

Colorado River Basin Regional Water Quality Control Board

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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|--|------------------------------|
| <b>Effective Date:</b> May 5, 2017                     | <b>Reg. Meas. ID:</b> 407942 |
| <b>Program Type:</b> Fill/Excavation                   | <b>Place ID:</b> 826652      |
| <b>Project Type:</b> Bridges, Overpasses and Crossings | <b>WDID:</b> 7B363033001     |
|  | <b>USACOE#:</b> NWP#3a       |

**Project:** BNSF 2017 Bridge Maintenance at MP 603.5

**Applicant:** BNSF Railway Company  
**Applicant Contact:** Curtis Heinsen  
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BNSF Railway Company  
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**Water Board Contact Person:**

If you have any questions, please call Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) Staff listed above or (760) 346-7491 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

**Attachment A** Maps

**Attachment B** Receiving Waters, Impact, and Mitigation Information

**Attachment C** CEQA Findings of Facts

**Attachment D** Signatory Requirements

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of BNSF Railway Company (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on January 19, 2017. The application was deemed complete on April 14, 2017

**II. Public Notice**

Public Notice (2-14-2017) was done on February 14, 2017 and completed on March 6, 2017.

**III. Project Purpose**

Normally, bridges remain structurally sound for many years, and BNSF renews railway bridges at regularly scheduled intervals to ensure structural stability and safe usage. The bridge located at Milepost (MP) 603.5 is being replaced as the structural inspections of the old timber bents dictate the need for replacement in order to maintain safety standard.

**IV. Project Description**Existing Facilities

The existing bridge at MP 603.5 is a single track bridge. The existing structure is an eight-span bridge. It will be replaced by a four-span bridge.

Proposed Project

The project will replace timber bents with steel bents. Eight timber bents will be replaced with 4 steel bents. The bridge spans will be replaced with longer spans. The proposed project would not change the size, general footprint, purpose or capacity of the existing bridge.

BNSF will drive steel H-piles for the new structure through the existing bridge structure in order to maintain the rail traffic while the piles are being driven. Once the bridge piers are complete, there will be an out-of-operation window to replace the bridge deck. Upon completion of the new bridge, the timber piers of the original bridge will be cut off below the scour grade and removed.

**V. Project Location**

The site is located along the existing BNSF Railway corridor where it crosses an unnamed channel, in the vicinity of Needles, San Bernardino County, California. The site is mapped on the USGS 7.5 Minute Quadrangle "Homer" in Section 34, Township 10 North, and Range 19 East. Latitude 34.918013/ Longitude -117.967665  
Township/Range: T10N R19E

Maps showing the Project location is found in Attachment A of this Order.

**VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of Colorado River Basin Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at: [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 anti-degradation 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 Order 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. Unnamed tributary associated with Sacramento Wash to Colorado River are the receiving waters.

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 is shown in Table 2 of Attachment B.

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

The proposed construction includes the replacement of the existing rail bridge with new bridge piers, deck spans and track utilizing the existing rail alignment with no increase in capacity. Work will take place with minimal ground disturbance through the use of pile driving – no channel widening or construction of berms or dykes. The complete project will result in a net removal of bridge piers and the channel returned to its original contours.

Once bridge deck replacement is complete, the existing timber piers will be removed below grade and hauled away. The original channel contours will be re-established and the rock slope will be replaced at the bridge abutments.

The channel is characterized as relatively unvegetated sandy bottomed with earthen sloped sides. The existing bridge abutments are outside the OWHM area. The channel will be temporarily disturbed during pile driving, the removal of rock slope protection at the abutments and during the replacement of the bridge deck.

