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## Central Valley Regional Water Quality Control Board

13 July 2022

Tracy Bettencourt  
City of Chico  
P.O. Box 3420  
Chico, CA 95927

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER; CITY OF CHICO, BRUCE ROAD RECONSTRUCTION PROJECT (WDID NO. 5A04CR00326A2), BUTTE COUNTY**

This Order responds to the 8 June 2022 request for a second amendment of the Bruce Road Reconstruction Project Section 401 Water Quality Certification (WDID No. 5A04CR00326). The original Water Quality Certification (Certification) was issued on 29 January 2021 and an amendment (5A04CR00326A1) was issued on 19 April 2022. The requested amendment is hereby approved, and the Certification and first amendment (5A04CR00326A1) are therefore amended as described below. Please attach this document to the original Certification and previous amendment.

#### **AMENDMENT:**

City of Chico is requesting an amendment to the Section 401 Water Quality Certification and Order amendment to update the compensatory mitigation proposal due to the change in availability of credits. Therefore, Section XIV.K.2, Total Required Compensatory Mitigation and Table 3; and Attachment B: Compensatory Mitigation Information Tables 6, 7 and 8 are amended in underline format below.

- **XIV.K.2 Total Required Compensatory Mitigation**
  - a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.011 acre of riparian wetland by purchasing 0.01 acre of riverine riparian reestablishment credits at Bullock Bend Mitigation Bank.
  - b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.038 acre of stream channel by purchasing 0.04 acre of riverine riparian reestablishment credits at Bullock Bend Mitigation Bank.
  - c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.037 acre of vernal pool by purchasing 0.12 acre of seasonal wetland creation credits at Colusa Basin Mitigation Bank.

- d. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.11 acre of wetland by purchasing 0.08 acre of seasonal wetland creation credits at Colusa Basin Mitigation Bank and 0.14 Aquatic Resource Credit from the National Fish and Wildlife Foundation’s Sacramento District California In-Lieu Fee Program in the Northeast Sacramento River Aquatic Resource Watershed Service Area.
- e. 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**

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	Mitigation Bank Credits	Acres		0.05				
Wetland	Mitigation Bank Credits	Acres	<u>0.20</u>					
<u>Wetland</u>	<u>In-Lieu Fee Credits</u>	<u>Credit</u>						<u>0.14</u>

- **Attachment B**

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations.

**Table 6: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Seasonal Wetland Creation	<u>0.20</u>		Not Yet Purchased

**In-Lieu Fee Compensatory Mitigation Information**

**Table 7: In-Lieu Fee Program**

<u>In-Lieu Fee Program Name:</u>	<u>National Fish and Wildlife Foundation (NFWF) Sacramento District California In-Lieu Fee Program</u>
<u>Website:</u>	<u><a href="https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program">National Fish and Wildlife Foundation Sacramento District California In-Lieu Fee Program</a> (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program)</u>
<u>In-Lieu Fee Program Contact Name:</u>	<u>Heather Hoyles</u>
<u>Phone:</u>	<u>(415) 243-3105</u>
<u>Email:</u>	<u><a href="mailto:Heather.Hoyles@nfwf.org">Heather.Hoyles@nfwf.org</a></u>
<u>In-Lieu Fee Program Location - County:</u>	<u>Butte County</u>
<u>Latitude:</u>	<u>Not Applicable</u>
<u>Longitude:</u>	<u>Not Applicable</u>

**Table 8: Mitigation Type Information**

<u>Aquatic Resource Credit Type</u>	<u>Acres</u>	<u>Linear Feet</u>	<u>Number of Credits Purchased</u>
<u>Aquatic Resource Credit</u>	<u>0.14</u>		<u>Not Yet Purchased</u>

**CENTRAL VALLEY WATER BOARD CONTACT:**

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**WATER QUALITY CERTIFICATION:**

I hereby issue an Order amending the existing Clean Water Act Section 401 Water Quality Certification and Order for the Bruce Road Reconstruction Project (WDID No. 5A04CR00326A2). All other conditions and provisions of the original Water Quality Certification 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 Bryan J. Smith, P.E.  
(for) PATRICK PULUPA, Executive Officer  
Central Valley Regional Water Quality Control Board

7/13/2022  
Date

KAG: db

cc

via email: U.S. EPA, Region 9, San Francisco  
Water Quality Certification Program, SWRCB, Sacramento  
Hillary Kraft, U.S. Army Corps of Engineers, Redding  
Juan Torres, California Department of Fish and Wildlife, Region 2,  
Rancho Cordova  
Kevin Sevier, Gallaway Enterprises, Chico