3 May 2019

Johny Tan
California Department of Transportation
703 B Street
Marysville, CA 95901

CERTIFIED MAIL
91 7199 9991 7039 7041 4081

CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, BROWNS VALLEY SHOULDER WIDENING AND REHABILITATION PROJECT (WDID#5A58CR00151), YUBA COUNTY

This Order responds to the 28 November 2018 application submitted by the California Department of Transportation (Applicant) for the Water Quality Certification of the Browns Valley Shoulder Widening and Rehabilitation Project (Project), permanently impacting 0.85 acre of waters of the United States and permanently impacting 0.86 acre of waters of the state (riparian).

This Order serves as certification of the United States Army Corps of Engineers' Letter of Permission (SPK-2018-00889) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. **This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Regional Water Quality Control Board (Central Valley Water Board).**

2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.

3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory

Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.

5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Water Board shall be signed by a person described below or by a duly authorized representative of that person.

   (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
   (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 6 shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:
In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling[1]:
   a) when performing any in-water work;
   b) in the event that Project activities result in any materials reaching surface waters; or
   c) when any activities result in the creation of a visible plume in surface waters.

   The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab(1)	Every 4 hours during in-water work	(2, 4)
Visible construction related pollutants (3)	Observations	Visual Inspections	Continuous throughout the construction period	—
pH[5]	Standard Units	Grab(1)	Every 4 hours during in-water work	(2, 4)

(1) Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
(2) Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.
(3) Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
(4) A hand-held field meter may be used, provided the meter utilizes a USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.
(5) Sampling to be conducted if wet concrete comes into contact with surface water.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks

[1] Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

   a) Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

   b) Activities shall not cause turbidity increases in surface water to exceed:
      i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
      ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
      iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
      iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
      v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

      In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

   c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, pH, or other water quality objectives are exceeded.

7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if

any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.

8. Activities shall not cause visible oil, grease, or foam in the receiving water.

9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

11. Concrete must be completely cured before coming into contact with waters of the United States. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

12. A method of containment must be used below the bridge(s), boardwalk(s), and/or temporary crossing(s) to prevent debris from falling into the water body through the entire duration of the Project.

13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.

14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

15. All areas disturbed by Project activities shall be protected from washout and erosion.

16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

17. Hydroseeding shall be performed with California native seed mix.

18. All materials resulting from the Project shall be removed from the site and disposed of properly.

19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

20. If water is present, the area must be dewatered prior to the start of work.

21. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.

22. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

23. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

24. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Letter of Permission or the California Department of Fish and Wildlife Streambed Alteration Agreement.

25. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2018-0340-R2.

26. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

27. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

28. The Applicant shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.

29. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

    (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

    (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

    (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

30. To mitigate for the loss of 0.36 acre of wetland habitat and 0.49 acre of stream bed habitat, the Applicant shall purchase a minimum of 2.55 aquatic resource credits from the National Fish and Wildlife Foundation's (NFWF) Sacramento District California In-lieu Fee Program for the Bear-Yuba Aquatic Resource Service Area as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. To mitigate for the loss of 0.86 acre riparian habitat, the applicant shall create 0.38 acre riparian habitat and restore 0.48 acre riparian habitat as outlined in the February 2019 Restoration Plan for Brown's Valley Rehabilitation Project. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site

compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent 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.

NOTIFICATIONS AND REPORTS:

31. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

32. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Peter Minkel
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
PeterG.Minkel@waterboards.ca.gov
(916) 464-4684

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The California Department of Transportation is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Browns Valley Shoulder Widening and Rehabilitation Project pursuant to Section 21000 et seq. of the Public Resources Code. The California Department of Transportation approved the Mitigated Negative Declaration on 14 August 2017. The California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 1 February 2018 (SCH No. 2017052071).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Mitigated Negative Declaration. The mitigation measures discussed in the Mitigated Negative Declaration to minimize project impacts to State waters are required by this Certification.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the California Department of Transportation, Browns Valley Shoulder Widening and Rehabilitation Project (WDID#5A58CR00151) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, California Department of Transportation's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed By Jim Marshall for:

Patrick Pulupa
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map
Figure 2 – Project Map
Figures 3 – 11 Location Maps

cc: Distribution List, page 15

PROJECT INFORMATION SHEET

Application Date: 28 November 2018

Applicant: Johny Tan
California Department of Transportation
703 B Street
Marysville, CA 95901

Applicant Representative: Gregory Saiyo
California Department of Transportation
703 B Street
Marysville, CA 95901

Project Name: Browns Valley Shoulder Widening and Rehabilitation Project

Application Number: WDID#5A58CR00151

Date on Public Notice: 30 November 2018

Date Application Deemed Complete: 26 February 2019

Date All Information Received: 26 February 2019

Type of Project: Transportation – Roads and Highways

Approved Months of Project Implementation: The Project will be constructed 30 June through 31 October, or as otherwise required by the Department of Fish and Wildlife.

Project Location: Section 19, 21, 22, 23, 24, 30, Township 16 North, Range 15, 16 East, MDB&M.
Latitude: 39°13’40.33“N and Longitude: 121°24’50.66” W

County: Yuba County

Receiving Water(s) (hydrologic unit): Dry Creek and unnamed tributaries of the Lower Yuba River, Sacramento Hydrologic Basin, Marysville Hydrologic Unit #515.30, Lower Yuba River HA

Water Body Type: Wetland, Streambed, Riparian

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, revised May 2018 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW);

Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Dry Creek and the tributaries to the Lower Yuba River are the receiving waters for the Browns Valley Shoulder Widening and Rehabilitation Project. Dry Creek and the tributaries to the Lower Yuba River are not listed on the 303(d) list. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml

Project Description: The Browns Valley Shoulder Widening and Rehabilitation Project (Project) is located along State Route 20 approximately 12 miles east of the City of Marysville, between post mile (PM) 13.3 and the Yuba River (Parks Bar Bridge) at PM R17.80. The 56.12-acre Project consists of widening shoulders, realigning a portion of the roadway and replacement of Dry Creek Bridge. Construction includes repairing or replacing culverts, installing rock slope protection, widening shoulders, realigning SR 20 horizontal alignment, extending truck climbing lanes, and adding turn pockets.

Dewatering will occur within the Project area. Wet concrete will be placed into the stream bed in dry conditions after fully dewatering the work area. The Project will permanently impact 0.85 acre of waters of the United States and permanently impact 0.86 acre of waters of the state (riparian).

