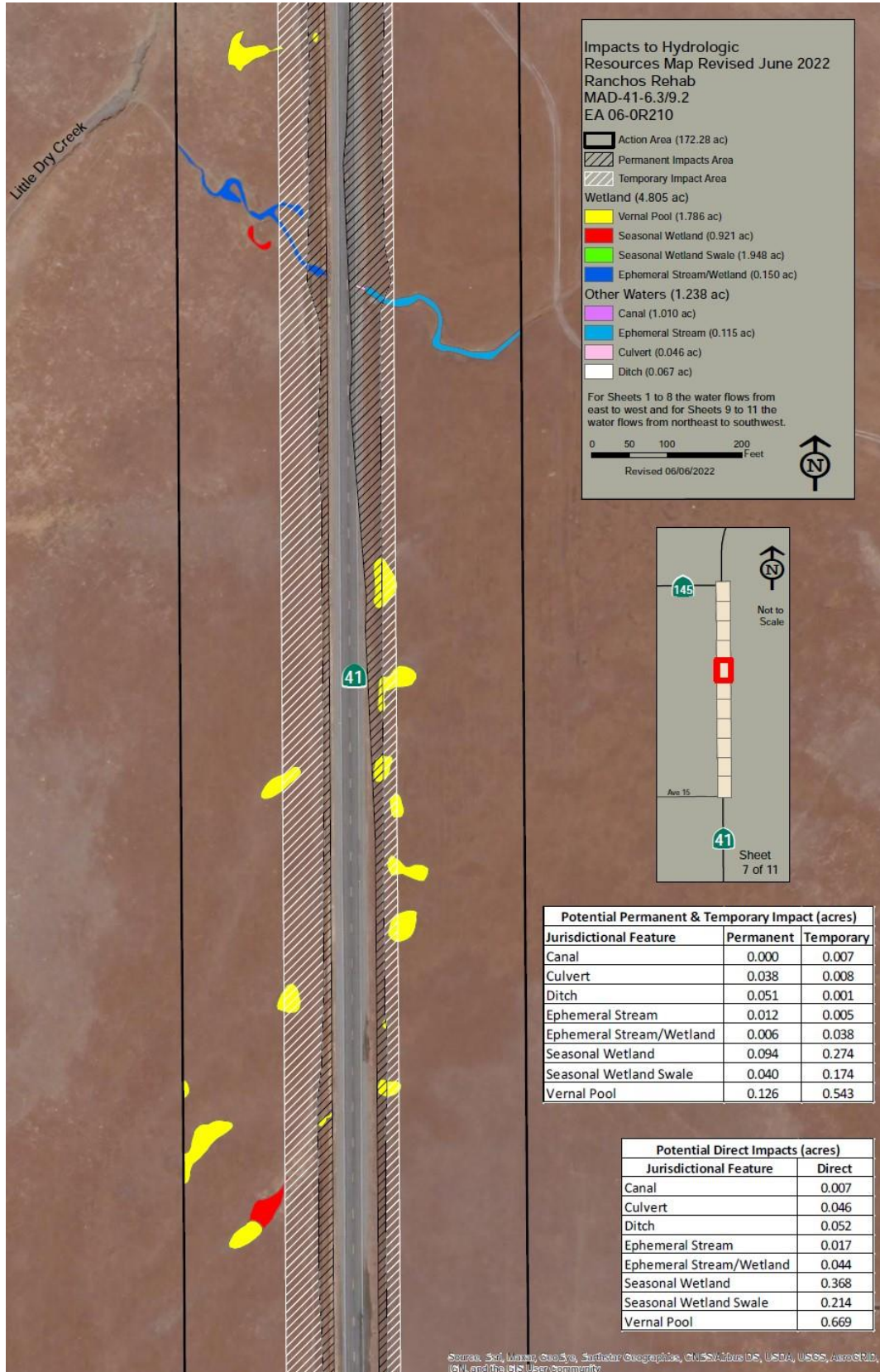


Figure 7: Impact Map 7

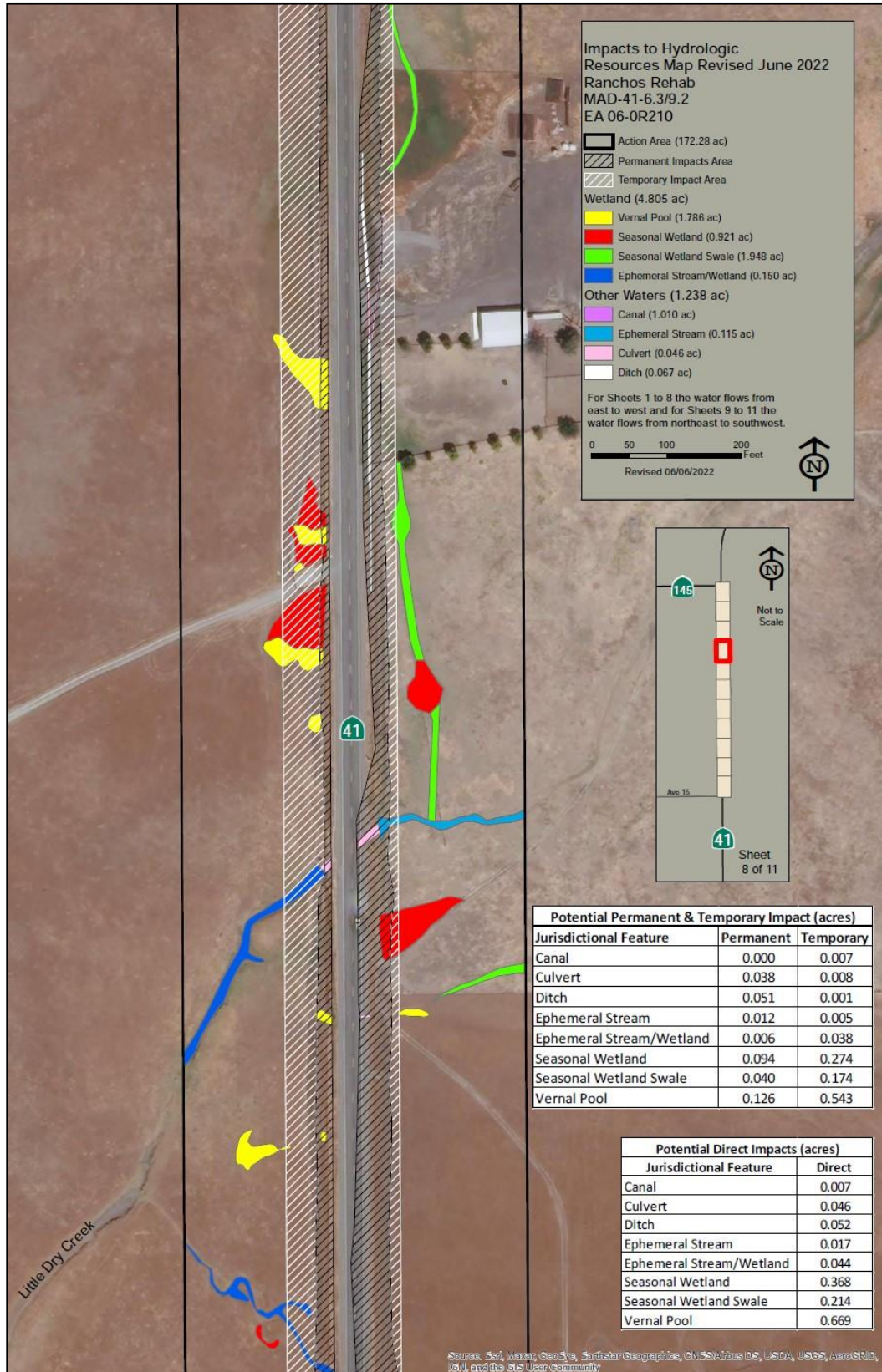


Figure 8: Impact Map 8

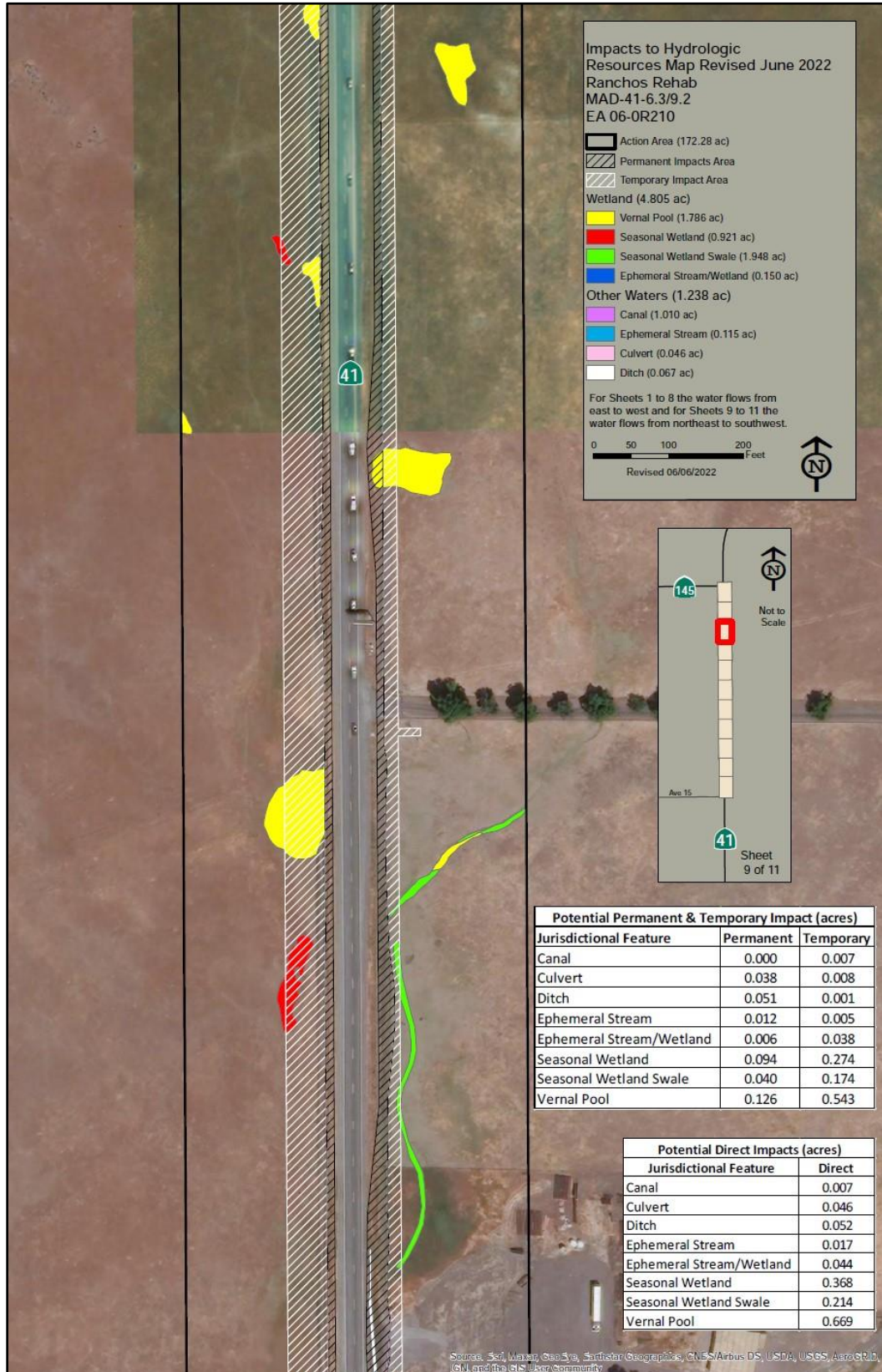


Figure 9: Impact Map 9

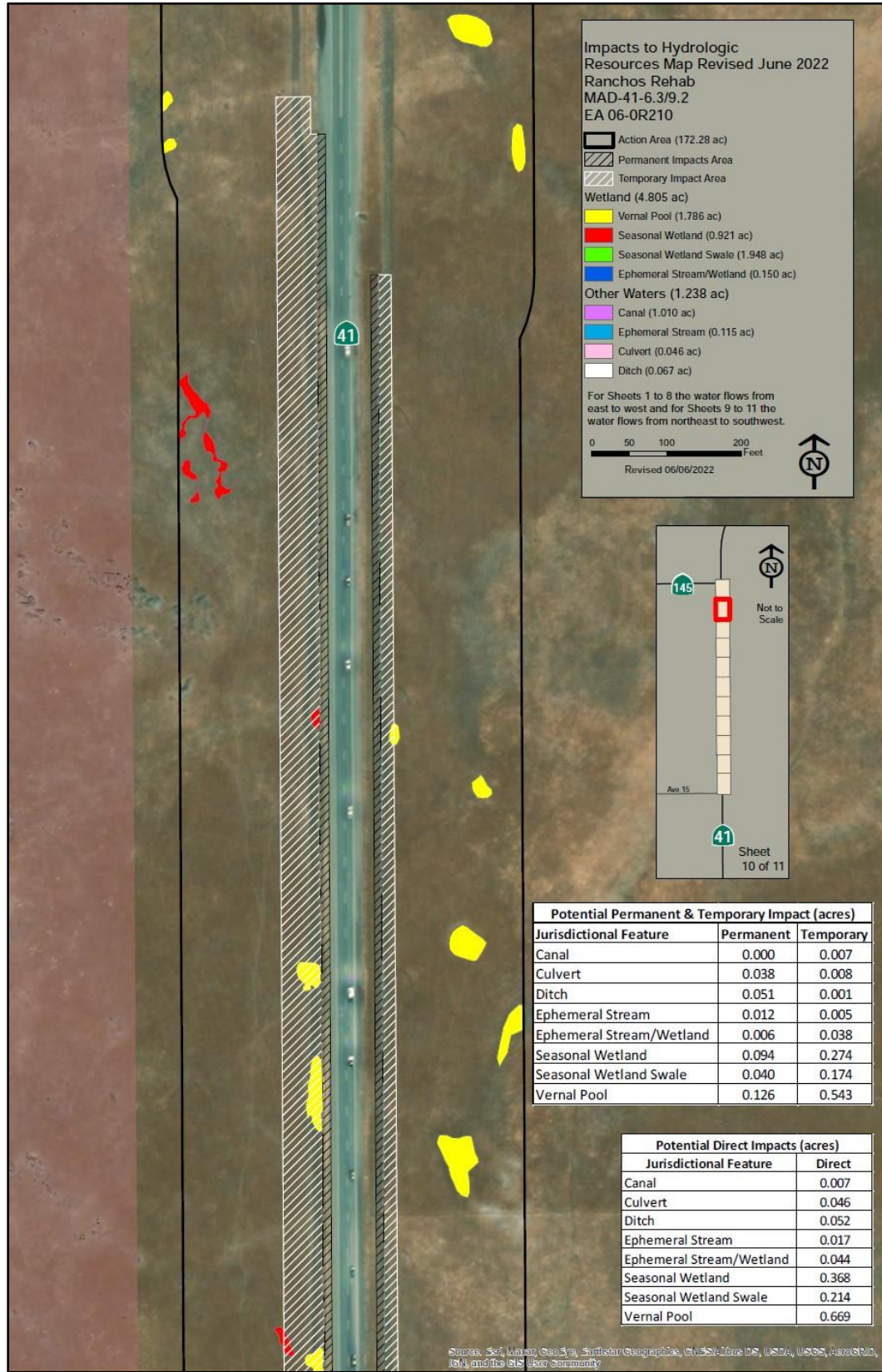


Figure 10: Impact Map 10

