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## Central Valley Regional Water Quality Control Board

20 November 2020

Mohammad Alimi  
County of Fresno  
2220 Tulare Street, 6th Floor  
Fresno, CA 93721

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; COUNTY OF FRESNO, BRIDGE NO. 42C0099 ENNIS RD. OVER SAND CREEK PROJECT (WDID#5C10CR00075A1), FRESNO COUNTY**

This Order responds to the 16 October 2020 request for an amendment of the Bridge No. 42C0099 Ennis Rd. Over Sand Creek (Project) Section 401 Water Quality Certification (WDID#5C10CR00075). The original Water Quality Certification (Certification) was issued on 19 August 2020. 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 County of Fresno is proposing to add 0.016 acre of permanent impacts to Sand Creek. The addition of permanent impacts will require compensatory mitigation at a minimum 1:1 minimum ratio.

The Certification is amended as shown below:

1. Replace the section entitled "VII. Description of Direct Impacts to Waters of the State" on page 4 of the certification as follows:

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

Grading and site preparation involved in construction of the Sand Creek Bridge will require the clearing and grubbing of vegetation, and earth movement/excavation. There will be 0.01 acres of temporary impacts to remove the existing abutment. Construction of the new bridge will require the removal of the existing bridge and abutments within the bank of the channel. The removal of the existing abutments will be a temporary impact, in the sense that construction equipment will be required to enter the channel to remove the concrete. There are 0.016 acre of permanent disturbance associated with the replacement of the existing bridge.

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 2: Total Project Fill/Excavation Quantity for Permanent Impacts**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	0.016		
Vernal Pool			
Wetland			

2. Replace the section entitled "IX. Compensatory Mitigation" on page 5 of the certification as follows:

**IX. Description of Direct Impacts to Waters of the State:**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

3. Replace the section entitled "XIII.K. Compensatory Mitigation for Permanent Impacts" on page 20 of the certification as follows:

**XIII.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 at a minimum 1:1 ratio for the authorized impact to 0.016 acre of stream channel by purchasing 0.02 Aquatic Resource Credits in the Kaweah/Tule 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 or an Army Corps of Engineers Sacramento District approved mitigation bank within the watershed service area of the project location.
- 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 or Army Corp Approved Mitigation Bank	Acres						0.02

- 4. Add to the section entitled "Attachment B" on page 27 of the certification as follows:

[...]

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Sand Creek Bridge	36.683689°	-119.209319°	No	0.016		

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations. Mitigation bank requirements are subject to approval from the Army Corps of Engineers Sacramento District

**In-Lieu Fee or Mitigation Bank Compensatory Mitigation Information**

**Table 4: Mitigation Bank**

Mitigation Bank Name:	TBD
Website:	TBD
Mitigation Bank Contact Name:	TBD
Phone:	TBD
Email:	TBD
Mitigation Location - County:	TBD
Latitude:	TBD
Longitude:	TBD

**Table 5: In-Lieu Fee Program**

In-Lieu Fee Program Name:	Sacramento District California In-Lieu Fee Program
Website:	<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:	TBD
Phone:	415-593-7627
Email:	TBD
In-Lieu Fee Program Location - County:	Fresno
Latitude:	TBD
Longitude:	TBD

**Table 6: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits to Purchase
Stream Channel	0.016		0.02

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$1,949.00 for the original Certification were received on 21 May 2020. 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 E - Low Impact Discharges (fee code 87) 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 Bridge No. 42C0099 Ennis Rd. Over Sand Creek Project (WDID#5C10CR00075A1). 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]

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