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and pH.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity and pH testing during in-water work, stopping work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Fill Area: Approximately 149.7 cubic yards of dry concrete, 1,414.2 cubic yards of clean rock (RSP), and 4,477.9 cubic yards of clean soil will be placed into 0.85 acre of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 1.71 acre of wetland, stream bed, and riparian habitat from fill/excavation activities.

Table 2: Impacts from Fill Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Riparian Zone	--	--	--	0.86	4,921.9	--	--	--	--
Stream Channel	--	--	--	0.49	5,817.1	--	--	--	--
Wetland	--	--	--	0.36	224.7	--	--	--	--

United States Army Corps of Engineers File Number: SPK-2018-00889

United States Army Corps of Engineers Permit Type: Letter of Permission

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: 1600-2018-0340-R2

Possible Listed Species: California black rail**,** Chinook salmon, Central Valley steelhead, Western pond turtle, Winter-run Chinook salmon

Status of CEQA Compliance: The California Department of Transportation approved a Mitigated Negative Declaration on 14 August 2017. The California Department of Transportation filed a Notice of Determination with the State Clearinghouse on 1 February 2018 (SCH No. 2017052071).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: To mitigate for the loss of 0.36 acre of wetland habitat and 0.49 acre of stream bed habitat, the Applicant shall purchase a minimum of 2.55 aquatic resource credits (at a ratio of 3:1) from the National Fish and Wildlife Foundation's (NFWF) Sacramento District California In-lieu Fee Program for the Bear-Yuba Aquatic Resource Service Area as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. To mitigate for the loss of 0.86 acre riparian habitat, the applicant shall create 0.38 acre riparian habitat and restore 0.48 acre riparian habitat as outlined in the February 2019 Restoration Plan for Brown's Valley Rehabilitation Project. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Riparian Zone	--	--	X	0.38	--	X	--	--	--	--	--
Riparian Zone	--	--	X	0.48	--	--	X	--	--	--	--
Stream Channel	X	--	--	0.49	--	X	--	--	--	--	--
Wetland	X	--	--	0.36	--	X	--	--	--	--	--
TOTAL	--	--	--	1.71	--	--	--	--	--	--	--

Application Fee Provided: $9,380.00 was received on 5 November 2018. The remaining application fee balances of $13,368.00 and $2,173.00 based on total Project impacts were received on 4 February 2019 and 7 February 2019, respectively.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

DISTRIBUTION LIST

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SPKRegulatoryMailbox@usace.army.mil

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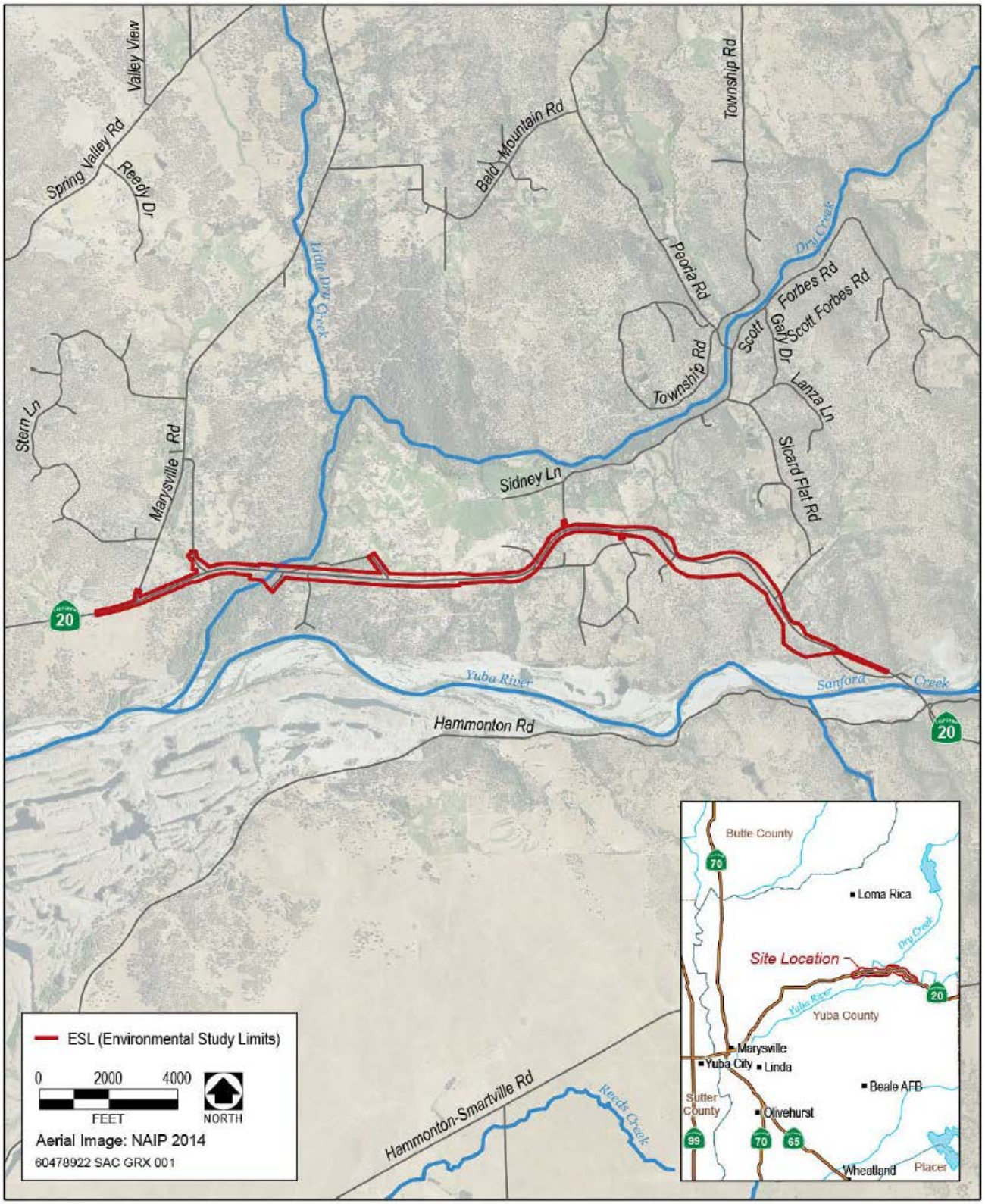