Total Project dredge and fill/excavation quantities for all impacts are summarized in Tables 1.

| <b>Table 1: Total Project Fill/Excavation Quantity</b> |                                     |                       |           |                              |           |           |   |           |           |
|--|-------------------------------------|-----------------------|-----------|------------------------------|-----------|-----------|---|-----------|-----------|
| <b>Aquatic Resource Type</b>                           | <b>Temporary Impact<sup>1</sup></b> |                       |           | <b>Permanent Impact</b>      |           |           |   |           |           |
|  |                                     |                       |           | <b>Physical Loss of Area</b> |           |           | <b>Degradation of Ecological Condition Only</b> |           |           |
|  | <b>Acres</b>                        | <b>CY<sup>2</sup></b> | <b>LF</b> | <b>Acres</b>                 | <b>CY</b> | <b>LF</b> | <b>Acres</b>                                    | <b>CY</b> | <b>LF</b> |
| Lake   |                                     |                       |           |                              |           |           |   |           |           |
| Ocean/bay/estuary                                      |                                     |                       |           |                              |           |           |   |           |           |
| Riparian Zone  |                                     |                       |           |                              |           |           |   |           |           |
| Stream Channel   | 0.22                                |                       |           | N/A                          |           |           | N/A   |           |           |

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

| Table 1: Total Project Fill/Excavation Quantity |  |  |  |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|--|--|
| Vernal Pool                                     |  |  |  |  |  |  |  |  |  |
| Wetland   |  |  |  |  |  |  |  |  |  |

**VIII. Description of Indirect Impacts to Waters of the State**

The Colorado River Basin Water Board recognizes the potential for indirect impacts to Waters of the State associated with the Project. No direct impacts to the Waters of the State are anticipated as the work shall be confined to temporary disturbance within the channel bed and upon completion, the channel being returned to its original contours.

**IX. Avoidance and Minimization**

BNSF shall use the following Best Management Practices (BMP's) to minimize impacts during construction:

- Trash will be contained within raven-proof containers and removed from the site at the end of each work day.
- No parking or vehicle maintenance shall be conducted within the channel.
- If pile driving equipment must be placed in the channel for an extended duration, a spill prevention plan and containment materials will be on site.
- All vehicles parked will have spill and leakage containment.
- All portable toilets will have containment.
- BNSF will keep the work area in good order and keep all materials contained, labeled, and will not store material within the channel areas.
- BNSF employees and Contractors will not drive or park in the undisturbed desert areas.
- BNSF employees and Contractors will be educated regarding work in sensitive habitats.
- Fiber rolls will help stabilize soil adjacent to the unvegetated wash during construction. The temporary construction entrance, washout facility and drainage inlet protection will all minimize the chance of construction related fluids and/or sediment from getting into the unvegetated wash.
- Temporary BMP's will be implemented in place to prevent sedimentation from entering the watercourse that may be caused by equipment storage areas if used. The storage areas, if used, will occur on already disturbed highway system land adjacent to rural habitat of the dry stream channel.
- Other actions/BMPs will be implemented to avoid and/or minimize impacts to Waters of the State., including preservation of habitats, erosion control measures, project scheduling, flow diversions, etc.

**X. Compensatory Mitigation**

No compensatory mitigation was required for permanent impacts because impacts are minimal. Temporary impacts occur in an unvegetated location of the wash. The 0.22 acres of temporary impacts will be removed upon completion of the project when the stream bed is returned to its pre-construction conditions.

## **XI. California Environmental Quality Act (CEQA)**

The project involves the replacement of an old railroad bridge with a new railroad bridge of the same size, footprint, purpose and capacity. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Title 19- Catagorical Exemption, Section 15302 (Replacement or Reconstruction) Class 2 (b). Findings of Facts to support the issuance of this Order are included in Attachment C.

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, including but not limited to: (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

In accordance with CEQA Guidelines Section 15062, the Regional Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

## **XII. 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.

## **XIII. Fees Received**

An application fee of \$720.00 was received on January 19, 2017. The fee amount (\$2245) 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.

An additional fee of \$1525 based on total Project impacts was received on April 26, 2017.

## **XIV. Conditions**

The Colorado River Basin Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

### **A. Authorization**

- a. No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To extent possible, these materials will be offsite and/or placed in appropriate secondary containment.
- b. Work shall be performed under "no flow" conditions in the washes to preclude potential impacts to water quality.
- c. Work and staging areas and temporary access routes shall be sized, located, and flagged so as to limit potential impacts to natural areas. Previous disturbed areas

shall be used to the extent feasible.

