

---

## Central Valley Regional Water Quality Control Board

24 March 2023

Jeannie Wiley  
California Department of Transportation  
2015 E. Shields Ave, #200  
Fresno, CA 93726

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CALIFORNIA DEPARTMENT OF TRANSPORTATION, 06-0X060 FRESNO 198 CULVERT REHAB PROJECT (WDID NO. 5B10CR00116A1), FRESNO COUNTY**

This Order responds to the 23 February 2023 request for an amendment of the 06-0X060 Fresno 198 Culvert Rehab Project (Project) Section 401 Water Quality Certification (WDID No. 5B10CR00116). The original Water Quality Certification (Certification) was issued on 9 August 2022. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

This amendment is not valid until and unless an amendment to the Section 404 Permit with equivalent modifications is approved by the United States Army Corps of Engineers (USACE) or it is otherwise determined by USACE that an amendment of the 404 Permit is unnecessary.

#### **AMENDMENT:**

The California Department of Transportation (hereinafter Permittee) are requesting an amendment to the Section 401 Water Quality Certification and Order for an increase in both temporary and permanent impacts to waters of the state. Therefore, Section VII, Tables 2 and 3; Section X; Section XIV.K.; and Attachment B, Tables 2 and Table 3 are amended in underline format below. In addition, Tables 4 and 5 have been added to Attachment B since compensatory mitigation is now required for the permanent impacts. The impacts maps in Attachment A have also been updated and are included at the end of this document.

#### **VII. Description of Direct Impacts to Waters of the State**

A total of 0.243 acres (in-channel and adjacent land) will be temporarily impacted from human foot traffic, off-road vehicles, and equipment. Of this, approximately 0.169 acres of stream channel will be temporarily impacted. Approximately 0.026 acres (112 linear feet) of stream channel will be permanently impacted due to the extension of culverts and addition of Rock Slope Protection.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	<u>0.169</u>		
Vernal Pool			
Wetland			

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	<u>0.026</u>		<u>112</u>
Vernal Pool			
Wetland			

**X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

**XIV. K. Compensatory Mitigation for Permanent Impacts**

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

**1. Final Compensatory Mitigation Plan:**

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with plan for compensatory mitigation included in the Amendment Request Letter dated 24 February 2023 and incorporated herein by reference.

**2. 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 prior to the initiation of in water work.
- 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.

**3. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.026 acre of Stream Channel by purchasing 0.03 Aquatic Resource Credits in the Kaweah/Tule Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 4: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

<u>Aquatic Resource Type</u>	<u>Mitigation Type</u>	<u>Units</u>	<u>Est.</u>	<u>Re-est.</u>	<u>Reh.</u>	<u>Enh.</u>	<u>Pres.</u>	<u>Unknown</u>
<u>Stream Channel</u>	<u>In-Lieu Fee Credits</u>	<u>Acres</u>						<u>0.03</u>

**Attachment B – Receiving Waters, Impacts and Mitigation Information**

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

**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
PM 1.04	36.160995 degrees	-120.648185 degrees	No	<u>0.011</u>		40
PM 1.57	36.158621 degrees	-120.640138 degrees	No	<u>0.01</u>		<u>94</u>
PM 2.76	36.14699 degrees	-120.624588 degrees	No	<u>0.006</u>		<u>74</u>
PM 2.87	36.145835 degrees	-120.623248 Degrees	No	<u>0.097</u>		<u>132</u>
PM 3.09	36.143417 degrees	-120.620424 degrees	No	<u>0.026</u>		<u>128</u>
PM 12.33	36.081962 degrees	-120.480678 degrees	No	<u>0.018</u>		<u>70</u>

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
PM 1.04	36.160995 degrees	-120.648185 degrees	No	<u>0.0007</u>		<u>4</u>
PM 1.57	36.158621 degrees	-120.640138 degrees	No	<u>0.0018</u>		<u>12</u>
PM 2.76	36.14699 degrees	-120.624588 degrees	No	<u>0.0063</u>		<u>30</u>
PM 2.87	36.145835 degrees	-120.623248 Degrees	No	<u>0.0046</u>		<u>30</u>
PM 3.09	36.143417 degrees	-120.620424 degrees	No	<u>0.0046</u>		<u>20</u>
PM 12.33	36.081962 degrees	-120.480678 degrees	No	<u>0.0081</u>		<u>25.5</u>

**APPLICATION FEE RECEIVED:**

An Amendment fee of \$4,873.00 was received on 10 March 2023. 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 G – Amended Orders. with the dredge and fill fee calculator.

**CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:**

Shawn Agarwal  
Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[Shawn.Agarwal@waterboards.ca.gov](mailto:Shawn.Agarwal@waterboards.ca.gov)  
(916) 464-4849

**PUBLIC NOTICE:**

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 24 February 2023 to 17 March 2023. 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 Project (WDID#5B10CR00116A1). 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 Clay L. Rodgers for:*  
Patrick Pulupa  
Executive Officer

cc: [Via email only]

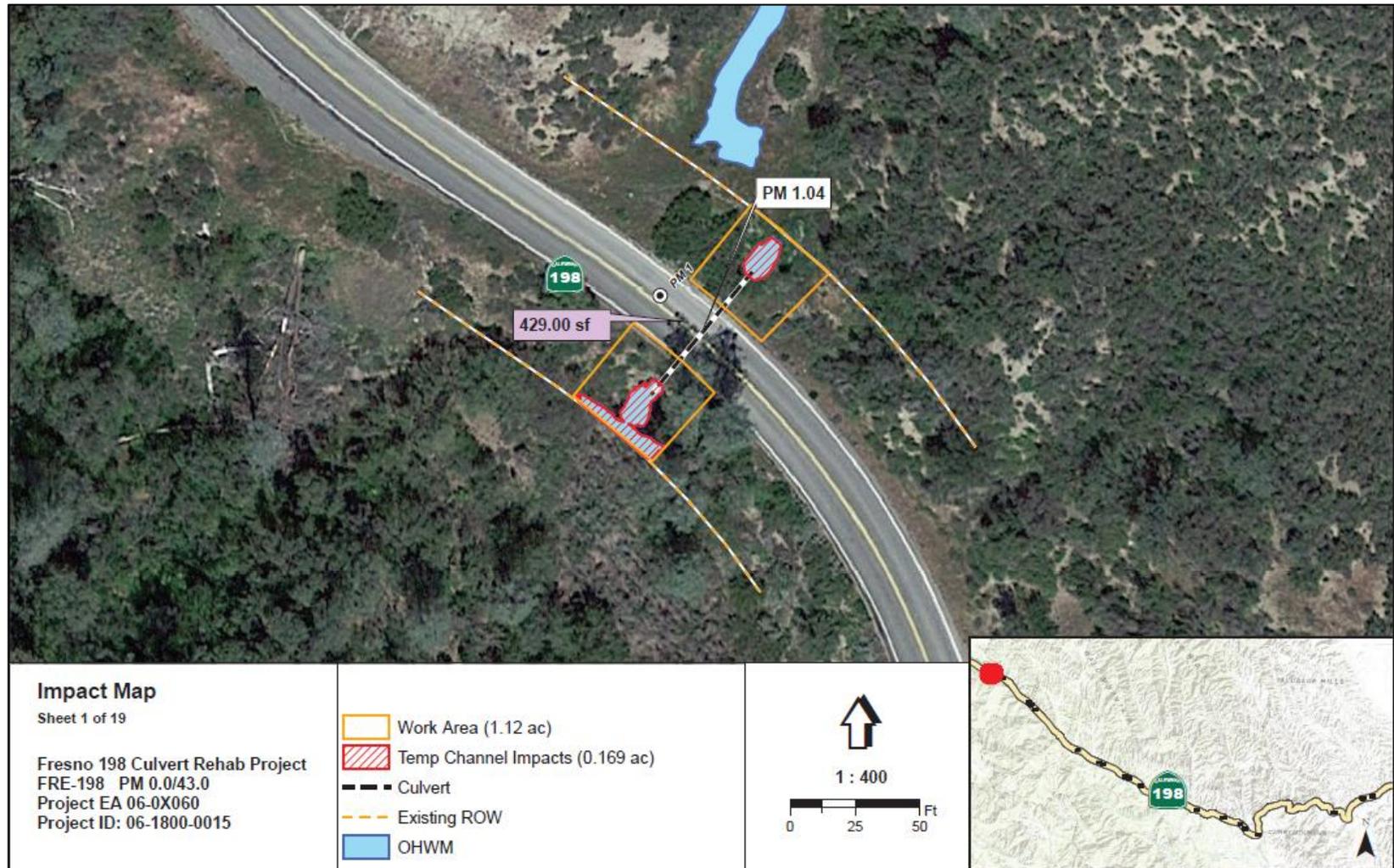
Sara J. King (SPK-2022-00356)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
[sara.j.king@usace.army.mil](mailto:sara.j.king@usace.army.mil)