Figure 1 – Project Location Map

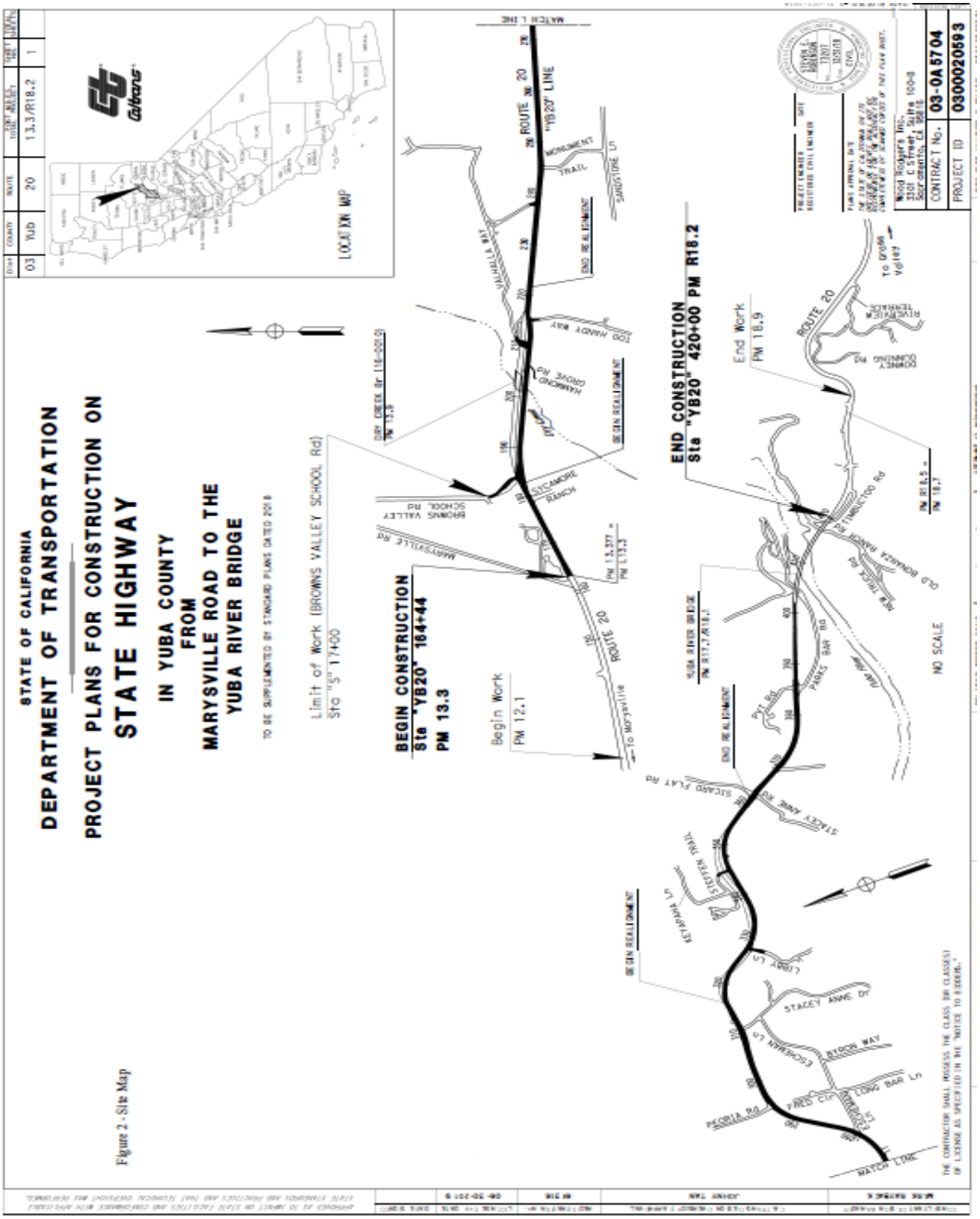

Figure 2 - Site Map

Figure 2 – Project Map