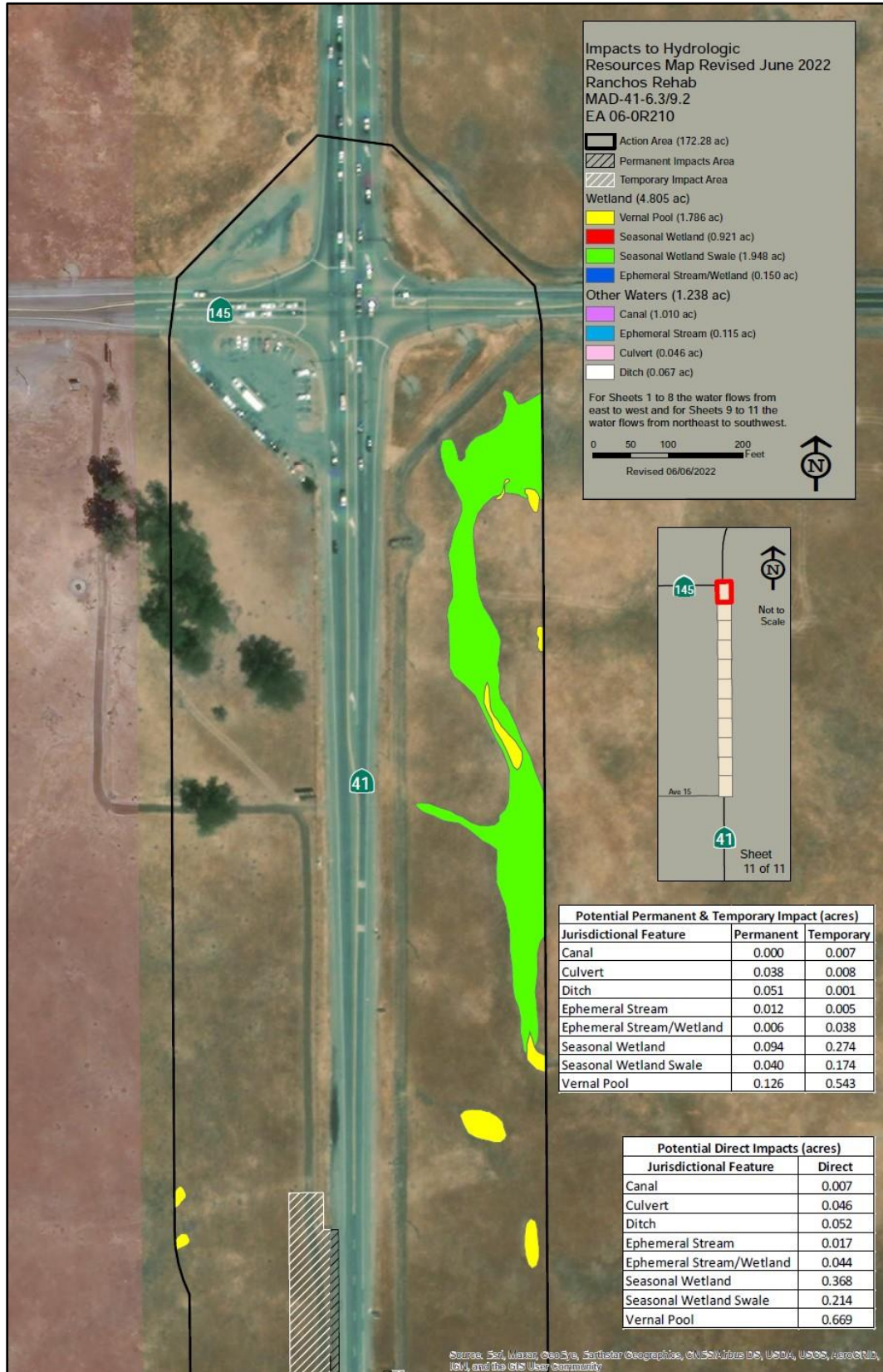


Figure 11: Impact Map 11

Changes to Attachment B

Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
ES3, ES4	Unnamed Stream	Stream Channel	545.30	San Joaquin River – Friant Dam to Mendota Pool	MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
ESW1, ESW2, SW10, SW11, SW13, SW14, SW15, SW17, SW18, SW20, SW26, SW29, SW3, SW32, SW34, SW36, SW4, SW5, SW7, SW8, SWS12, SWS17, SWS2, SWS22, SWS23, SWS27, SWS3, SWS32, SWS33, SWS5, SWS6, SWS7, SWS9,	Unnamed Wetlands	Wetland	545.30	San Joaquin River – Friant Dam to Mendota Pool	MUN, AGR, PROC, REC- 1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
VP10, VP100, VP104, VP105, VP106, VP109, VP11, VP12, VP122, VP13, VP14, VP15, VP16, VP17, VP21, VP29, VP3, VP30, VP36, VP38, VP4, VP40, VP41, VP48, VP5, VP51, VP7, VP74, VP8, VP84, VP88, VP9, VP92, VP93, VP94, VP95, VP96, VP97, VP98, VP99,	Unnamed Vernal Pools	Vernal Pool	545.30	San Joaquin River – Friant Dam to Mendota Pool	MUN, AGR, PROC, REC- 1, REC-2, WARM, COLD, MIGR, SPWN, WILD	N/A	N/A

