



Colorado River Basin Regional Water Quality Control Board

Certified Mail: **7022 0410 0001 5745 1148**

January 4, 2024

California Department of Transportation
Adam Compton, Branch Chief-Environmental Regulatory Permits Unit
464 W. 4th Street., 8th Floor, MS 833
San Bernardino, CA 92401
adam.compton@dot.ca.gov

SUBJECT: NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER NO. 2004-0004-DWQ, STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES TO WATERS DEEMED BY THE U.S. ARMY CORPS OF ENGINEERS TO BE OUTSIDE OF FEDERAL JURISDICTION, 1J270 STATE ROUTE 247 PAVEMENT REHAB AND CONSTRUCT SHOULDER PROJECT (WDID NO. 7A363045001), SAN BERNARDINO COUNTY

Dear Mr. Compton,

On September 7, 2023, California Department of Transportation-District 8 (Caltrans or Discharger) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. 2004-0004-DWQ, *Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction*.

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge/fill discharges associated with the 1J270 State Route 247 Pavement Rehab and Construct Shoulder (Project) meets the requirements for enrollment. You are hereby enrolled under Order No. 2004-0004-DWQ and may proceed with the Project in accordance with the Order.

A copy of [Order 2004-0004-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wgo/wgo2004-0004.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wgo/wgo2004-0004.pdf) is attached and it can be found on the State Water Board's Adopted Orders webpage.

EDWARD MUZIK, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

Please familiarize yourself with the requirements of Order No. 2004-0004-DWQ. You are responsible for complying with all applicable Order requirements. Failure to comply with Order No. 2004-0004-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION

Caltrans plans to implement preservation treatments to existing asphalt concrete (AC) pavement on State Route 247 (SR247). This Project will extend the pavement life and improve ride quality along SR247 from State Route 62 to 0.4 miles north of Gin Road in San Bernardino County.

Project work includes: (1) Cold planing and overlaying existing SR247 pavement with 0.20-foot rubberized hot mix asphalt-gap graded. Existing pavement distresses will be repaired before overlaying the pavement; (2) constructing shoulder and centerline rumble strips from Post Mile (PM) 0.00 to PM 23.0; (3) constructing shoulder to current Caltrans standards from PM 20.3 to PM 23.0; (4) regrading the roadway to the east between PM 2.9 and PM 3.0; (5) completing improvements of culvert/drainage including repair of a culvert at PM 3.59, drainage work at PM 0.3 and PM 3.0, and (6) constructing/installing rock slope protection (RSP) and culvert extension at both ends of the Yucca Creek Wash Flood Control Channel (FCC) at PM 0.3. Minor grading will take place to direct the flow of runoff into the FCC; and (6) installing bike lane markings and signs from PM 1.6 to PM 23.0 as part of implementing Caltrans' Complete Streets program.

The Project will result in 0.054 acres and 100 linear feet of temporary impacts, and 0.068 acres and 87 linear feet of permanent impacts to Colorado River Basin Water Board jurisdictional waters of the state, within an isolated watershed not under the jurisdiction of the United States Army Corps of Engineers (USACE). Caltrans is providing compensatory mitigation for the direct permanent impacts to waters of the state at a 1:1 ratio (0.054 acres) through the purchase of preservation credits from the Mojave River Watershed Mitigation Bank.

Work is scheduled to begin sometime between January 2025 and July 2026, and will require approximately one month to complete. When the Project work is complete, any temporarily impacted areas will be returned to pre-Project conditions.

PROJECT LOCATION

The Project is located near the City of Yucca Valley, in San Bernardino County, California, 92284. The latitude and longitude of the impacted area is listed below. Maps showing the Project location are found in Attachment A of this Order.

Site	Latitude	Longitude
PM 0.3	34.127969°N	-116.414022°W

FEES RECEIVED

A check in the amount of \$2,924 was received on November 9, 2023, for payment of the application fee of (\$2,734) and the Project fee (\$190). The fee amounts were determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and were calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On May 23, 2022, Caltrans-District 8 as lead agency adopted an initial study/mitigated negative declaration (IS/MND) for the Project (State Clearinghouse [SCH] No. 2022040204) and filed a Notice of Determination (NOD) with the SCH on June 16, 2022.