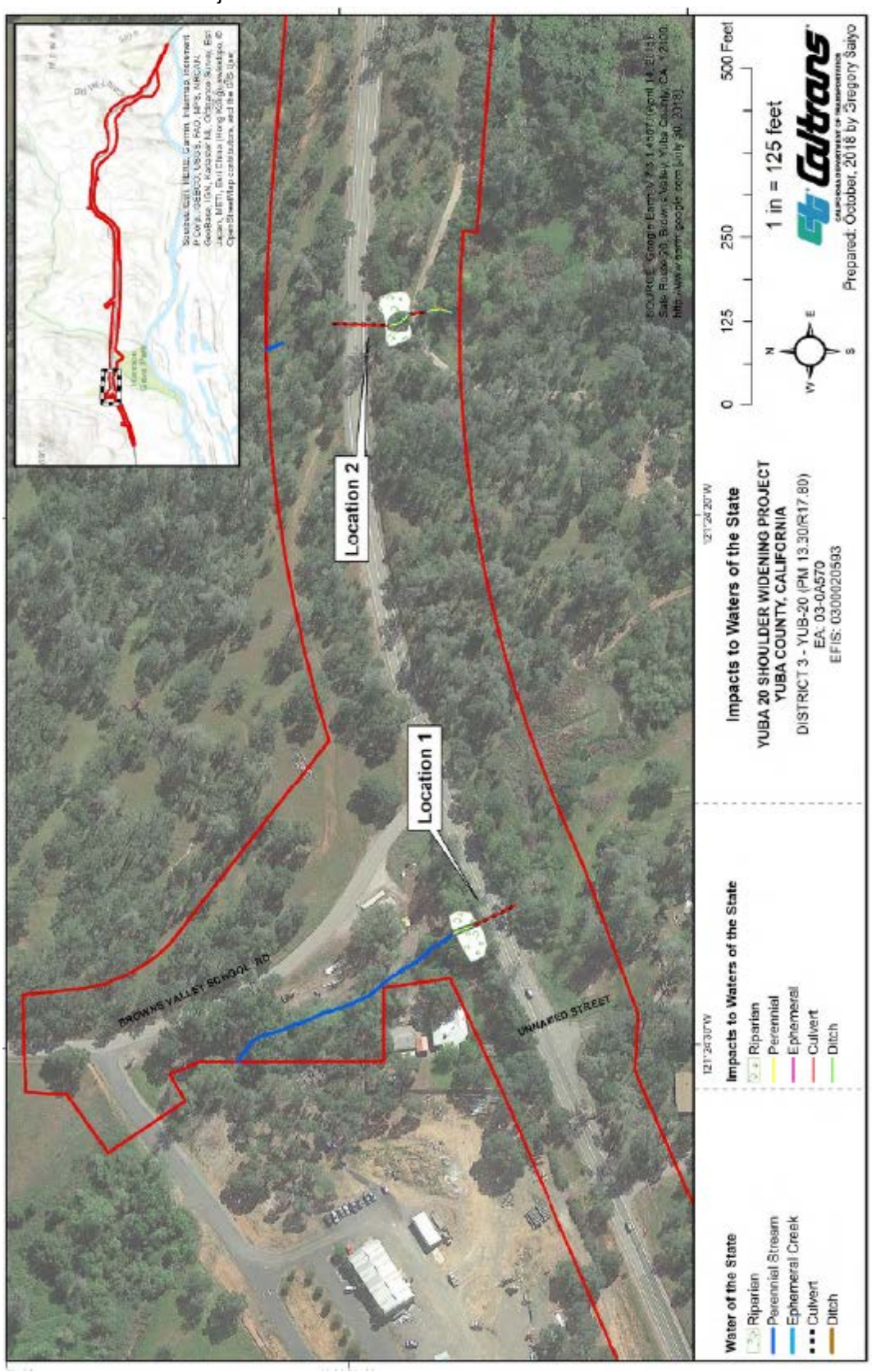

Figure 3 – Locations 1 and 2 Map

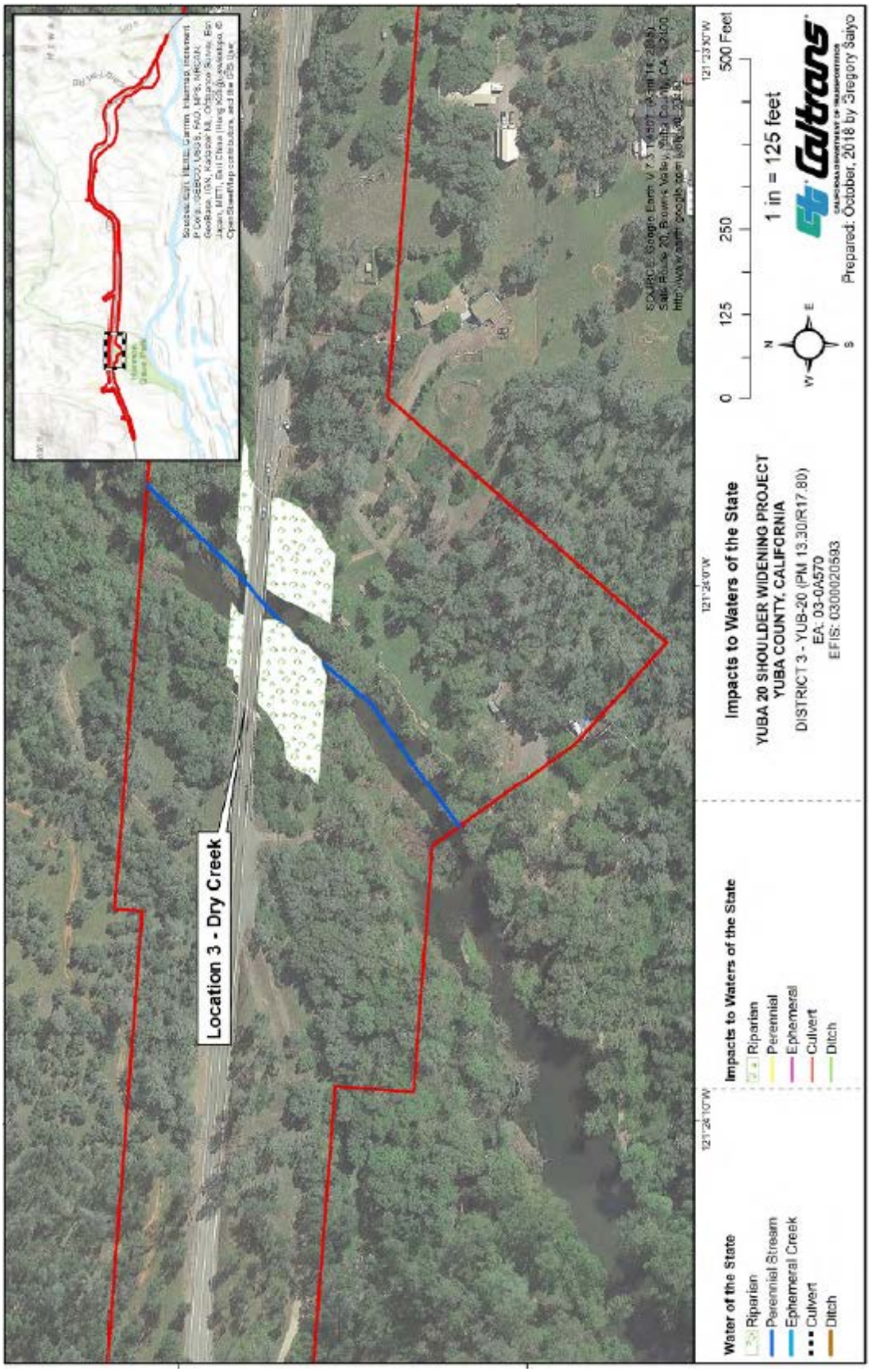

Figure 4 – Location 3 Map

