



Central Valley Regional Water Quality Control Board

29 August 2023

Alex Xu
Lotusland Investment Holdings, Inc.
22000 Butts Canyon Road #8
Middletown, CA 95461

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; LOTUSLAND INVESTMENT HOLDINGS, INC., GUENOC VALLEY ROADS PHASE 1A PROJECT (WDID#5A17CR00180A1), LAKE COUNTY

This Order responds to the 3 April 2023 request for an amendment of the Guenoc Valley Roads Phase 1A Project (Project) Section 401 Water Quality Certification (WDID#5A17CR00180). The original Water Quality Certification (Certification) was issued on 19 February 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Lotusland Investment Holdings, Inc. is requesting to correct the impact totals for several project sites, remove several project sites from the Certification, and add an additional compensatory mitigation option to the Certification.

The original Certification covered a total of 38 project sites where roadway infrastructure would be improved. On 19 February 2021 the Central Valley Water Board issued a Notice of Applicability (NOA) for coverage under the United States Army Corps of Engineers Regional General Permit (RGP) 8 for conducting emergency repairs to 13 of the project sites that were damaged in the Lake-Napa-Unit (LNU) lightning complex fires in August 2020 (5A17CR00181). Under the NOA, four of the sites were completed, and one was partially completed. Lotusland Investment Holdings, Inc. is requesting to remove the four project sites that were completed under the NOA from the Certification, and to adjust the impact totals of the site that was partially completed under the NOA to reflect the actual impacts that will be authorized under the Certification.

Additionally, some of the project site impacts were listed incorrectly in the Certification, due to a formula error in the impacts table that was provided with the application. The error has been corrected, and Lotusland Investment Holdings, Inc. is requesting to amend the impact totals for the sites that were listed incorrectly.

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

Lotusland Investment Holdings, Inc. is also requesting to add an additional mitigation option to the compensatory mitigation section of the certification. Lotusland Investment Holdings, Inc. is proposing the option of onsite preservation of stream channel and wetland habitat, which is consistent with the California Department of Fish and Wildlife's (CDFW) mitigation requirements.

Lotusland Investment Holdings, Inc. has provided documentation from CDFW (Streambed Alteration Agreement# 1600-2020-0174-R2) detailing CDFW's mitigation requirements. The Certification is amended as shown below:

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.21		2,566
Wetland	0.04		

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.42		7,128
Wetland	0.21		

7. Total Required Compensatory Mitigation

- c. The Permittee has the option to preserve onsite stream channel habitat and onsite wetland habitat at a one-to-one ratio for authorized impacts to stream channel and wetland habitat in accordance with CDFW's mitigation requirements in the Streambed Alteration Agreement (1600-2020-0174-R2). On site preservation can be completed as an alternative to purchasing aquatic resource establishment credits through the National Fish and Wildlife Foundation (NFWF) In-Lieu Fee (ILF) Program, or onsite preservation can be completed in combination with purchasing aquatic resource establishment credits from the NFWF ILF program.

The habitat preservation (mitigation lands) shall be protected with a conservation easement. The Permittee shall obtain Central Valley Water

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.

Board and CDFW approval of the mitigation lands prior to recording the conservation easement. Permanent protection and funding for perpetual management of habitat shall be complete before starting Project Activities, or within 18 months of the start of project activities if Security is provided pursuant to Measure 3.3 of the Streambed Alteration Agreement. The Permittee shall be responsible for all costs in recording and funding the conservation easement. The Permittee shall provide sufficient funds to manage the area in perpetuity as described on measure 3.2 of the Streambed Alteration Agreement.

- d. 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 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area (Onsite Preservation)

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Onsite Preservation	Acres					0.42	
Wetland	Onsite Preservation	Acres					0.21	

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
No	1-1	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-2	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-3	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-4	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-5	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-6	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-7	Butts Creek	Stream Channel, Wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-8	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-9	Butts Creek	Stream Channel, Wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
No	1-10	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-11	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-12	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-13	Butts Creek	Stream Channel, Wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	1-14	Butts Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	2-1	Bucksnot Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	2-2	Bucksnot Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	2-3	Bucksnot Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	2-4	Bucksnot Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
No	2-5	Bucksnort Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-1	Bucksnort Creek	Stream channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-2	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-3	Bucksnort Creek	Wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-4	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-5	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-6	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-10	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-12	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
No	3-13	Putah Creek	Stream Channel, Wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-14	Butcherknife Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-15	Butcherknife Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-16	Bucksnort Creek	Stream Channel, wetland	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-17	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-18	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	
No	3-19	Bucksnort Creek	Stream Channel	512.30 – Upper Putah Creek HA	Putah Creek	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, SPWN, WILD	

