



Central Valley Regional Water Quality Control Board

8 May 2024

Stephen Cheney
Union Pacific Railroad
1400 Douglas Street, Stop 0910
Omaha, NE 68179

NOTICE OF APPLICABILITY: STATE WATER RESOURCES CONTROL BOARD CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION OF ARMY CORPS OF ENGINEERS' 2021 NATIONWIDE PERMITS (ORDER NO. WQ 2021-0048-DWQ), UNION PACIFIC RAILROAD (UPRR), UPRR VALLEY SUBDIVISION MILE POST 246.95 BRIDGE REPLACEMENT PROJECT (WDID NO. 5A45CR00659), SHASTA COUNTY

On 11 March 2024, Union Pacific Railroad (Applicant) filed a Notice of Intent (NOI) requesting coverage for the UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement Project under State Water Resources Control Board's Clean Water Act Section 401 General Water Quality Certification of Army Corps of Engineers' 2021 Nationwide Permits (Order No. WQ 2021-0048-DWQ). The applicable Nationwide Permit (NWP) is NWP 14, Linear Transportation Projects. After review of the NOI and supplemental materials submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement Project (Project) qualifies for enrollment under this General Order.

The Central Valley Water Board is certifying this Project under Water Quality Order WQ 2021-0048-DWQ. This Notice of Applicability (NOA) is being issued at the request of Union Pacific Railroad Company (hereinafter Enrollee) under the General Order pursuant to Section 3838 of the California Code of Regulations.

A copy of the General Order is enclosed. You can also access the General Order on [State Water Resources Control Board's General Orders Web Page](https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/generalorders.html#yr_2021).

The Project must proceed in accordance with the requirements contained in this NOA and the General Order. The Project is described in the NOI Form requesting coverage and supplementary information (Application Package). If the Project is modified from that described in the Application Package, then coverage under the General Order is no longer valid.

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

I. Public Notice

The Central Valley Water Board provided public notice of the application from 5 April 2024 to 26 April 2024. The Central Valley Water Board did not receive any comments during the comment period.

II. Project Description

The purpose of the proposed project is to continue and improve freight and passenger rail service in the region by replacing the existing structure that has outlived its useful life.

UPRR proposes to replace the existing seven-span, 106-foot-long, timber stringer trestle ballast deck bridge with a four-span, 120-foot-long, pre-stressed concrete box bridge. Construction will occur within an existing UPRR right-of-way (ROW) extending 50 feet to both sides of the track alignment (100 feet total ROW width). The Project limits include the existing bridge structure, access routes, and staging areas on all four corners of the bridge. The bridge spans Anderson Creek, a perennial stream and tributary to the Sacramento River, and an associated ephemeral high-flow channel.

Proposed activities within Anderson Creek and associated high-flow channel include the removal of existing concrete piers, the construction of two temporary causeways or two temporary work bridges (or one of each) flanking the bridge, and the installation of the new driven bridge piles. If the temporary causeway option is selected, each temporary causeway will consist of up to three 48-inch-diameter, 42-foot-long, corrugated metal pipes, clean earthen material and rock, and armored with riprap to reduce scour potential. The causeways will be underlain by geotextile fabric to maintain stream elevations and contours. If the temporary work bridge option is selected, the work bridges will be designed by the contractor based on equipment planned for construction and will use H-piles or pipe piles driven into the streambed.

The proposed activity will result in the permanent and temporary placement of fill material and excavation within waters of the state. Temporary impacts associated with temporary causeways include 87 linear feet (0.049 acre) of temporary fill in Anderson Creek and 45 linear feet (0.005 acre) of temporary fill in the high-flow channel. If the temporary work bridge option is selected in lieu of temporary causeways, temporary impacts to aquatic resources will be less. In addition, approximately 16 linear feet (0.002 acre) of temporary excavation impacts will occur in Anderson Creek for the removal of the existing piers. Minor permanent impacts to Anderson Creek include 4 linear feet (0.00001 acre) of permanent fill associated with the proposed driven bridge piles. No wetlands are within the Project limits. No riparian vegetation was identified within the Project limits; therefore, removal or trimming of riparian vegetation will not occur. The Project will adhere to the National Marine Fisheries Service (NMFS) in-water work window of June 1 to October 31. Dewatering is not anticipated, but if required, the contractor will be instructed to containerize, treat, and properly dispose off-site any dewatered surface water. The Enrollee shall work with the Central Valley Water Board to obtain coverage under

Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land or an NPDES permit for dewatering activities that result in discharges into surface water.

III. Project Location

County: Shasta County

Nearest City: City of Anderson

Township 30 North, Range 4 West MDB&M

Latitude: 40.447571° and Longitude: -122.296692°

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

IV. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the 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/). 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 NOA 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 can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity are shown in Tables 2 and 3 of Attachment B.