- d. No fueling or maintenance of equipment and/or vehicles shall occur adjacent or within the wash/drainage areas.
- e. Spoil sites shall not be located where spoil could be washed back into the river or where spoil will cover aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the canal/drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
- f. After completion the activities, the disturbed area will be restored to pre-existing contours and condition to the extent feasible.

## **B. Reporting and Notification Requirements**

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment A, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment B, which must be signed by the Permittee or an authorized representative.

### **1. Project Reporting**

- a. **Monthly Reporting:** No monthly reporting is required because the majority of the impacts are temporary and the work period is only 15 working days.
- b. **Annual Reporting:** No monthly reporting is required because the majority of the impacts are temporary and the work period is only 15 working days.

### **2. Project Status Notifications**

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities.
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-

construction monitoring is complete,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

**3. Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

**a. Accidental Discharges of Hazardous Materials<sup>4</sup>**

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
<http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-SpillBookletFeb2014FINALBWAcc.pdf>
- ii. Following notification to OES, the Permittee shall notify Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. Within five (5) working days of notification to the Colorado River Basin Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Colorado River Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

**c. In-Water Work**

- i. The Permittee shall notify the Colorado River Basin Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.

**d. Modifications to Project**

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

**e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Colorado River Basin Water Board in accordance with the following terms:

- i. The Permittee must notify the Colorado River Basin Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Colorado River Basin Water Board at least 10 days prior to the transfer of ownership
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

**f. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Colorado River Basin Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Colorado River Basin Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

The Applicant shall submit a Report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

### D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313
2. This Order is not intended and shall not be construed to apply to 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 subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

### E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee

and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

#### **F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

- b.** Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c.** Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d.** Sample or monitor for the purposes of assuring Order compliance.
- 4.** A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
- 5.** A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

**XV. Conclusion**

I hereby issue the Order for the BNSF 2017 Bridge Maintenance at MP 603.5, 7B363033001 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

*for* 

Jose L. Angel, P.E.  
Executive Officer  
Colorado River Basin  
Water Quality Control Board