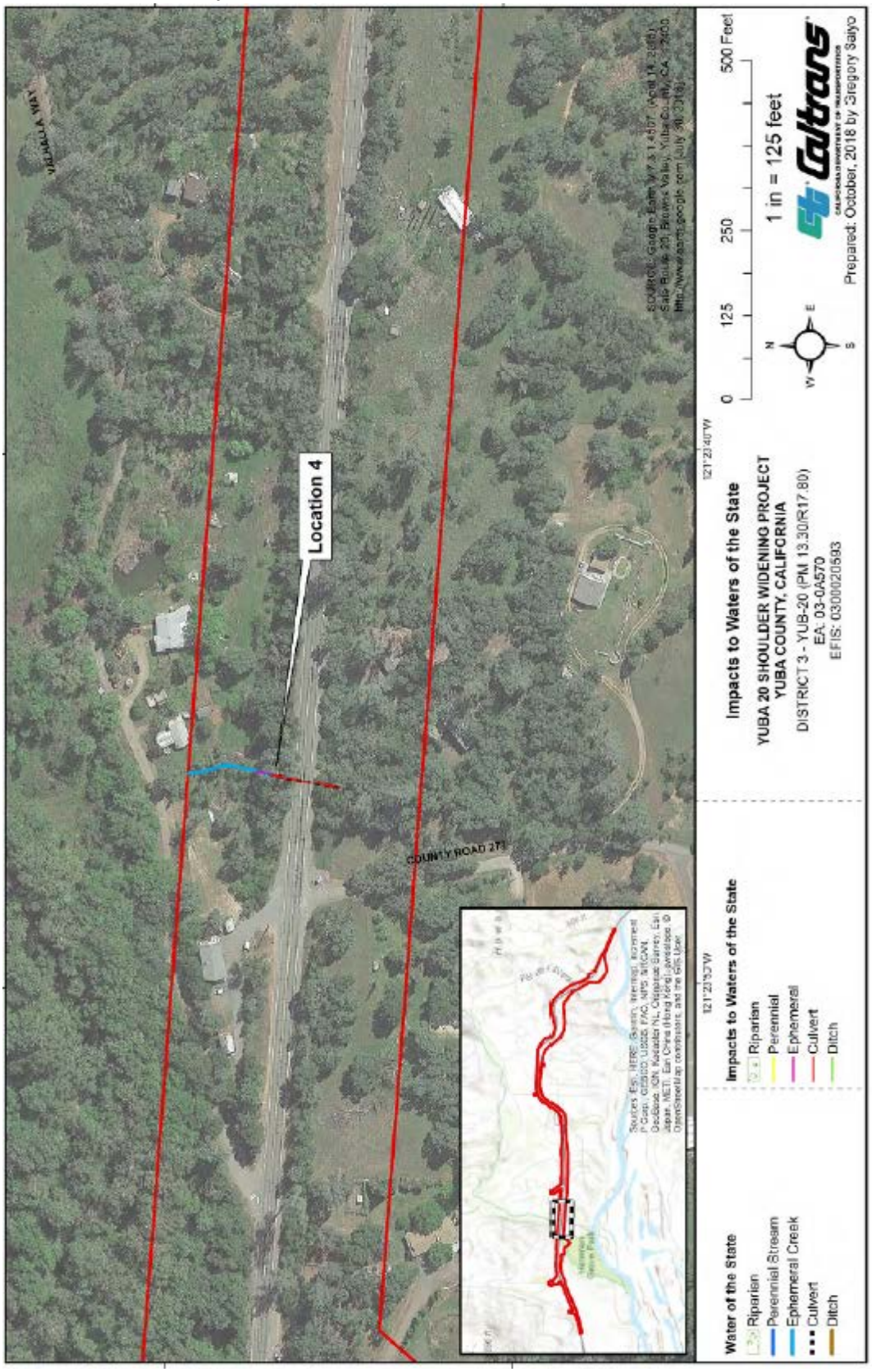

Figure 5 – Location 4 Map

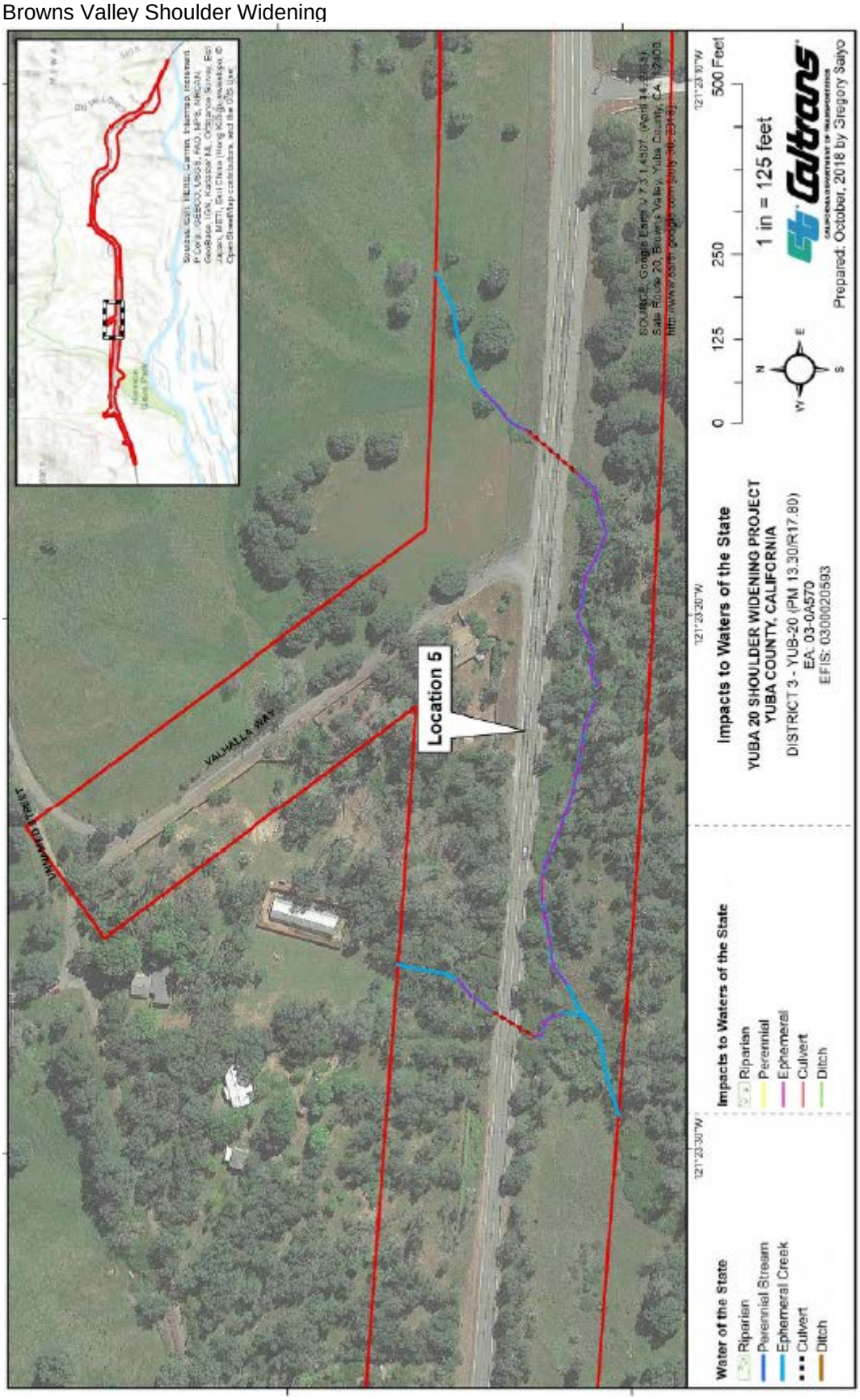