As a responsible agency, the Colorado River Basin Water Board has reviewed and considered the environmental documents prepared by Caltrans and finds that they address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order and they are included in Attachment B.

AVOIDANCE AND MINIMIZATION MEASURES

The Discharger must implement the measures identified in the IS/MND submitted with the Project application, as well as comply with all applicable requirements in Order No. 2004-0004-DWQ.

TERMINATION OF COVERAGE

Upon completion of the Project, Caltrans shall submit a complete Notice of Termination (NOT) requesting to be disenrolled under Order No. 2004-0004-DWQ. Attachment 2 to Order No. 2004-0004-DWQ contains the NOT form.

If you have questions concerning this matter, please contact Logan Raub, 401 Water Quality Certification Program Manager, at (760) 776-8966 or at Logan.Raub@waterboards.ca.gov.

Sincerely,

Original Signed By _____

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

California Department of Transportation
1J270 State Route 247 Pavement Rehab
and Construct Shoulder Project

WDID: 7A363045001
Reg. Meas. ID: 454269
Place ID: 890261

Enclosures: 1) Attachment A Project Maps
2) Attachment B CEQA Findings
3) Order No. 2004-0004-DWQ

LR/

File: WDID: 7A363045001, RM: 454269, Place ID: 890261, 1J270 State Route 247
Pavement Rehab and Construct Shoulder Project, Order 2004-0004-DWQ

California Department of Transportation
1J270 State Route 247 Pavement Rehab
and Construct Shoulder Project

WDID: 7A363045001
Reg. Meas. ID: 454269
Place ID: 890261

cc: [via email only] (with enclosures):

Elmer Llamas, Caltrans: elmer.llamas@dot.ca.gov
South Coast AQMD – Toxic and Waste Management: ashibata@aqmd.gov
San Bernardino County Environmental Health: adela.evans@dph.sbcounty.gov
San Bernardino County Planning Department: hduron@lusd.sbcounty.gov
San Bernardino County Flood Control District: David.Drake@dpw.sbcounty.gov
U.S. Bureau of Land Management: BLM_CA_Web_CD@blm.gov
USEPA Region IX 401 Program: R9cwa401@epa.gov
U.S. Fish and Wildlife Service: matt_hamman@fws.gov
CA Department of Fish and Wildlife Region 6: Heather.Pert@wildlife.ca.gov
DDW, State Water Resources Control Board: Chun.Huang@waterboards.ca.gov
CA Department of Toxic Substances: Maria.Soria@dtsc.ca.gov
CA Department of Transportation – District 8: john.chisholm@dot.ca.gov
CA Department of Water Resources: bob.pierotti@water.ca.gov
401 Program, DWQ, State Water Resources Control Board:
StateBoard401@waterboards.ca.gov
CA Department of Resources Recycling & Recovery: WPCMDivision@Calrecycle.ca.gov

Attachment A
Project Maps






Figure 1. Project vicinity map. (Caltrans, 2023¹)

¹ Caltrans, 2023. Dredged or Fill Waste Discharge Requirements Application. Maps and photos taken from submitted Application material or provided by the Permittee.



Legend

-  Begin/End Postmile
-  Key Postmile
-  Project Area

0 0.5 1 2 Miles

Figure 2. Project area map.



Legend

- Begin/End Postmile
- Project Area

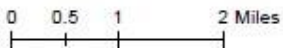


Figure 3. Project area map.