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
1-1	38.7511°	-122.4651°	No	0.004		75
1-2	38.7511°	-122.4651°	No	0.006		90
1-3	38.7511°	-122.4651°	No	0.01		145
1-4	38.7511°	-122.4651°	No	0.002		29
1-5	38.7511°	-122.4651°	No	0.007		56
1-6	38.7511°	-122.4651°	No	0.009		135
1-7	38.7511°	-122.4651°	No	0.006		48
1-8	38.7511°	-122.4651°	No	0.001		36
1-9	38.7511°	-122.4651°	No	0.005		81
1-10	38.7511°	-122.4651°	No	0.006		35
1-11	38.7511°	-122.4651°	No	0.004		63
1-12	38.7511°	-122.4651°	No	0.008		120
1-13	38.7511°	-122.4651°	No	0.005		48
1-14	38.7511°	-122.4651°	No	0.007		90
2-1	38.7511°	-122.4651°	No	0.005		101

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
2-2	38.7511°	-122.4651°	No	0.001		36
2-3	38.7511°	-122.4651°	No	0.015		173
2-4	38.7511°	-122.4651°	No	0.003		35
2-5	38.7511°	-122.4651°	No	0.004		58
3-1	38.7511°	-122.4651°	No	0.015		285
3-2	38.7511°	-122.4651°	No	0.0		1
3-3	38.7511°	-122.4651°	No	0.011		
3-4	38.7511°	-122.4651°	No	0.058		372
3-5	38.7511°	-122.4651°	No	0.002		44
3-6	38.7511°	-122.4651°	No	0.004		59
3-10	38.7511°	-122.4651°	No	0.01		127
3-12	38.7511°	-122.4651°	No	0.004		81
3-13	38.7511°	-122.4651°	No	0.0		0
3-14	38.7511°	-122.4651°	No	0.001		9
3-15	38.7511°	-122.4651°	No	0.001		16
3-16	38.7511°	-122.4651°	No	0.031		93
3-17	38.7511°	-122.4651°	No	0.005		13
3-18	38.7511°	-122.4651°	No	0.0		2

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
3-19	38.7511°	-122.4651°	No	0.001		10

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
1-1	38.7511°	-122.4651°	No	0.0		0.0
1-2	38.7511°	-122.4651°	No	0.015		134
1-3	38.7511°	-122.4651°	No	0.012		92
1-4	38.7511°	-122.4651°	No	0.003		51
1-5	38.7511°	-122.4651°	No	0.023		210
1-6	38.7511°	-122.4651°	No	0.014		206
1-7	38.7511°	-122.4651°	No	0.012		50
1-8	38.7511°	-122.4651°	No	0.0		36
1-9	38.7511°	-122.4651°	No	0.116		64
1-10	38.7511°	-122.4651°	No	0.005		106
1-11	38.7511°	-122.4651°	No	0.001		8
1-12	38.7511°	-122.4651°	No	0.001		9
1-13	38.7511°	-122.4651°	No	0.027		493
1-14	38.7511°	-122.4651°	No	0.003		37

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
2-1	38.7511°	-122.4651°	No	0.096		1,573
2-2	38.7511°	-122.4651°	No	0.002		63
2-3	38.7511°	-122.4651°	No	0.081		1,651
2-4	38.7511°	-122.4651°	No	0.002		21
2-5	38.7511°	-122.4651°	No	0.003		26
3-1	38.7511°	-122.4651°	No	0.074		1,354
3-2	38.7511°	-122.4651°	No	0.005		217
3-3	38.7511°	-122.4651°	No	0.014		0
3-4	38.7511°	-122.4651°	No	0.008		44
3-5	38.7511°	-122.4651°	No	0.001		24
3-6	38.7511°	-122.4651°	No	0.003		41
3-10	38.7511°	-122.4651°	No	0.007		129
3-12	38.7511°	-122.4651°	No	0.003		63
3-13	38.7511°	-122.4651°	No	0.06		51
3-14	38.7511°	-122.4651°	No	0.002		31
3-15	38.7511°	-122.4651°	No	0.002		36
3-16	38.7511°	-122.4651°	No	0.02		84
3-17	38.7511°	-122.4651°	No	0.003		22
3-18	38.7511°	-122.4651°	No	0.008		169

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
3-19	38.7511°	-122.4651°	No	0.002		33

Permittee Responsible Compensatory Mitigation Site Information

Table 5: Onsite Permittee Responsible Compensatory Mitigation Site Information

Impact Site ID	Latitude	Longitude	Aquatic Resource Type	Acres	Linear Feet
Unknown	38.7511°	-122.4651°	Stream Channel	0.42	
Unknown	38.7511°	-122.4651°	Wetland	0.21	

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$14,766.00 for the original Certification were received on 9 February 2021. 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 application pursuant to California Code of Regulations, title 23, section 3858 from 14 July 2023 to 4 August 2023. The Central Valley Water Board did not receive any comments during the comment period.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

On 21 July 2020, Lake County, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No.2019049134) for the Project and filed a Notice of Determination (NOD) at the SCH on 22 July 2020.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Guenoc Valley Roads Phase 1A Project (WDID#5A17CR00180A1). 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, page 14

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