Figure 6 – Location 5 Map

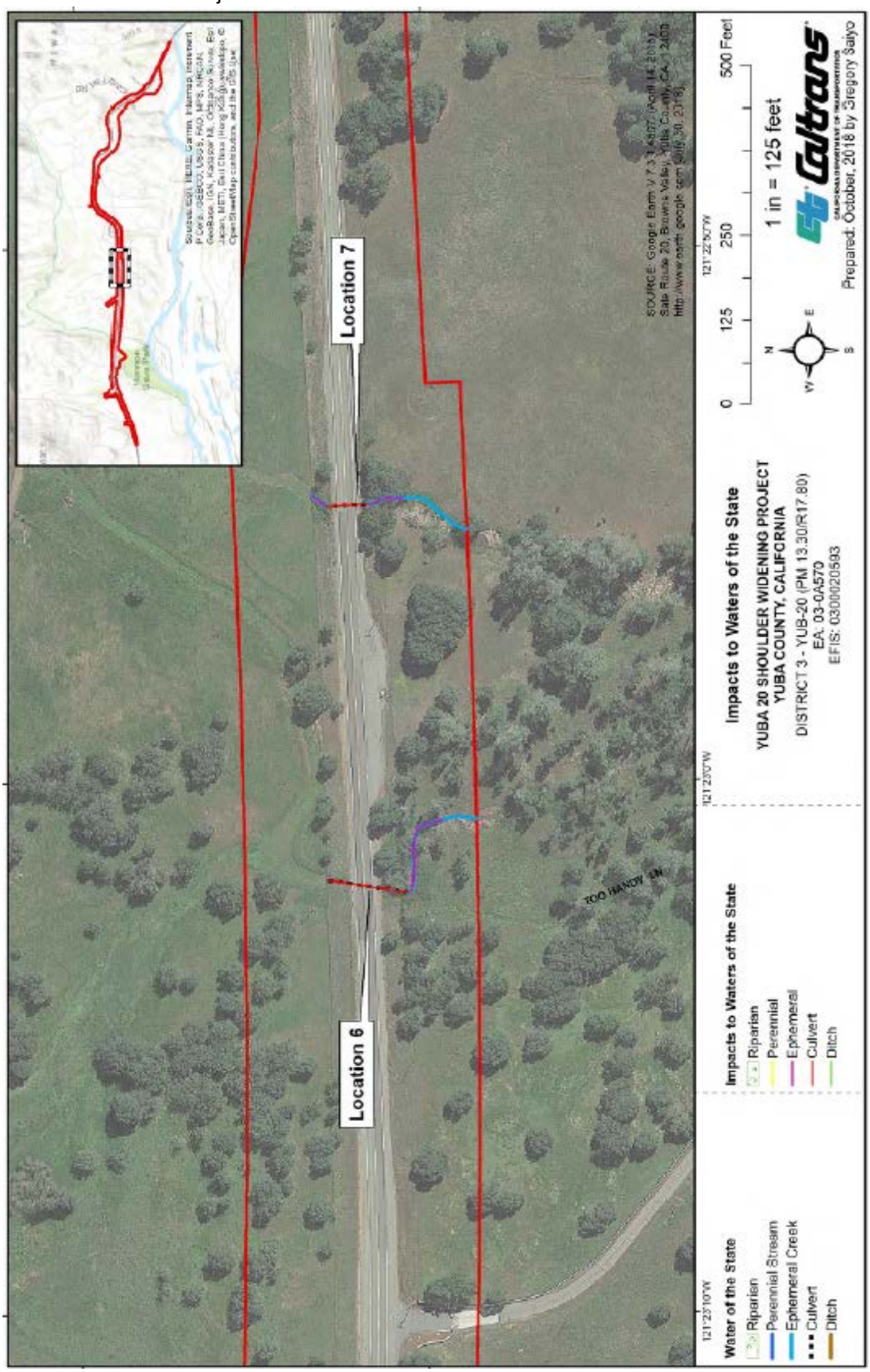

Figure 7 – Locations 6 and 7 Map

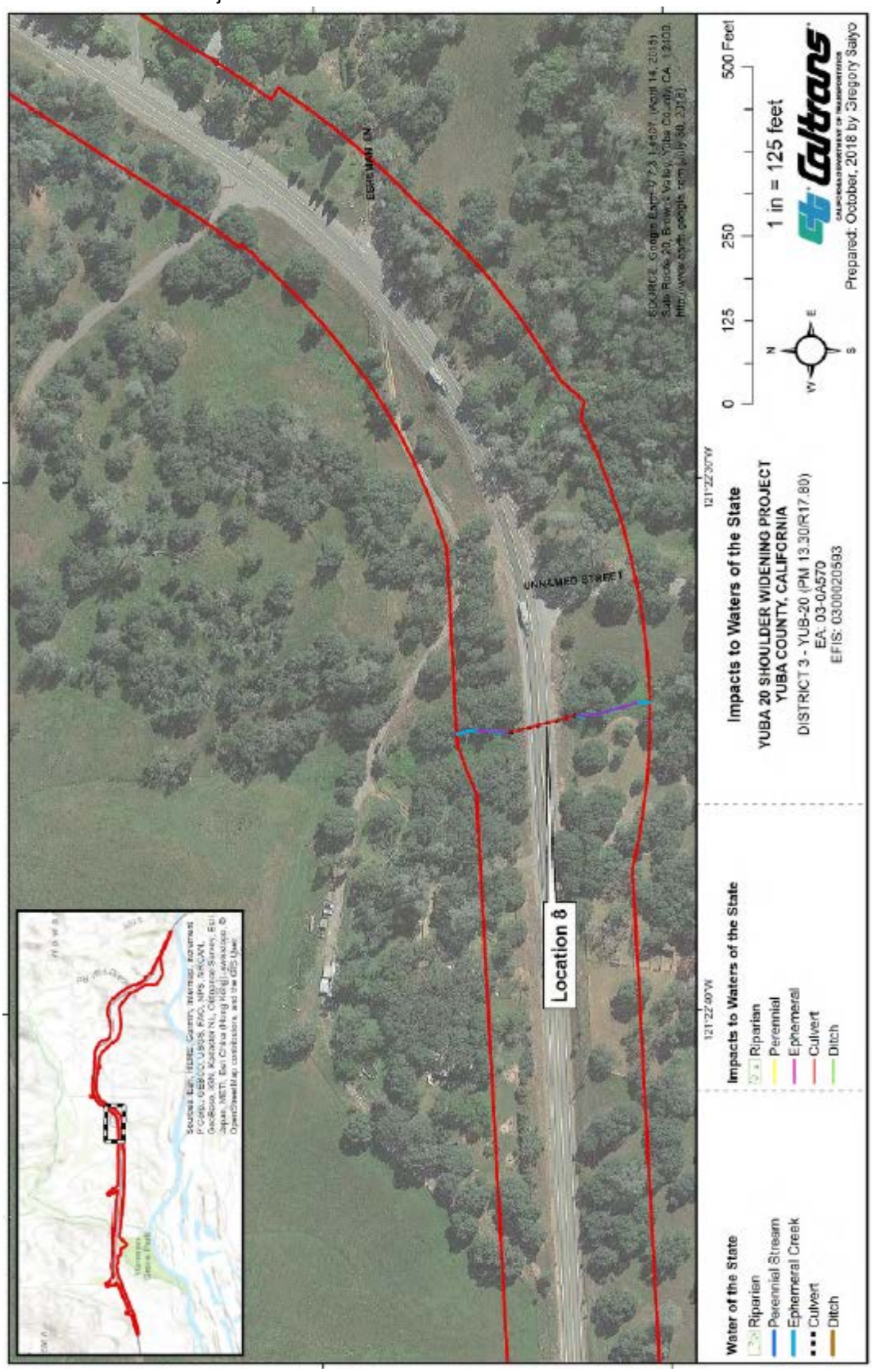