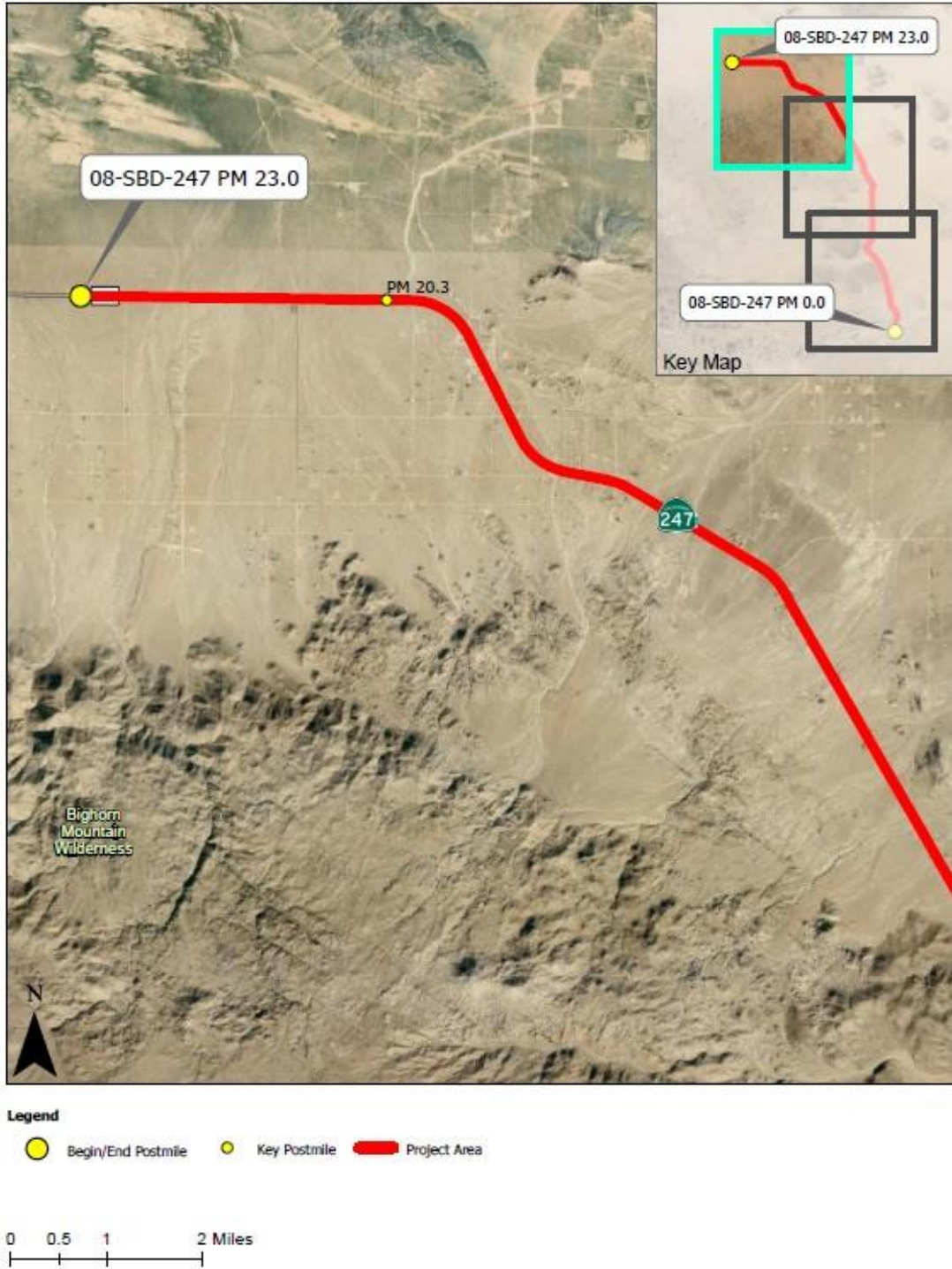


Figure 4. Project area map.

