

## Central Valley Regional Water Quality Control Board

14 July 2023

Steve Cheney  
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### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; UNION PACIFIC RAILROAD COMPANY, UPRR VALLEY SUBDIVISION MILEPOST 130.88 BRIDGE REPLACEMENT PROJECT (WDID#5A58CR00172A1), YUBA COUNTY**

This Order responds to the 1 May 2023 request for an amendment of the UPRR Valley Subdivision Milepost 130.88 Bridge Replacement Project (Project) Section 401 Water Quality Certification (WDID#5A58CR00172). The original Water Quality Certification (Certification) was issued on 11 September 2020. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

#### **AMENDMENT:**

Typographical errors were identified by the Permittee within the Order that are amended. Additional impacts were identified after work commenced. As a result of the additional impacts required, compensatory mitigation was purchased for the additional impacts and requirements under the no net loss policy were met.

The Certification is amended to reflect the correct expiration date of 10 September 2025 and updates Table 2 of the Order and Table 3 of Attachment B as shown below:

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Riparian Zone		16	
Stream Channel		21	17
<i>Wetlands</i>	<i>0.02</i>		

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Best Slough	39.035758°	-121.463975°	No		5.33	17
Wetland-2	39.035758°	-121.463975°	No	0.02		

The Certification is amended to reflect new mitigation requirements as described on Pages 5 and 19 of the Order and Attachment B, Table 3:

**X. COMPENSATORY MITIGATION**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts. All temporary impacts will be restored to pre-project condition after work is completed.

**K. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the impact to 0.02 acre of wetland by purchasing 0.02 Credits in the Heather Hoyles/National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.

**Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	In-Lieu Fee Credits	Acres						0.02

**APPLICATION FEE RECEIVED:**

Additional fees were required for this amendment. A fee of \$3,301.00 for the original Certification were received on 26 May 2020. An amendment fee of \$2,417.00 was received on 24 May 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 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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**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the UPRR Valley Subdivision 130.88 Bridge Replacement Project (WDID#5A58CR00172A1). 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: [Via email only]

Zachary Simmons (SPK-2020-00343)  
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