cc: United States Environmental Protection Agency  
Region 9  
R9cwa401@epa.gov

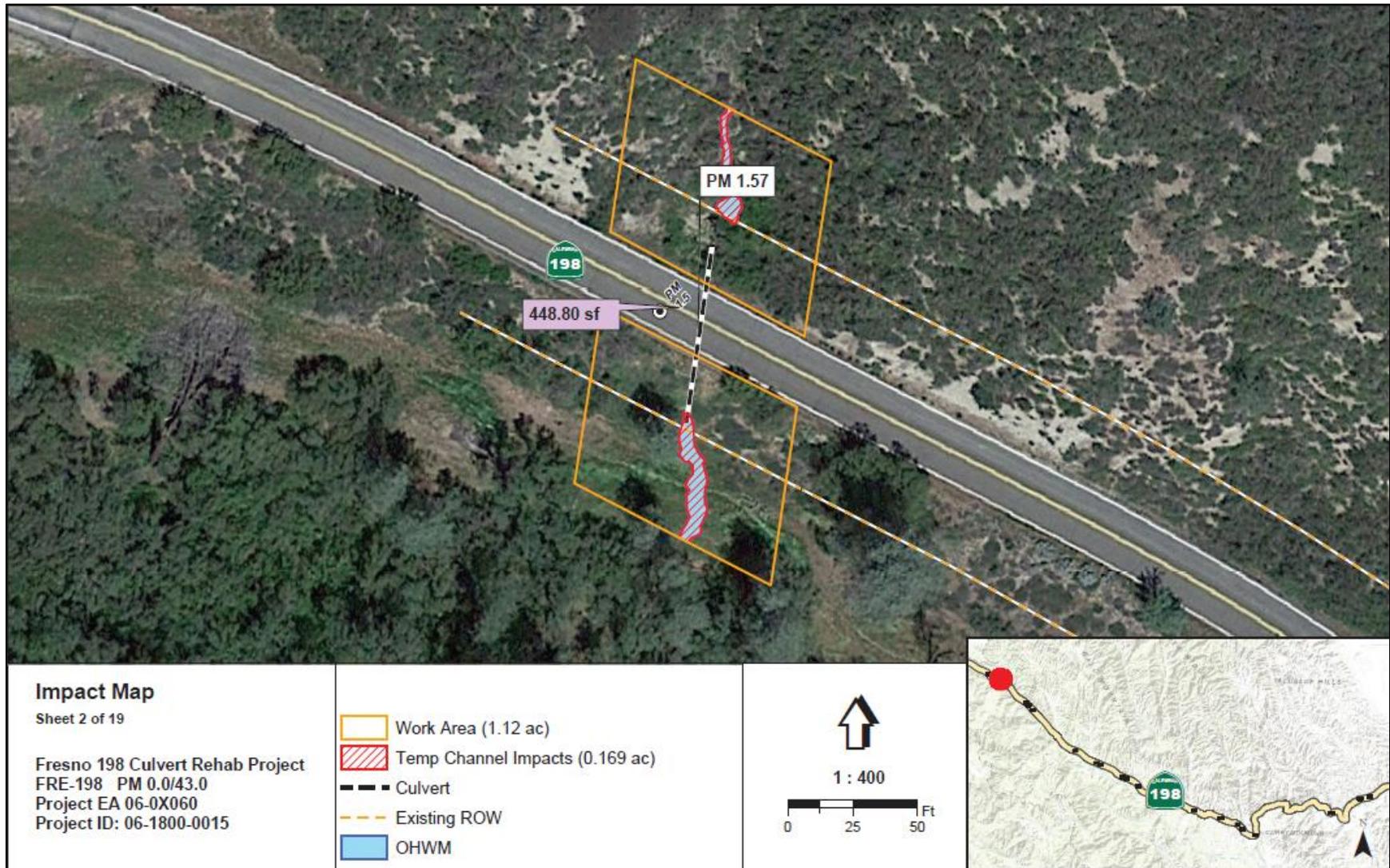
California Department of Fish and Wildlife, Region 4  
R4LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Alyssa Kemp  
California Department of Transportation  
alyssa.kemp@dot.ca.gov



