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## Central Valley Regional Water Quality Control Board

28 August 2025

Tina McCarty  
City of Stockton  
425 N El Dorado Street  
Stockton, CA 95202  
[Tina.McCarty@stocktonca.gov](mailto:Tina.McCarty@stocktonca.gov)

**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY  
CONDITIONED WATER QUALITY CERTIFICATION; CITY OF STOCKTON,  
BUCKLEY COVE MAINTENANCE DREDGING PROJECT (WDID#5B39CR00415A1),  
SAN JOAQUIN COUNTY**

This Order responds to the 14 July 2025 request for an amendment of the Buckley Cove Maintenance Dredging Project (Project) Section 401 Water Quality Certification (WDID#5B39CR00415). The original Water Quality Certification (Certification) was issued on 7 March 2025. 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 City of Stockton is requesting an update to the Avoidance and Minimization Measures to complement the Lake and Streambed Alteration Agreement with the California Department of Fish and Wildlife (CDFW).

The Certification is amended as shown below:

**VIII.Avoidance and Minimization**

13. Specific to the Roberts Island placement site, the following measures will be implemented:
  - d. If dredged material placement is slated to occur before 15 September, preconstruction surveys for nesting Swainson's hawk will be conducted within five days prior to the initiation of activities, prior to preparation of the site for accepting dredged sediment. If nesting Swainson's hawk are present, the Permittee will coordinate with the California Department of Fish and Wildlife (CDFW) and the Port of Stockton and implement mitigation measures defined within the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (CDFG 1994) will be implemented.

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NICHOLAS AVDIS, CHAIR | PATRICK PULUPA, EXECUTIVE OFFICER

- e. If dredged material placement is slated to occur before 15 September, a qualified biologist will conduct a pre-construction survey for white-tailed kite within five days prior to the initiation of activities to determine whether nesting is present on or within 0.25 miles of the site. If the survey detects nesting raptors on or within 0.25 miles of the sites, a buffer area and seasonal construction constraints (e.g., no work during active nesting periods) will be established in coordination with CDFW. The buffer width will be determined through consultation with CDFW. The buffer will be maintained, and construction activities would avoid nest sites until a raptor biologist determines that the young have fledged or nesting activity has ceased.
- f. If dredged material placement is slated to occur before September 15, a qualified biologist will conduct a preconstruction burrowing owl habitat survey within five days prior to the initiation of activities. This will include a survey for suitable burrows within or adjacent to (within 150 meters of) the site. If suitable habitat is encountered, CDFW will be contacted to determine whether additional avoidance and minimization measures are required. This may include preconstruction burrowing owl surveys as described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or in other guidelines.

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$4,212.00 for the original Certification were received on 25 November 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 B - Dredging Discharges (fee code 86) with the dredge and fill fee calculator.

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

Jenna Yang, Water Resource Control Engineer  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670-6114  
[Jenna.Yang@waterboards.ca.gov](mailto:Jenna.Yang@waterboards.ca.gov)  
(916) 464-4764

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Buckley Cove Maintenance Dredging Project (WDID#5B39CR00415A1). 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 Walter for:*

Patrick Pulupa  
Executive Officer

cc: [Via email only]

Jeffrey Wang (SPK-2024-00684)  
United States Army Corps of Engineers  
Sacramento District Office  
Regulatory Division  
[Jeffrey.H.Wang@usace.army.mil](mailto:Jeffrey.H.Wang@usace.army.mil)  
[SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil)

United States Environmental Protection Agency  
[R9CWA401@epa.gov](mailto:R9CWA401@epa.gov)

Sanjay Das (EPIMS-SJN-56262-R3)  
California Department of Fish and Wildlife, Region 3  
[Sanjay.Das@wildlife.ca.gov](mailto:Sanjay.Das@wildlife.ca.gov)  
[R3LSA@wildlife.ca.gov](mailto:R3LSA@wildlife.ca.gov)

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
[StateBoard401@waterboards.ca.gov](mailto:StateBoard401@waterboards.ca.gov)

Richard McHenry  
CA Sportfishing Protection Alliance  
[RMcHenry@calsport.org](mailto:RMcHenry@calsport.org)

Marine Vié  
Anchor QEA  
[MVie@anchorgea.com](mailto:MVie@anchorgea.com)