V. Description of Direct Impacts to Waters of the United States

The Project will impact 0.05601 acre of Waters of the United States. These impacts include temporary impacts of 0.056 acre of stream channel and permanent impacts of 0.00001 acre of stream channel.

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 of area and those degrading ecological conditions. Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.056	90	148

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.00001	1	4

VI. California Environmental Quality Act (CEQA)

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15302, Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

VII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

VIII. Fees Received

An application fee of \$2,985 was received on 13 March 2024. 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 E – Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

IX. Compensatory Mitigation

No compensatory mitigation was required due to the limited scope and nature of the impacts and the aquatic resources affected. To the extent feasible, the Permittee is required to restore and stabilize the area following disturbance.

¹ 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.

X. Central Valley Regional Water Quality Control Board Contact:

If you have any questions regarding this Notice of Applicability, please contact Daniel Warner at (530) 224-4848 or Daniel.Warner@waterboards.ca.gov.

Original Signed by Clint Snyder, AEO
(for) Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

5/8/2024
Date

Enclosure: State Water Resources Control Board's Clean Water Act Section 401
General Water Quality Certification of Army Corps of Engineers' 2021
Nationwide Permits (Order No. WQ 2021-0048-DWQ)

Attachments: Attachment A - Project Maps
Attachment B - Receiving Water, Impacts, and Mitigation Information
Attachment C - CEQA Findings of Facts

