

## State Water Resources Control Board

### WATER QUALITY ORDER WQ 2025-0068-DWQ WASTE DISCHARGE REQUIREMENTS

**Effective Date:** Upon Deputy Director's Signature  
**Expiration Date:** Five Years from Effective Date

**Project:** Kelso-Cima and South Kelbaker Road Rehabilitation (Project)  
**Project Type:** Roads and Highways  
**Program Type:** Fill/Excavation

**Identifiers:**  
**WDID No:** SB25041IN  
**Reg. Meas. ID:** 462289

**Applicant:** Federal Highway Administration, Central Federal Lands Highway Division

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

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**Attachment A:** Project Maps

**Attachment B:** Receiving Waters, Impacts, and Mitigation Information

**Attachment C:** Report and Notification Requirements

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**I. Summary**

This waste discharge requirements (WDR) is issued at the request of the Federal Highway Administration (hereinafter Permittee) for the Project. The initial application was received on July 23, 2025. A complete application was submitted on September 4, 2025, as verified by Water Board staff.

**II. Findings**

- A. In the event of any violation or threatened violation of the conditions of this WDR, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the Porter-Cologne Water Quality Control Act.
- B. In response to a suspected violation of any condition of this WDR, the Water Board may require the holder of this WDR to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- C. This WDR does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order WQ 2022-0057-DWQ; NPDES No. CAS000002) (Construction General Permit).
- D. This WDR does not authorize any act which results in the take of a threatened, endangered or candidate species, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this WDR held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this WDR.
- E. The Water Board has considered the factors in Water Code section 13241 in establishing the requirements in this WDR.
- F. This WDR includes monitoring and reporting requirements pursuant to Water Code sections 13267. The burden of preparing these reports, including costs, are reasonable to the need and benefits of obtaining the reports. The reports confirm that the best management practices (BMPs) required under this WDR are sufficient to protect beneficial uses and water quality objectives. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible. The anticipated costs are minimal as the reporting obligations require only visual monitoring and notification reporting.
- G. This WDR regulates the discharge of dredged or fill material to waters of the state that may impact water quality in disadvantaged communities. Consistent

with Water Code section 189.7, the Water Board conducted outreach to disadvantaged and tribal communities. Pursuant to Water Code section 13149.2, the anticipated water quality impacts within the scope of the Board's authority are the discharge of dredged or fill material to waters of the state and the possibility of discharges associated with related activities, such as discharges of sediment, oil, and grease. This WDR incorporates available measures within the scope of the Water Board's authority to address the anticipated impacts of the permitted activities. As set forth in Section VIII, this WDR imposes construction conditions, mitigation conditions, water quality monitoring, and reporting and notification requirements that ensure that the Permittee is required to avoid, minimize, and lastly, mitigate, for any impacts to waters.

### III. Project Purpose and Description

**Project Purpose:** The Permittee seeks to reduce the number of vehicle accidents and improve safety along Kelso-Cima and South Kelbaker Roads in San Bernardino County.

**Project Description:** The proposed road improvements would include restriping pavement, adding rumble strips, widening shoulders, paving with asphalt concrete, realigning road segments at three locations, and adding exclusion fencing for desert tortoises. The Project would also install low-water crossing features at numerous stream intersections and armor degraded streams with riprap.

**Project Location:**

County: San Bernardino

Nearest Cities: Cima and Kelso, California

Start: Latitude 34.7218° and Longitude -115.6785°

End: Latitude 35.2404° and Longitude -115.5053°

Maps showing the Project location are found in Attachment A of this WDR.

### IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Lahontan Regional Water Quality Control Board and the Colorado River Regional Water Quality Control Board (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plan). The plan for each region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This WDR promotes that policy by requiring discharges to

meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information is in Attachment B. Table 1 of Attachment B lists the receiving waters and beneficial uses of waters of the state impacted by the Project. Tables 2 and 3 of Attachment B provide individual impact locations and quantities.