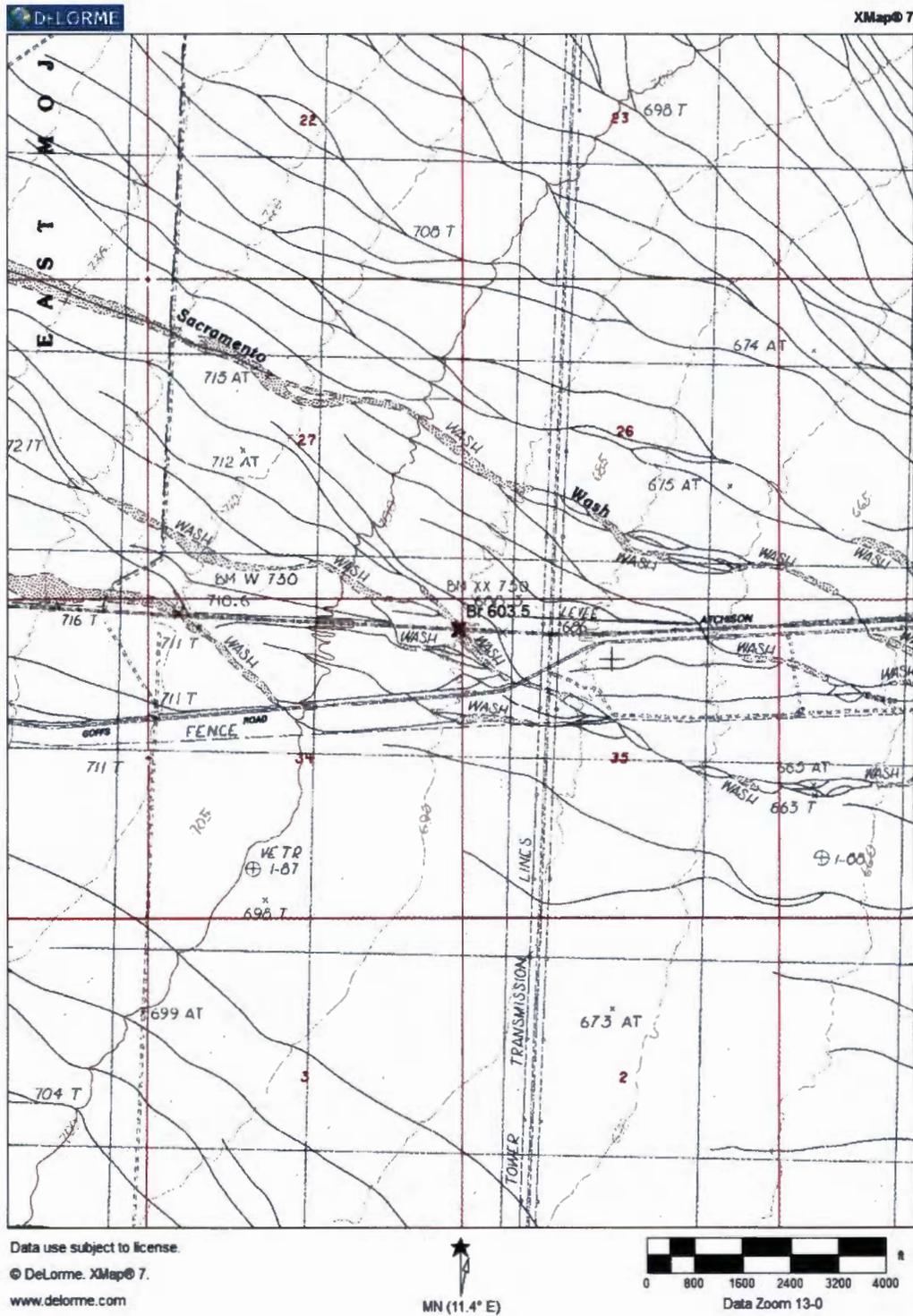
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**Receiving Waters**

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

| Table 1: Receiving Water(s) Information |                 |                   |                                |                              |                  |                                  |                        |                       |  |  |
|---|-----------------|-------------------|--------------------------------|------------------------------|------------------|----------------------------------|------------------------|-----------------------|--|--|
| Non-Federal Waters                      | Impact Site ID} | Waterbody Name    | Impacted Aquatic Resource Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | eCRAM ID <sup>1</sup> |  |  |
| <input type="checkbox"/>                | 1               | Unnamed Tributary | Unvegetated tributary          |                              | Colorado River   |                                  |                        |                       |  |  |
|   | 2               | Sacramento Wash   | Unvegetated wash               |                              | Colorado River   |                                  |                        |                       |  |  |

**Individual Direct Impact Locations**

| Table 2: Individual Direct Impact Information |          |           |                                      |                                     |                        |        |             |             |                 |             |             |     |
|---|----------|-----------|--------------------------------------|-------------------------------------|------------------------|--------|-------------|-------------|-----------------|-------------|-------------|-----|
| Impact Site ID                                | Latitude | Longitude | Indirect Impact Requiring Mitigation |                                     | Direct Impact Duration | Dredge |             |             | Fill/Excavation |             |             |     |
|   |          |           | Yes                                  | No                                  |                        | Acres  | Cubic Yards | Linear Feet | Acres           | Cubic Yards | Linear Feet |     |
| 1 Unnamed Tributary                           |          |           | <input type="checkbox"/>             | <input checked="" type="checkbox"/> | Temporary              |        |             |             | 0.22            |             |             | 200 |
| 2 Sacramento Wash                             |          |           |                                      |                                     | Permanent              |        |             |             |                 |             | NA          | NA  |
|   |          |           |                                      |                                     | Temporary              |        |             |             |                 |             |             |     |
|   |          |           |                                      |                                     | Permanent              |        |             |             |                 |             |             |     |

**Compensatory Mitigation Information**

The following table shows individual compensatory mitigation information and locations

<sup>1</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.