Updated Figure 3: Project Impacts Map PM 1.04



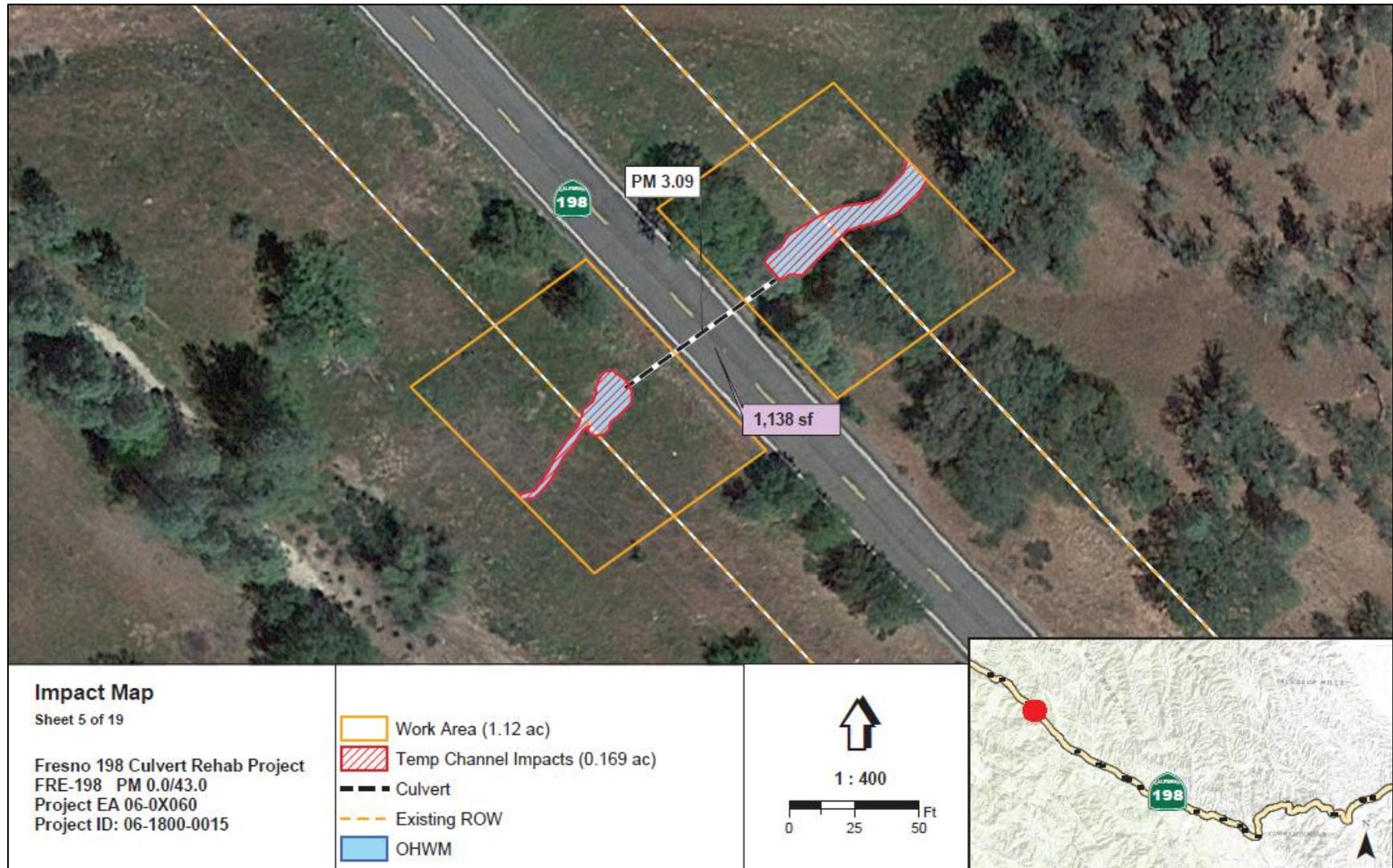
Updated Figure 4: Project Impacts Map PM 1.57