#### V. Description of Direct Impacts to Waters of the State

The Project will result in direct temporary and permanent impacts to waters of the state. Temporary impacts consist of blading the soil to prepare for construction, staging equipment, and site disturbance during construction. Permanent impacts include the introduction of materials for road realignment (e.g., asphalt pavement, aggregate base) and armoring of low-water crossings (i.e., riprap, geotextile fabric, soil, and concrete barriers as needed).

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.

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

<b>Aquatic Resources Type</b>	<b>Acres</b>
<b>Stream Channel</b>	22.658

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

<b>Aquatic Resources Type</b>	<b>Acres</b>
<b>Stream Channel</b>	2.616

#### VI. Description of Indirect Impacts to Waters of the State

The Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project including siltation of receiving water during construction, introduction of pollutants (e.g., metals, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals) to receiving waters during construction, introduction of invasive plant species to disturbed soils, and an increase of impervious surfaces resulting in a reduction in water quality for receiving waters.

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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.

The conditions set forth in section VIII will avoid and minimize the indirect impacts to waters of the state.

## **VII. Avoidance and Minimization**

Resource protection measures and BMPs were identified in the Project's Environmental Assessment. Measures include a preconstruction on-site environmental education and awareness program; seed and plant salvage for restoration; maintenance of all equipment to avoid or minimize contamination; and erosion and sediment control through disturbance minimization, designated waste locations, placement of excess excavated materials outside drainages to avoid sedimentation, and installation of erosion control measures around the perimeter of stockpiled fill material.

The Project qualifies as tier level 3 and is the least environmentally damaging practicable alternative (State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, section IV.A.1.h).

## **VIII. Conditions**

The Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. This WDR provides reasonable assurance that the Project authorized under this WDR will comply with state and federally approved water quality requirements, provided that the following conditions are adhered to:

### **A. Impacts to Waters of the State**

Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

### **B. Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment C, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the Permittee or an authorized representative.

#### **1. Project Reporting**

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Water Board on or before the 1<sup>st</sup> of each month during construction. Monthly reporting shall continue until the Water Board issues a Notice of Completion of Discharges or Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the anniversary of this WDR Effective Date. Annual reporting shall continue until the Water Board issues a Notice of Project Complete Letter to the Permittee.

## 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least 7 days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID#) issued under the Construction General Permit.
- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to Water Board staff within 30 days following completion of all Project activities. Upon approval of the request, Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees. Completion of post-construction monitoring shall be determined by Water Board staff and shall be contingent on successful attainment of restoration objectives.

## 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate

### a. **Accidental Discharges of Hazardous Materials<sup>2</sup>:**

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - a. First call – 911 (to notify local response agency)
  - b. Then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
  - c. Lastly, follow the required OES procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification](#)

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<sup>2</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

[Web Page](https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/) (<https://www.caloes.ca.gov/office-of-the-director/operations/response-operations/fire-rescue/hazardous-materials/spill-release-reporting/>)

- ii. Following notification to OES, the Permittee shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within 5 business days of notification to the Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Water Quality Standards**

- i. The Permittee shall notify the Water Board of any event causing a violation of water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- ii. This notification must be followed within 3 business days by submission of a Violation of Water Quality Standards Report.

**c. Modifications to Project**

Project modifications may require an amendment of this WDR. The Permittee shall give advance notice to Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state, or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this WDR. Notification may be made in accordance with conditions in the Deviation section of this WDR.

**d. Transfer of Property Ownership**

This WDR is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:

- i. The Permittee must notify the Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the permittee in a revised permit.
- ii. Until such time as this WDR has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this WDR.

**e. Transfer of Long-Term BMP Maintenance**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or design specifications. The Permittee must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

**C. Water Quality Monitoring****1. General**

If surface water is present, continuous visual monitoring shall be conducted during active construction to detect accidental discharge of construction related pollutants (e.g., oil and grease, turbidity plume, uncured concrete).