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
ES3	36.99647789	-119.793753	No	0.0023		
ES4	36.99434451	-119.7937599	No	0.0024		
ESW1	36.99624613	-119.7941616	No	0.0224		
ESW2	36.99461218	-119.7941945	No	0.0152		
SW10	36.99111883	-119.7942576	No	0.0007		
SW11	36.98820833	-119.7942013	No	0.0136		
SW13	36.98308065	-119.7941173	No	0.0149		
SW14	36.97218294	-119.7941466	No	0.0134		
SW15	36.97164745	-119.7941066	No	0.0034		
SW17	36.99610465	-119.7936485	No	<u>0.014</u>		
SW18	36.97798099	-119.7937417	No	<u>0.006</u>		
SW20	36.97598736	-119.793794	No	0.0003		
SW26	36.97337131	-119.7937016	No	<u>0.001</u>		
SW29	36.9731448	-119.7938112	No	0.0021		
SW3	37.00492585	-119.7940797	No	0.0067		
SW32	36.97271463	-119.793813	No	0.0014		
SW4	37.00262481	-119.7942453	No	<u>0.007</u>		
SW5	36.9999298	-119.7942181	No	<u>0.054</u>		
SW7	36.99756489	-119.7941358	No	0.0581		
SW8	36.99721514	-119.7941765	No	<u>0.078</u>		
SWS12	36.97465885	-119.7942359	No	0.0103		
SWS17	36.97212235	-119.7943841	No	<u>0.026</u>		

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
SWS2	36.98574713	-119.7944824	No	<u>0.012</u>		
SWS21	37.00032147	-119.7937729	No	<u>0.002</u>		
SWS22	36.99973244	-119.7937386	No	0.0145		
SWS23	36.99758041	-119.7937398	No	0.0035		
SWS27	36.98590611	-119.7937684	No	0.001		
SWS3	36.98252965	-119.7943841	No	<u>0.013</u>		
SWS32	36.97258514	-119.7937178	No	<u>0.004</u>		
SWS33	36.97209513	-119.7937886	No	0.0367		
SWS5	36.97857562	-119.7942192	No	0.0098		
SWS6	36.97839733	-119.7941798	No	0.0034		
SWS7	36.97754538	-119.7941939	No	0.0199		
SWS9	36.97609291	-119.7943201	No	<u>0.018</u>		
VP10	36.99741584	-119.7941795	No	0.0027		
VP100	36.98594334	-119.7937843	No	0.0139		
VP104	36.97855691	-119.7937534	No	<u>0.004</u>		
VP105	36.97837674	-119.7937003	No	<u>0.005</u>		
VP106	36.97732708	-119.7937865	No	0.0061		
VP109	36.97345875	-119.7937136	No	<u>0.000</u>		
VP11	36.99709582	-119.7942132	No	<u>0.030</u>		
VP12	36.99684127	-119.7941097	No	0.0086		
VP122	36.97173965	-119.7937823	No	<u>0.016</u>		
VP13	36.99576704	-119.7941155	No	0.0001		
VP14	36.99528025	-119.7942488	No	0.0007		
VP16	36.99257773	-119.7942743	No	<u>0.010</u>		
VP17	36.99178108	-119.7942387	No	<u>0.018</u>		

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
VP29	36.98924486	-119.7941715	No	0.0114		
VP3	37.00397759	-119.7941201	No	0.0239		
VP36	36.98508878	-119.7943745	No	<u>0.004</u>		
VP4	37.00353839	-119.7940945	No	0.0409		
VP40	36.97865763	-119.7942446	No	0.0074		
VP41	36.97844353	-119.7941789	No	0.0101		
VP48	36.97606973	-119.7941797	No	0.0011		
VP5	37.00252498	-119.7940973	No	0.0208		
VP51	36.97463746	-119.7941359	No	0.0066		
VP7	37.00054538	-119.7941883	No	<u>0.137</u>		
VP74	37.00486355	-119.793719	No	<u>0.004</u>		
VP8	36.99814776	-119.7941591	No	<u>0.052</u>		
VP84	37.00180995	-119.793642	No	<u>0.022</u>		
VP88	36.99577166	-119.7936676	No	<u>0.000</u>		
VP9	36.99753358	-119.7941361	No	0.0176		
VP92	36.99330986	-119.7937741	No	<u>0.020</u>		
VP93	36.99295237	-119.7937307	No	<u>0.012</u>		
VP94	36.99263735	-119.7937838	No	0.0073		
VP95	36.99248954	-119.7937416	No	<u>0.006</u>		
VP96	36.99225666	-119.7936954	No	<u>0.007</u>		
VP97	36.99204933	-119.7937171	No	<u>0.009</u>		
VP98	36.99169412	-119.7937949	No	0.0004		
VP99	36.99145383	-119.7937663	No	<u>0.007</u>		