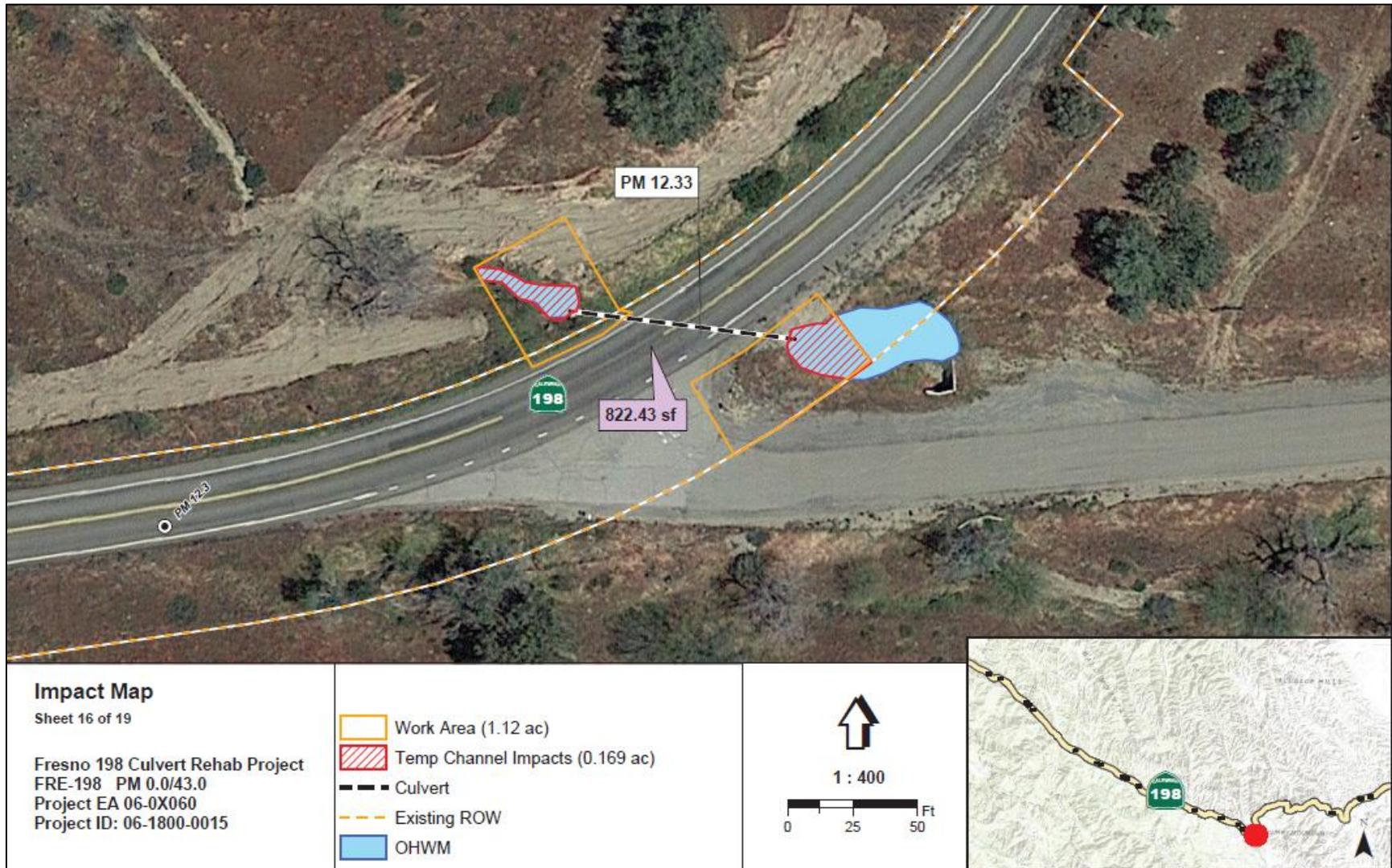
Updated Figure 5: Project Impacts Map PM 2.76



Updated Figure 6: Project Impacts Map PM 2.87



Updated Figure 7: Project Impacts Map PM 3.09



Updated Figure 8: Project Impacts Map PM 12.33