**2. In-Water Work or Diversions**

No in-water work or water diversions are proposed; all Project activities are proposed to occur when channels are dry. Therefore, no such work or diversions are authorized by this WDR.

**3. Accidental Discharges/Noncompliance**

Upon occurrence of an accidental discharge, the Permittee shall determine whether the discharge includes hazardous materials or will cause or contribute to an exceedance of water quality objectives, and if so, notify the Water Board in accordance with the Conditional Notifications and Reports section VIII.B.3. Water Board staff may require additional water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

**4. Post-Construction**

The Permittee shall visually inspect the Project site between October 30 and April 15 following each rain event that results in 0.5 inch or more of rainfall in 48 hours for a minimum of one year to ensure excessive erosion, stream instability, or water quality pollution is not occurring in or downstream of the Project site. At least one post construction inspection must occur following a significant rainfall event. If erosion control measures have failed or water quality pollution is occurring, contact the Water Board staff member overseeing the Project within 3 business days. The Water Board may require the submission of a Violation of Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

**D. Standard Conditions**

1. This action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330.
2. This WDR is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

**E. Fees**

1. The Permittee is a federal agency seeking authorization for an undertaking on federal lands and no fees are required.

**F. General Compliance**

1. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
2. The Project must conform to the engineering plans, specifications, and technical reports submitted with the application materials. Water Code section 13264 prohibits any discharge that is not specifically authorized in this WDR.

**G. Administrative**

1. Signatory requirements for all document submittals required by this WDR are presented in Attachment D of this WDR.
2. **Site Access:** The Permittee shall grant State and Regional Water Boards staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this WDR.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this WDR.
  - d. Sample or monitor for the purposes of assuring WDR compliance.

3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this WDR shall be provided to any consultants, contractors, and subcontractors working on this Project. Copies shall remain at the Project site for the duration of this WDR. All personnel performing work on the Project shall be familiar with the content of this WDR and its posted location at the Project site.

#### **H. Construction Conditions**

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of the construction activity and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.
2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of Project related activities shall be prevented from entering waters of the state. Spoils from excavations shall not be stored in waters of the state.
3. Environmentally sensitive areas and environmentally restricted areas, including any avoided waters of the state, must be clearly identified in the field for exclusion prior to the start of construction. Such identification must be properly maintained until construction is completed and the soils are stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of Project disturbance are prohibited.
4. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the Project goal. Routes and work area boundaries must be clearly demarcated.
5. Low-water crossings or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
6. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
7. Unless authorized for restoration, material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal site must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state.

8. **Topsoil:** For any excavation, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation, the topsoil shall be replaced and seeded with native vegetation.
9. **Dust Abatement:** Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Water Board staff.
10. **Use of Mechanized Equipment:** Activities permitted under this WDR shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate Project specific BMPs shall be specified by the Permittee and shall be approved by Water Board staff prior to Project discharges.

#### 11. **Toxic and Hazardous Materials**

- a. Activities permitted under this WDR shall not discharge toxic substances in concentrations that produce detrimental physiological responses to human, plant, animal, or aquatic life.
- b. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at the site, washout containment shall be used to prevent any discharge. Wastewater may only be disposed by delivery to a sanitary wastewater collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.
- c. Appropriate BMPs must be implemented throughout Project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: non-petroleum hydraulic fluid; epoxies; paints and other protective coating materials; cement concrete or asphalt concrete; and washings and cuttings thereof.
- d. Activities permitted under this WDR shall not discharge waste classified as "hazardous" as defined in California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be specified by the Permittee and shall be approved by Water Board staff prior to Project discharges. These BMPs shall include, at a minimum:
  - i. All personnel handling fuels and other hazardous materials shall be properly trained.