Figure 8 – Location 8 Map

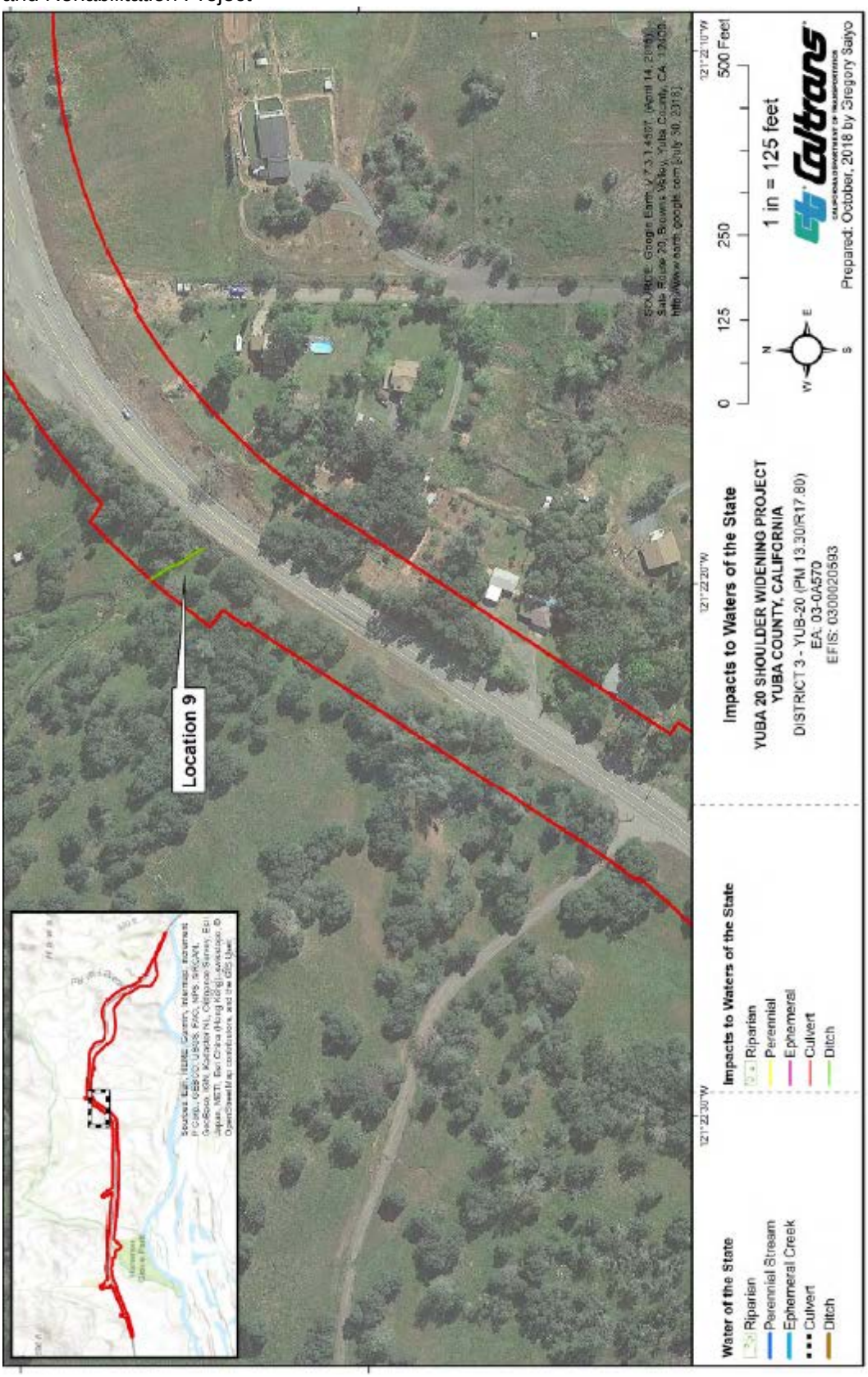

Figure 9 – Location 9 Map