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
ES3	36.99647789	-119.793753	No	0.007		
ES4	36.99434451	-119.7937599	No	0.0036		
ESW1	36.99624613	-119.7941616	No	<u>0.0</u>		
ESW2	36.99461218	-119.7941945	No	0.0057		
SW13	36.98308065	-119.7941173	No	0.0022		
SW14	36.97218294	-119.7941466	No	<u>0.009</u>		
SW15	36.97164745	-119.7941066	No	0.0011		
SW17	36.99610465	-119.7936485	No	0.0204		
SW20	36.97598736	-119.793794	No	<u>0.025</u>		
SW25	36.97344297	-119.7938469	No	<u>0.002</u>		
SW29	36.9731448	-119.7938112	No	<u>0.003</u>		
SW3	37.00492585	-119.7940797	No	<u>0.0</u>		
SW32	36.97271463	-119.793813	No	0.0014		
SW34	36.97239563	-119.7938429	No	0.0016		
SW36	36.97839794	-119.7938383	No	0.0093		
SW7	36.99756489	-119.7941358	No	0.006		
SW8	36.99721514	-119.7941765	No	0.0141		
SWS17	36.97212235	-119.7943841	No	0.0024		
SWS2	36.98574713	-119.7944824	No	0.0129		
SWS27	36.98590611	-119.7937684	No	0.0021		
SWS3	36.98252965	-119.7943841	No	0.0075		
SWS33	36.97209513	-119.7937886	No	0.0128		
SWS7	36.97754538	-119.7941939	No	0.0016		
SWS9	36.97609291	-119.7943201	No	0.0012		

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
VP100	36.98594334	-119.7937843	No	0.0041		
VP104	36.97855691	-119.7937534	No	0.0012		
VP106	36.97732708	-119.7937865	No	0.0007		
VP11	36.99709582	-119.7942132	No	0.0022		
VP12	36.99684127	-119.7941097	No	<u>0.0000</u>		
VP122	36.97173965	-119.7937823	No	0.0035		
VP13	36.99576704	-119.7941155	No	0.0067		
VP15	36.99531881	-119.7940865	No	0.0022		
VP21	36.99133859	-119.7940827	No	0.0033		
VP29	36.98924486	-119.7941715	No	0.0018		
VP30	36.989018	-119.7940812	No	0.0008		
VP36	36.98508878	-119.7943745	No	0.0044		
VP38	36.9825005	-119.7940942	No	0.0058		
VP4	37.00353839	-119.7940945	No	0.0027		
VP48	36.97606973	-119.7941797	No	0.0086		
VP51	36.97463746	-119.7941359	No	0.0016		
VP7	37.00054538	-119.7941883	No	0.0021		
VP8	36.99814776	-119.7941591	No	0.0161		
VP84	37.00180995	-119.793642	No	<u>0.014</u>		
VP9	36.99753358	-119.7941361	No	0.0038		
VP92	36.99330986	-119.7937741	No	0.0157		
VP93	36.99295237	-119.7937307	No	0.0062		
VP94	36.99263735	-119.7937838	No	0.009		
VP98	36.99169412	-119.7937949	No	0.0014		
VP99	36.99145383	-119.7937663	No	0.0058		

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’s Sacramento District California In-Lieu Fee Program
Website:	https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program
In-Lieu Fee Program Contact Name:	Heather Hoyles
Phone:	(415) 243-3105
Email:	heather.hoyles@nfwf.org
In-Lieu Fee Program Location - County:	Madera
Latitude:	TBD
Longitude:	TBD

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Impacted Acres	Linear Feet	Number of Credits To Purchase
Stream Channel	<u>0.012</u>		<u>0.012</u>
Wetland	<u>0.14</u>		<u>0.28</u>
Vernal Pool	<u>0.126</u>		<u>0.26</u>

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$38,117.00 for the original Certification were received on 15 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).

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

Shawn Agarwal
11020 Sun Center Dr, Suite 200
Rancho Cordova, CA 95670
Shawn.Agarwal@waterboards.ca.gov
(916) 464-4849

PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 9 September 2022 to 30 September 2022. The Central Valley Water Board did not receive any comments during the comment period.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Ranchos Rehabilitation Project (WDID#5B20CR00116A1). 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's Next Page:

cc: [Via email only]

Marc Fugler
United States Army Corps of Engineers
Sacramento District Headquarters
Regulatory Division
marc.a.fugler@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

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

Tamra Nunes
California Department of Transportation
tamra.nunes@dot.ca.gov