- ii. Adequate spill prevention and cleanup equipment and materials shall be present on-site at all times during Project implementation.
- iii. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.
- iv. All on-site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.
- v. All equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.
- vi. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.
- vii. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.
- viii. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.
- ix. Spill containment supplies shall be on-site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.
- x. A staging area for equipment and vehicle fueling and storage shall be designated at least 100 feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

## 12. Invasive Species and Soil Borne Pathogens

- a. The Permittee is responsible for ensuring that all Project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in Project plans.
- b. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.
- c. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops, or ornamental plants (e.g., *Phytophthora ramorum*, the cause of sudden oak syndrome, and *Phytophthora lateralis*, the cause of Port Orford cedar root disease). Any equipment entering or leaving the Project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the Project area. The fungus that causes

Valley Fever, *Coccidioides spp.*, is not considered a soil borne pathogen in this WDR.

### 13. Stormwater

The Permittee shall apply for coverage and comply with the requirements in the Construction General Permit. Generally, coverage under the Construction General Permit is required for construction activity resulting in a land disturbance of one acre or more, or less than one acre but is part of a larger common plan of development or sale that results in a land disturbance of one acre or more. Covered activities are described with additional detail in the Construction General Permit.

#### I. Temporary Impact Restoration

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge to waters of the state in accordance with the Compensatory Mitigation Plan for the Kelso-Cima and Kelbaker Roads Project CA NP MOJA 11(2) 10(2) (Compensatory Mitigation Plan) dated August 2025, approved through the issuance of this WDR and incorporated herein by reference.
2. Total required Project restoration information for temporary impacts is summarized in Table 3.

**Table 3: Required Project Restoration Quantity for Temporary Impacts**

Aquatic Resource Type	Units	Quantity to be Restored
Stream Channel	Acres	22.658

#### J. Compensatory Mitigation for Permanent Impacts

Compensatory mitigation is for permanent physical loss and permanent ecological degradation of a water of the state, and may include mitigation for temporary impacts that result in temporal loss of function.

##### 1. Final Compensatory Mitigation Plan:

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory Mitigation Plan dated August 2025, approved through issuance of this WDR and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Water Board staff. The monitoring period shall continue until the Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

## 2. 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 Water Board at least 21 days prior to authorized impacts.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation until Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

## 3. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 2.616-acres total of waters of the state by purchasing 5.232 acres of stream credits from the Mojave Desert Tortoise Umbrella Conservation Bank Site 6.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

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

Aquatic Resource Type	Mitigation Type	Units	Unite Type	Minimum Quantity to be Restored
Stream Channel	Mitigation Bank Credits	Acres	Preserved	5.232

## K. Deviations

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Deviations as set forth in Attachment E. For purposes of this WDR, a "Deviation" is a Project locational or impact modification that does not require an immediate amendment of the WDR, because the Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the conditions and the California Environmental Quality Act (CEQA) exemption. This WDR will be amended to reflect all authorized Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Deviation if it would require changes to the WDR conditions such that the Project no longer qualifies for a CEQA exemption.

**IX. Public Notice**

The Water Board complied with its applicable public notice requirements. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from November 25, 2025, to December 25, 2025. A representative of the Center of Biological Diversity requested a copy of the permit and attachments. No further correspondence was received from the Center of Biological Diversity. The Water Board did not receive any other questions or comments during the comment period.

**X. CEQA**

The issuance of this WDR and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 (Existing Facilities). Additionally, the Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this WDR.

The Water Board will file a Notice of Exemption with the State Clearinghouse within 5 business days from the issuance of this WDR. (California Code of Regulations., title 14, section 15062.)

**XI. Conclusion**

I hereby issue the WDR for the Kelso-Cima and South Kelbaker Road Rehabilitation (Project), WDID SB25041IN. Authorization is contingent on: (a) compliance with the conditions of this WDR and the attachments to this WDR; and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans.

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Date

Phillip Crader  Digitally signed by Phillip Crader  
Date: 2025.12.29 13:31:16 -08'00'  
Water Boards

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Phillip Crader, Deputy Director  
Division of Water Quality