



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## Central Valley Regional Water Quality Control Board

16 September 2016

Alicia Kirchner  
United States Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814

CERTIFIED MAIL  
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***ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY  
CONDITIONED WATER QUALITY CERTIFICATION; UNITED STATES ARMY CORPS  
OF ENGINEERS, SACRAMENTO RIVER BANK PROTECTION PROJECT – SAC RM  
16.8L (WDID#5A34CR00665A1), SACRAMENTO COUNTY***

This Order responds to the 12 September 2016 request for an amendment of the Sacramento River Bank Protection Project – Sac RM 16.8L Project Section 401 Water Quality Certification (WDID#5A34CR00665). The original Water Quality Certification (Certification) was issued on 2 September 2016. 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 United States Army Corps of Engineers requested an amendment to adjust the timeline for submittal of proof of mitigation credit purchase and correction to the submittal of evidence of on-site mitigation required for the project. Due to the critical timeline of the project, mitigation credit purchases will not be completed prior to start of construction. The United States Army Corps of Engineers has committed to purchasing the mitigation credits and submitting proof of purchases within the timeframe outlined in this amendment.

Technical Condition No. 31 is amended as shown in underline/strikeout format below:

31. As required by the National Marine Fisheries Service, the Applicant shall mitigate for the loss of 1.25 acres of stream channel habitat by purchasing 0.96 Chinook and Steelhead (riparian) restoration mitigation credits from the Fremont Landing Mitigation Bank and creating 0.25 acres of on-site restoration for the impacted watershed ~~prior to commencing construction~~. To achieve a minimum ratio of 1:1 for permanent impacts as required by the National Marine Fisheries Service, the Applicant shall purchase an additional 0.04 mitigation

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCCE, EXECUTIVE OFFICER

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credits for riparian restoration for the impacted watershed ~~prior to construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board.~~ Evidence of the purchase of 0.96 Chinook and Steelhead (riparian) restoration mitigation credits from the Fremont Landing Mitigation Bank shall be submitted to the Central Valley Water Board within 2 months after the start of construction. Evidence of the purchase of 0.04 mitigation credits for riparian restoration for the impacted watershed shall be submitted to the Central Valley Water Board within 6 months after the start of construction. Evidence of 0.25 acres of on-site restoration mitigation shall be provided with the Notice of Completion.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved compensatory mitigation bank. The letter must: a) be on the approved mitigation bank's letterhead; b) be signed by an authorized representative of the compensatory mitigation bank; c) indicate the United States Army Corps of Engineers' SPK number; d) describe the Project name and location; and e) detail the type of all compensatory mitigation credits purchased for the Project's impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

The Project Information Sheet is amended as shown in underline/strikeout format below:

**Compensatory Mitigation:** As required by the National Marine Fisheries Service, the Applicant shall mitigate for the loss of 1.25 acres of stream channel habitat by purchasing 0.96 Chinook and Steelhead (riparian) restoration mitigation credits from the Fremont Landing Mitigation Bank and creating 0.25 acres of on-site restoration for the impacted watershed ~~prior to commencing construction.~~ To achieve a minimum ratio of 1:1 for permanent impacts, as required by the National Marine Fisheries Service, the Applicant shall purchase an additional 0.04 mitigation credits for riparian restoration for the impacted watershed ~~prior to construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board.~~ Evidence of the purchase of 0.96 Chinook and Steelhead (riparian) restoration mitigation credits from the Fremont Landing Mitigation Bank shall be submitted to the Central Valley Water Board within 2 months after the start of construction. Evidence of the purchase of 0.04 mitigation credits for riparian restoration for the impacted watershed shall be submitted to the Central Valley Water Board within 6 months after the start of construction. Evidence of 0.25 acres of on-site restoration mitigation shall be provided with the Notice of Completion.

**APPLICATION FEE RECEIVED:**

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

**CENTRAL VALLEY WATER 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 Sacramento River Bank Protection Project – Sac RM 16.8L (WDID#5A34CR00655A1). 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 Adam Laputz for:*

Pamela C. Creedon  
Executive Officer

cc: Distribution List, page 4

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