



Central Valley Regional Water Quality Control Board

28 August 2024

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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALTRANS, PLA 49 SAFETY IMPROVEMENT PROJECT (03-4H600) (WDID#5A31CR00574A3), PLACER COUNTY

This Order responds to the 2 August 2024 request for an amendment of the PLA 49 Safety Improvement Project (Project) Section 401 Water Quality Certification (WDID#5A31CR00574). The original Water Quality Certification (Certification) was issued on 21 March 2022. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Caltrans is requesting an amendment to include new impacts to stream channel and riparian habitat. Sections VII, XIV.K and Attachments A and B will be modified to reflect the new impacts and compensatory mitigation requirements.

1. Section VII is amended and replaced in its entirety as shown below:

VII. Description of Direct Impacts to Waters of the State

The Project permanently impacts 0.40 acres of aquatic resources and temporarily impacts 0.21 acres of riparian habitat to accommodate new roadway roundabout construction. An additional 0.04 acre of temporary impacts to stream channel are proposed from culvert installation. The additional impacts are temporary, but fill is proposed to remain for one full year.

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.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.04		300
Riparian	0.21	2,025	325

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.05	151	547
Wetland	0.35	211	1,462

2. Section XIV.K is amended and replaced in its entirety as shown below:

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and temporal loss of a water of the state.

1. Compensatory Mitigation Plan

- a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.
- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c)
- c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

3. 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 within 90 days of authorized impacts.
- 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.

4. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.05 acre of Stream Channel habitat by purchasing 0.05 stream channel credits from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program for the American River Aquatic Resource Watershed Service Area.
- b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.35 acre of Wetland Habitat by purchasing 0.35 wetland credits from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program for the American River Aquatic Resource Watershed Service Area.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Credit Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	In-Lieu Fee Credits	Acres						0.05
Wetland	In-Lieu Fee Credits	Acres						0.35

- d. The Permittee is required to provide compensatory mitigation for the temporal loss of stream channel by purchasing 0.01 stream channel credits from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee in the American River Aquatic

Resource Watershed Service Area or an approved mitigation bank. Additionally, the 0.04 acre of stream channel will be restored to pre-Project contours after one year.

- e. Total required Project compensatory mitigation information for temporal loss of stream channel is summarized in Table 6.

Table 6: Total Required Project Compensatory Mitigation Quantity for Temporal Loss

Aquatic Resource Credit Type	Mitigation Type	Units	Unknown
Stream Channel	In-Lieu Fee Credits/Mitigation Bank	Acres	0.01

- 3. Attachment A is amended to incorporate Figure 4 below:



Figure 4: New impacts to riparian and stream channel habitat

4. Tables 2 and 5 in Attachment B are amended as shown below:

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acre	Cubic Yards	Linear Feet
Riparian	38.997287°	-121.109150°	No	0.21		325
Stream Channel	38.997287°	-121.109150°	No	0.04		300

Table 5: Mitigation Type Information

Table 5: Mitigation Type Information	Acres	Linear Feet	Number of Credits Purchased
Stream Channel	0.06		TBD
Wetland	0.35		TBD

APPLICATION FEE RECEIVED:

Total fees of \$2,985.00 for the amendment were received on 21 August 2024. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the amendment pursuant to California Code of Regulations, title 23, section 3858 and Water Code section 13167.5 from 2 August 2024 to 23 August 2024. The Central Valley Water Board did not receive any comments during the comment period.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the PLA 49 Safety Improvement Project (WDID#5A31CR00574A3). 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 Anne Walters for:
Patrick Pulupa
Executive Officer

cc: Distribution List [via email only]

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