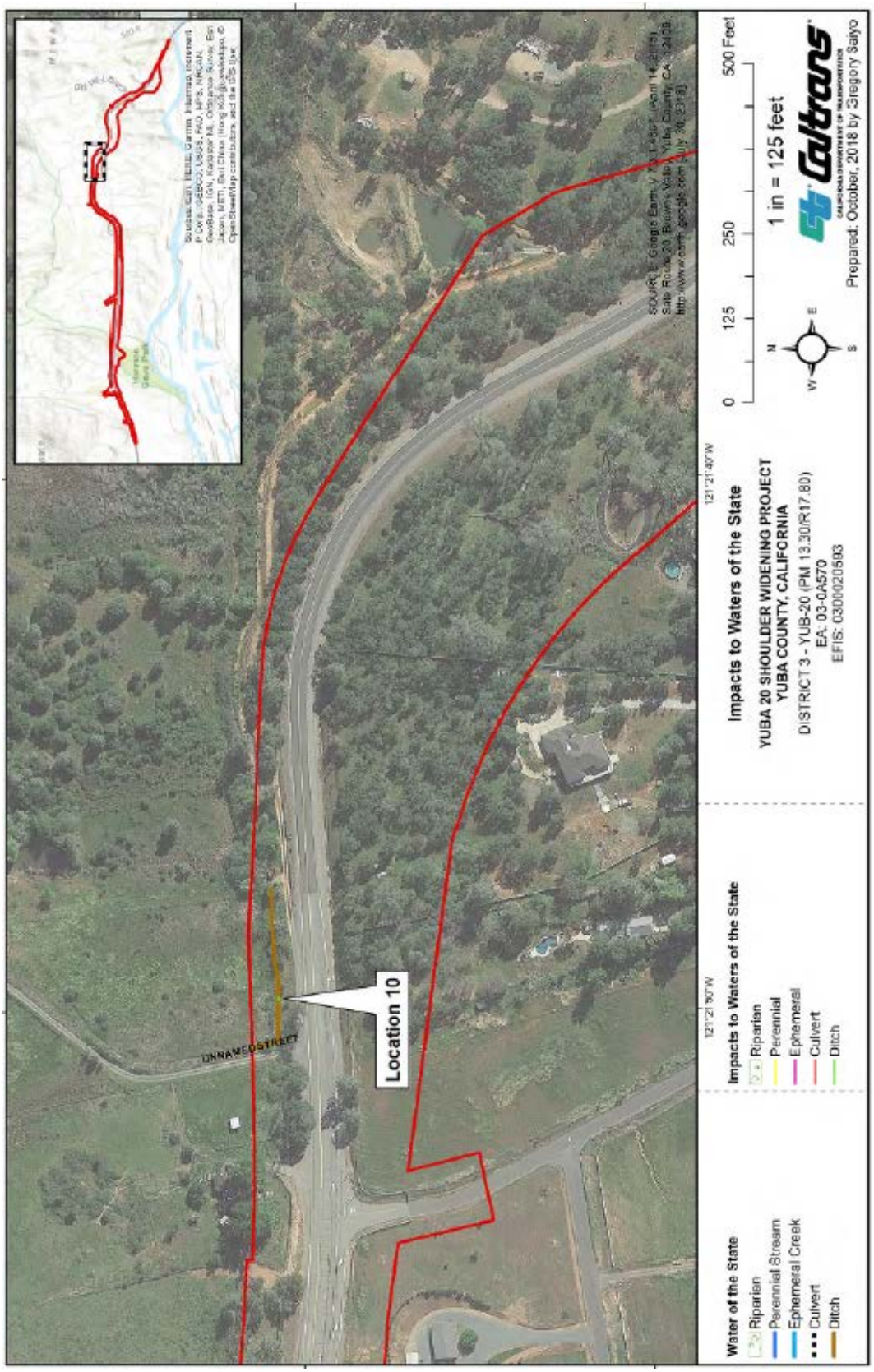

Figure 10 – Location 10 Map

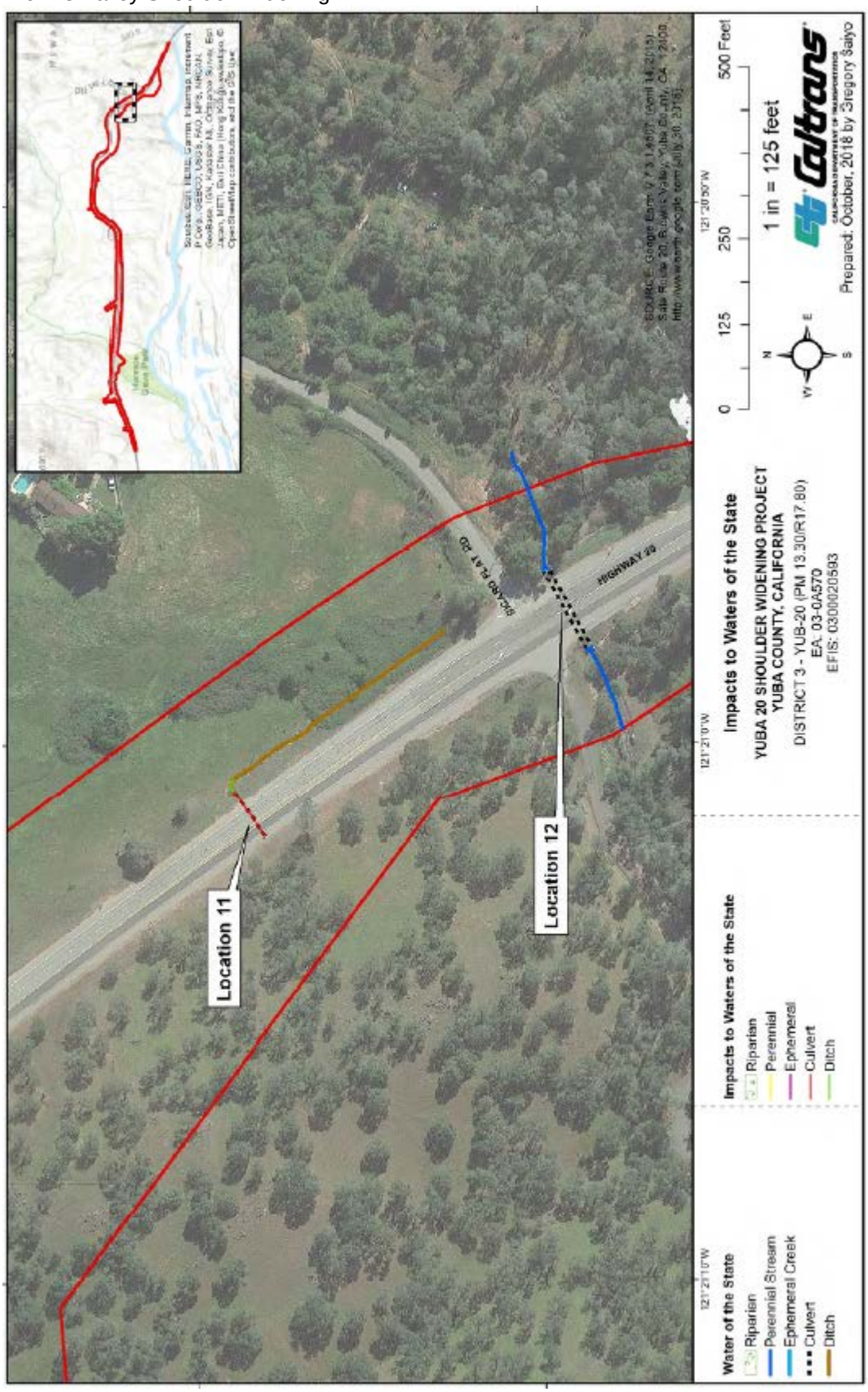

Figure 11 Locations 11 and 12 Map