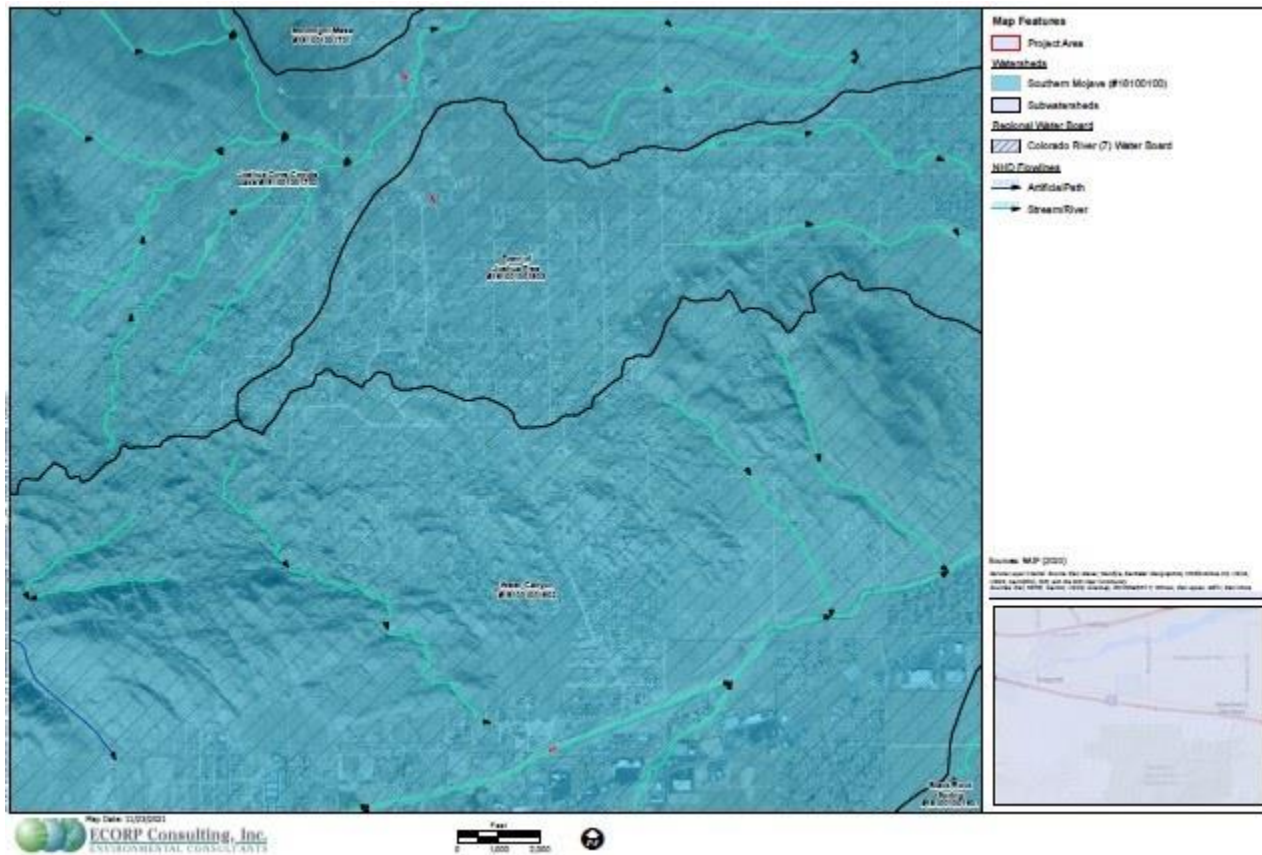


Figure 5. Hydrology in the Project area.

