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## Central Valley Regional Water Quality Control Board

11 February 2022

Bill Walls  
Lennar Homes of California, Inc.  
8080 N. Palm Ave.  
Fresno, CA 93711

**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY  
CONDITIONED WATER QUALITY CERTIFICATION; LENNAR HOMES OF  
CALIFORNIA, INC., FANCHER CREEK BRIDGE PROJECT (WDID NO.  
5C10CR00067A1), FRESNO COUNTY**

This Order responds to the 31 January 2022 request for an amendment of the Fancher Creek Bridge (Project) Section 401 Water Quality Certification (WDID No. 5C10CR00067). The original Water Quality Certification (Certification) was issued on 18 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.

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).

**AMENDMENT:**

Lennar Homes of California, Inc. (hereinafter Permittee) are requesting an amendment to the Section 401 Water Quality Certification and Order to revise the amount of permanent impacts to stream channel habitat and to revise the amount of compensatory mitigation required for the additional impacts to stream channel habitat. Specifically, the additional permanent impacts are 0.0241 acre which shall be mitigated at 1:1 ratio by purchasing an additional 0.02 credits through the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program or through an Army Corp of Engineers approved mitigation bank. The permittee has already provided proof of purchase for 0.21 aquatic resources credits. Therefore, Section VII; Table 1, Section XIII.K.2, Table 3; and Attachment B, Table 2 and Table 5 are amended in underline format below. In addition, Figure 3 and Figure 4 have been added to Attachment A.

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

**Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

<b>Aquatic Resources Type</b>	<b>Acres</b>	<b>Cubic Yards</b>	<b>Linear Feet</b>
Lake			
Ocean/bay/estuary			
Riparian Zone	1.01		2,499
Stream Channel	<u>0.2341</u>		273
Vernal Pool			
Wetland			

**XIII. Conditions**

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

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

**1. 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 impacts to waters of the state.
- 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.

**2. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation at a minimum 1:1 ratio for the authorized impact to 0.2341 acre of stream channel by purchasing 0.23 Aquatic Resource Credits in the Kings River 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 or an Army Corps of Engineers Sacramento District approved mitigation bank within the watershed service area of the project location.
- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

<b>Aquatic Resource Type</b>	<b>Mitigation Type</b>	<b>Units</b>	<b>Est.</b>	<b>Re-est.</b>	<b>Reh.</b>	<b>Enh.</b>	<b>Pres.</b>	<b>Unknown</b>
Stream Channel	In-Lieu Fee Credits or Army Corp Approved Mitigation Bank	Acres						<u>0.23</u>