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Attachment A

Figure 1: Project Location Map

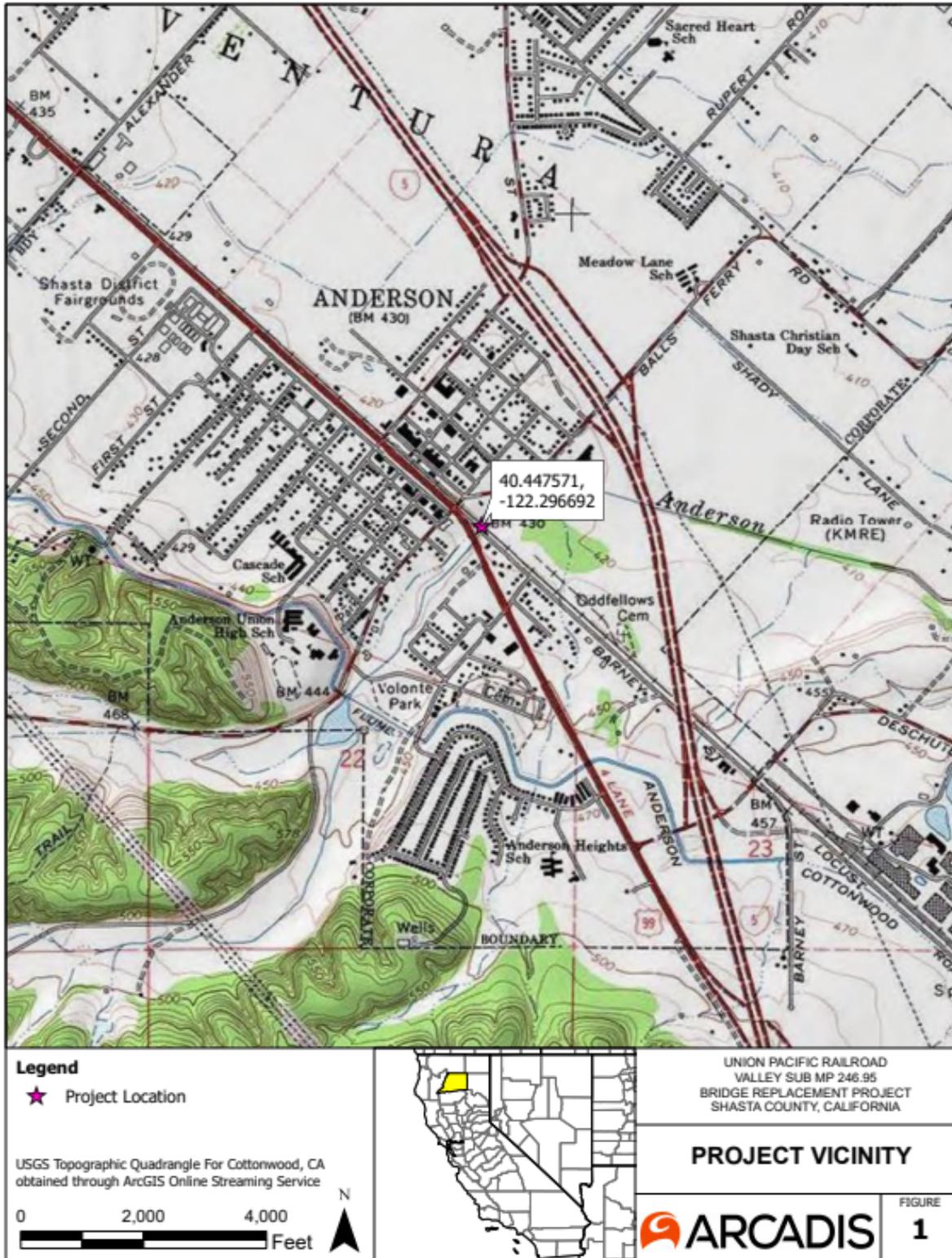
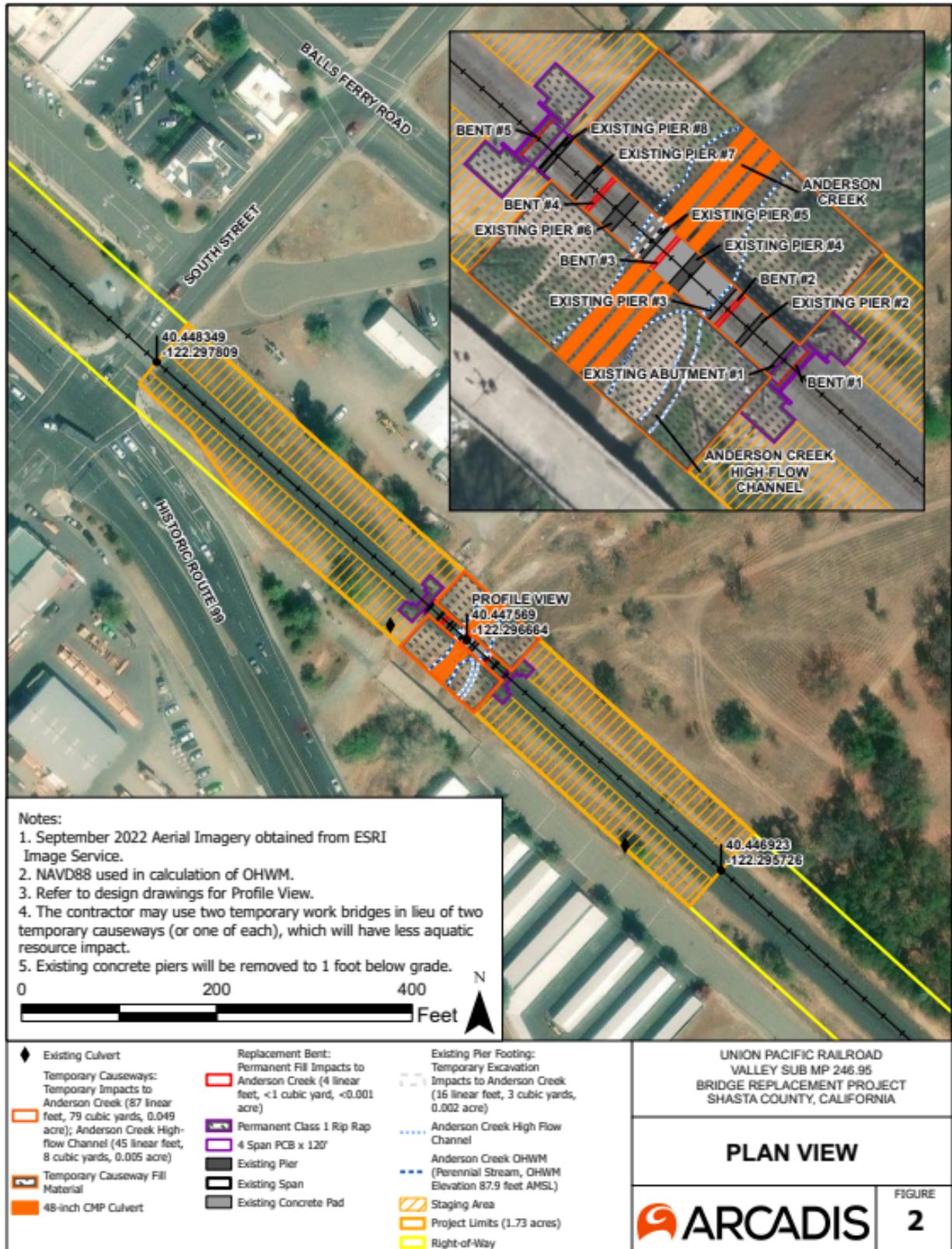


Figure 2. Plan View and Water Quality Impacts Map



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Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Waters Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement	Anderson Creek	Stream	508.10	Sacramento River, Shasta Dam to Colusa Basin Drain	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Indicator Bacteria	Not Applicable

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement, Anderson Creek	40.4476°	-122.2967°	No	0.051	82	103
UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement, High Flow Channel	40.4475°	-122.2967°	No	0.005	8	45

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
UPRR Valley Subdivision Mile Post 246.95 Bridge Replacement, Anderson Creek	40.4476°	-122.2967°	No	0.00001	1	4

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FINDINGS FOR CEQA EXEMPT PROJECT

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.

Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15302, Replacement or Reconstruction, which consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

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

DISTRIBUTION LIST

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