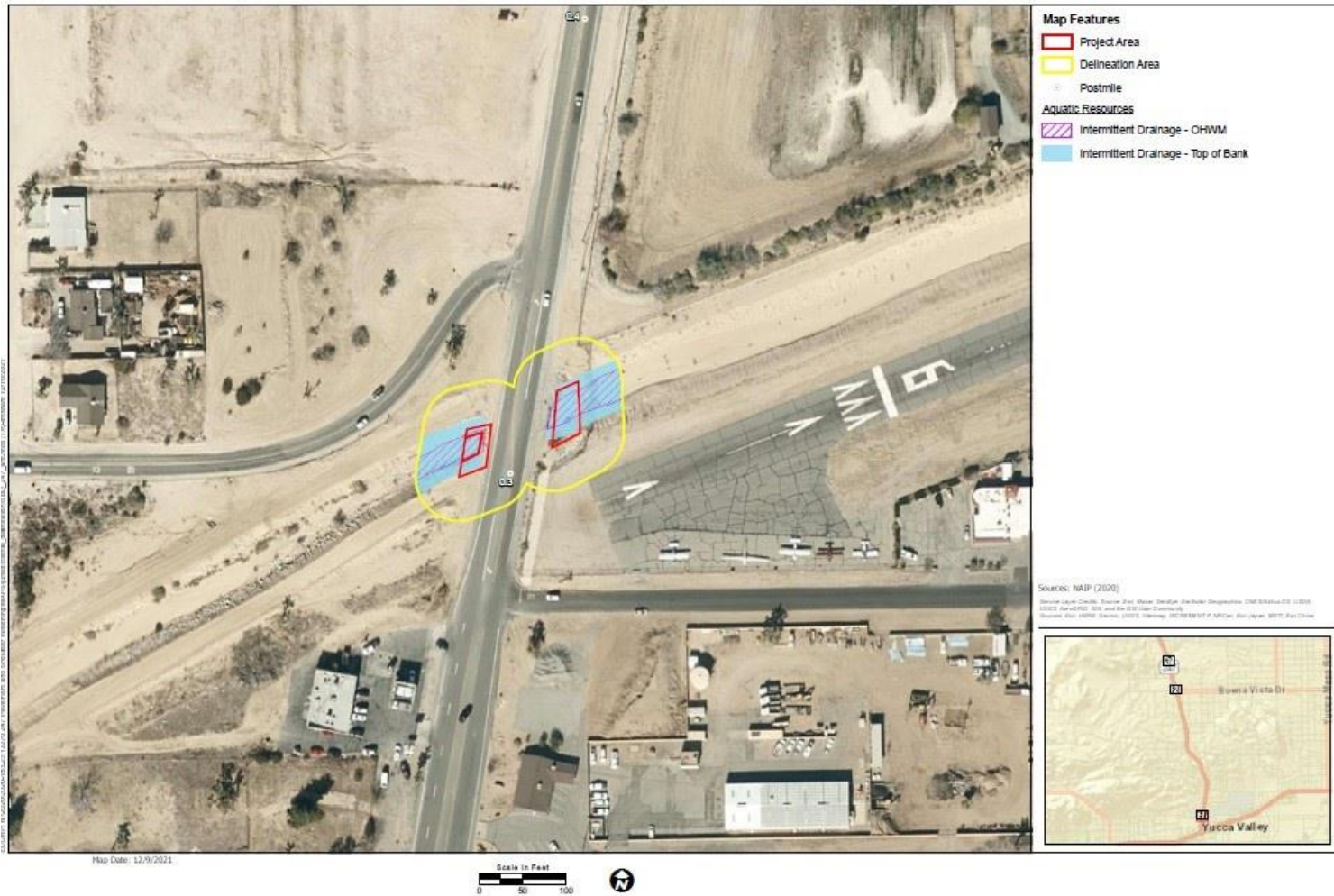


Figure 6. Map of impacted area PM 0.3.



Figure 7. Photograph of impacted area PM 0.3, westside.



Figure 8. Photograph of impacted area PM 0.3, eastside.

Attachment B

CEQA Findings

A. Introduction

On May 23, 2022, Caltrans-District 8 as lead agency adopted an initial study/mitigated negative declaration (IS/MND) for the Project (SCH No. 2022040204) and filed a Notice of Determination (NOD) with the SCH on June 16, 2022.

The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the Caltrans' environmental documents comport with the requirements of CEQA and are valid (Public Resources Code, §§ 21080.1(a), 21167.2). The Colorado River Basin Water Board has reviewed and considered the environmental documents and finds that the environmental documents prepared by Caltrans address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental documents include the mitigation measures that have been adopted for the Project to reduce potential temporary impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the approved IS/MND, Avoidance, Minimization, and/or Mitigation Measures, and other supplemental documentation.

The approved IS/MND is incorporated herein by reference. An electronic copy of the NOD is available at the SCH website:

[SCH Number 2022040204 \(ca.gov\)](https://www.sch.ca.gov/2022040204)

Copies of the NOD or IS/MND maybe be obtained by contacting the Caltrans-District 8 office at 464 West Fourth Street, San Bernardino, CA 92401. Requirements under the purview of the Colorado River Basin Water Board in the IS/MND are incorporated herein by reference.

The application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings and Determination

The IS/MND describes the potential significant environmental effects to water resources that were mitigated. Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources, when implemented in accordance with the mitigation measures required in the IS/MND and the conditions in this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

California Department of Transportation - 14 -
1J270 State Route 247 Pavement
Rehab and Construct Shoulder Project
Order No. 2004-0004-DWQ

October 27, 2023

A copy of Order No. 2004-004-DWQ can be found at:

www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html