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## FINDINGS FOR CEQA EXEMPT PROJECTS

The project involves the replacement of an old railroad bridge with a new railroad bridge of the same size, footprint, purpose and capacity. The Regional Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Title 19-  
Categorical Exemption, Section 15302 (Replacement or Reconstruction) Class 2 (b).

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, including but not limited to: (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.

In accordance with CEQA Guidelines section 15062, the Colorado River Basin Water Board will file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA section 401 WQC.

## REASONS TO SUPPORT EXEMPTION FINDINGS:

1. According to Title 14 of the California Code of Regulations, Chapter 3: Guidelines for Implementation of the California Environmental Quality Act, Article 19: Categorical Exemptions:

### 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.

The proposed project is the replacement of an existing bridge and replacing the rail and decking with new rails and decking. The replacement bridge will utilize the same alignment. There will be minimal ground disturbance with no channel widening or construction of berms or dykes. The replacement structure will not increase capacity of the bridge or track, and will not change the use of the bridge in any way.

2. There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts with threaten the environment. The exceptions to the exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:
  - *Location. Classes 3, 4, 5, 6 and 11 are qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

## Attachment C

3. The project is exempt pursuant to Class 2 exemption, pertaining to replacement or reconstruction projects. The proposed project is the replacement of an existing bridge structure in its current location, with no change to capacity or use.
  - *Cumulative Impact. All Exemptions for these classes are inapplicable when the cumulative impact of the successive projects of the same type in the same place of time is significant.*
4. The proposed bridge replacement would not result in the creation of new rail facilities, or directly result in or require additional project on the existing rail facility. No cumulative impacts associated with the replacement of the bridge structure are anticipated because the bridge replacement will not provoke additional work in the area or along the rail system. Further, it will not change the use of the rail system, and will not cause any increase in capacity. Therefore, no significant cumulative impacts over time are anticipated.
  - *Significant Effect. A Categorical Exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*
5. The proposed replacement of the existing bridge structure would not result in any increase in capacity or change in use of the existing rail system. No unusual circumstances are present at the project site, and the rail system has been an existing use in the project area for over 50 years. There is to a reasonable possibility that the bridge replacement would have a significant effect on the environment due to unusual circumstances.
  - *Scenic Highway. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially, designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or EIR.*
6. The project is the replacement of an existing bridge structure along an existing railway line. The project would not result in any discernable visual change, and as such would not damage any scenic resources.
  - *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of Government Code.*
7. The project site is located along an existing railway and is not included on any list compiled pursuant to Section 65962.5 of the Government Code.
  - *Historical Resource. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*
8. The proposed bridge replacement would not cause a substantial adverse change in the significance of a historical resource.

Attachment D  
Signatory Requirements

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### SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order  
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): RWQCB, Colorado Board
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

(Address)

Project Title: BNSF Bridge Renewal for Mile Post 603.5 7B363033001

Project Applicant: BNSF Railway Company

Project Location - Specific:
The site is located along the existing BNSF Railway corridor where it crosses an unnamed channel in the vicinity of Needles CA. The Bridge is located adjacent to Goffs Road between HWY95 and where Goffs Road Crosses I-40

Project Location - City: None Project Location - County: San Bernardino

Description of Nature, Purpose and Beneficiaries of Project:
The project is the replacement of an existing bridge. The purpose of the bridge replacement it to maintain a safe rail corridor. The proposed project would not change the size, general footprint, purpose or capacity of the existing bridge.

Name of Public Agency Approving Project: RWQCB - Federal 401 Certification

Name of Person or Agency Carrying Out Project: BNSF Railway Company, POC Curtis Heinsen

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 15302
Statutory Exemptions. State code number:

Reasons why project is exempt:
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...

Lead Agency: Kai Dunn Area Code/Telephone/Extension: 760-776-8986

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [ ] Yes [X] No

Signature: [Signature] Date: 5/8/17 Title: Senior WRCE

[X] Signed by Lead Agency [ ] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.