Figure 3

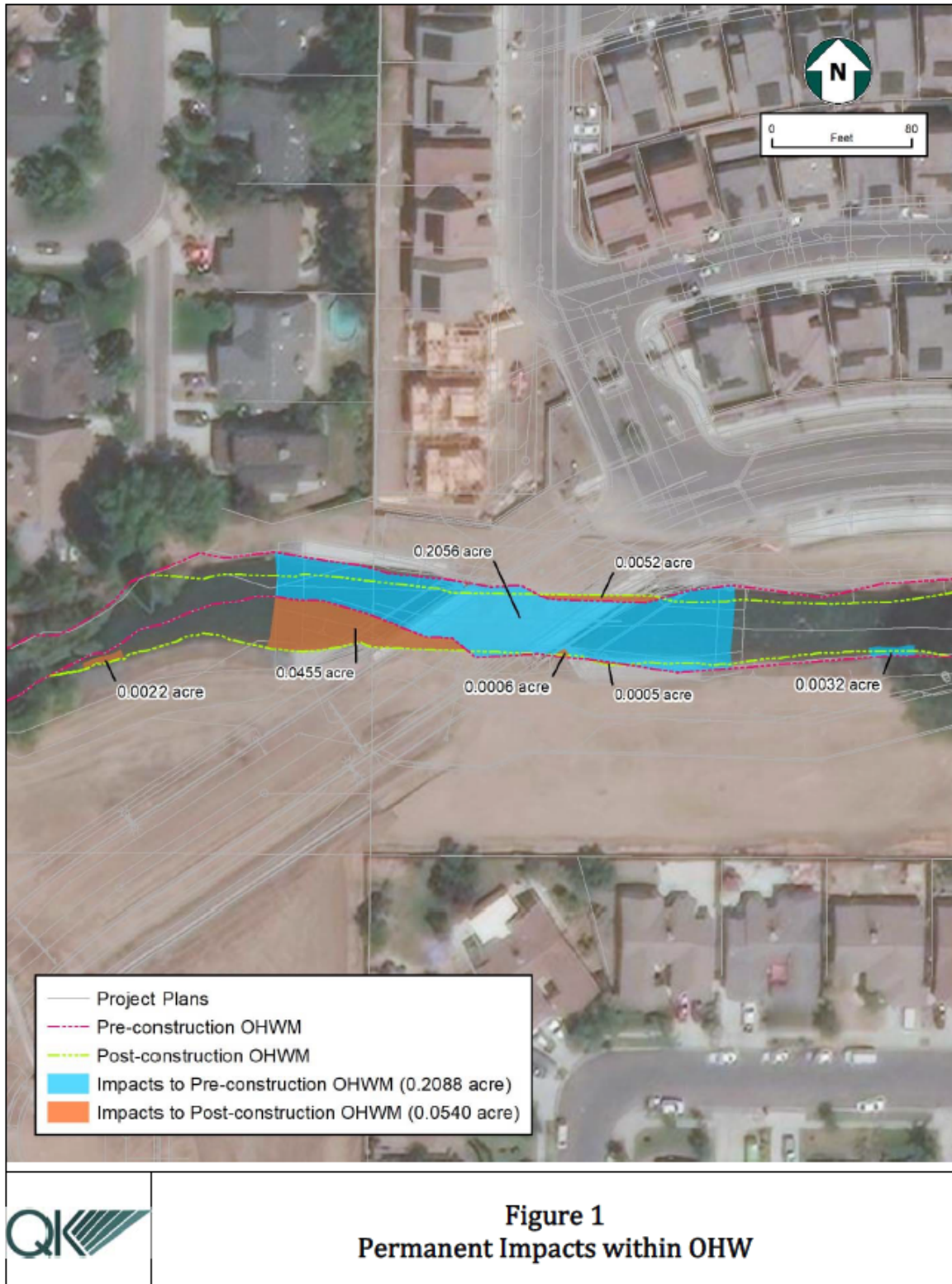


Figure 4



**Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Fancher Creek Bridge	36.74399°	-119.67819°	No	<u>0.2341</u>		273

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations. Mitigation bank requirements are subject to approval from the Army Corps of Engineers Sacramento District.

**In-Lieu Fee or Mitigation Bank Compensatory Mitigation Information**

**Table 5: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Linear Feet	<u>Total Number of Credits To Purchase</u>
Stream Channel	<u>0.23</u>		<u>0.23</u>

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$3,640.00 for the original Certification were received on 26 August 2020. 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:**

Brandon Salazar, Water Resource Control Engineer  
1685 E Street  
Fresno, CA 93706  
[Brandon.Salazar@waterboards.ca.gov](mailto:Brandon.Salazar@waterboards.ca.gov)  
(559) 445-6278

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Fancher Creek Bridge Project (WDID# 5C10CR00067A1). 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 Scott J. Hatton for:*

Patrick Pulupa  
Executive Officer

cc: [Via email only]

Kathy Norton  
United States Army Corps of Engineers  
Sacramento District Headquarters  
Regulatory Division  
[SPKRegulatoryMailbox@usace.army.mil](mailto:SPKRegulatoryMailbox@usace.army.mil)

United States Environmental Protection Agency  
Region 9  
[R9cwa401@epa.gov](mailto:R9cwa401@epa.gov)

Patricia Cole  
United States Fish & Wildlife Service  
[patricia\\_cole@fws.gov](mailto:patricia_cole@fws.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

Yolanda Leal  
Lennar Homes, Inc.  
yolanda.leal@lennar.com