# Central Valley Regional Water Quality Control Board

3 October 2023

John A. Bonadelle, Director of Operations
Bonadelle Neighborhoods
7030 North Fruit, Suite 101
Fresno, CA 93711

**ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BONADELLE NEIGHBORHOODS, TRACT 6123 DOG CREEK STORMWATER OUTFALL PROJECT (WDID NO. 5C10CR00081A1), FRESNO COUNTY**

This Order responds to the 4 August 2023 request for an amendment of the Tract 6123 Dog Creek Stormwater Outfall (Project) Section 401 Water Quality Certification (WDID No. 5C10CR00081). The original Water Quality Certification (Certification) was issued on 18 May 2022. 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) or it is otherwise determined by USACE that an amendment of the 404 Permit is unnecessary.

**AMENDMENT:**
Bonadelle Neighborhoods (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order for an increase in both temporary and permanent impacts to waters of the state. Therefore, Section IV, Section VII, Tables 1, 2, and 3; Section X; Section XIV.J; Section XIV.K.; Attachment A; and Attachment B, Tables 3 and 4 are amended in the underlined format below. In addition, Tables 4 and 5 have been added to Attachment B since compensatory mitigation is now required for the permanent impacts. The impacts maps in Attachment A have also been updated and are included within this document.

**IV. Project Description**

> The Proposed Project is associated with the buildout/development of Tract 6413/6123, located on the north side of Shaw Avenue, immediately east of Dog Creek in Clovis, California. Two structures at Dog Creek are proposed: a stormwater outfall into Dog Creek and a pedestrian span bridge just downstream of the stormwater outfall. FMFCD requires the stormwater outfall, and it is

needed to discharge major storm overflows (any storm above a 100-year event) into Dog Creek. The City of Clovis requires the pedestrian bridge. In 2022 FMFCD required a change to the proposed outfall design; thus, the structure has not yet been installed. The design change created the need to modify the water quality certification issued on 18 May 2022 and is addressed in this Certification amendment. The outfall into Dog Creek and the pedestrian span bridge will not impede the current flows. Both structures will be constructed to meet standards imposed by the FMFCD and the City of Clovis.

The Project's laydown, parking, and staging area will be located at least 100 feet east of the channel within tract 6413 and within an area previously disturbed and currently under construction. No vegetation removal/grubbing or grading will be required to establish the laydown, parking, or staging area. Both structures will be constructed when there is no flow within Dog Creek.

The stormwater outfall would be a 42-inch diameter outfall into Dog Creek. The outfall pipe would discharge at the toe of the interior bank and discharge onto a concrete splash pad. The outfall pipe would be a 42-inch diameter cast iron pipe. The pipe length would be 43 feet. Construction of the outfall requires excavation of the top-of-bank, interior slope, and bottom of Dog Creek to establish the proper grade. A total of 280 square feet (0.01 acres) of habitat at the top of the bank would be temporarily disturbed. There is no woody vegetation on the top or bank or below the bank within or near the work area. The top of bank has a few forbs and grasses. The east bank would be excavated to allow for the installation of the outfall pipe, and the channel would be reestablished to match pre-project conditions. The width of excavation would be 20 feet.

A 15-ft wide, 12-in thick concrete splash pad will be poured within the channel. However, approximately 1-foot of topsoil with vegetative material from within the channel will be removed, stockpiled, and segregated outside the channel. The stockpile area will be demarked in the field, and this material will be reused as the final 1-foot of topsoil below the proposed rip-rap apron to facilitate revegetation. The stockpiled seed bank soils will be placed as the top 1-foot of topsoil below the aprons on each side of the splash pad. Then rip-rap will be placed within the apron footprint on both the upstream and downstream edge of the splash pad. The rip-rap apron will each be 5-ft in width. No geotextile fabric will be used. Approximately 1,800 cubic feet of soil would be excavated within the interior of Dog Creek (interior banks and channel bottom), disturbing an area of 2,490 square feet (0.06 acres). Of the 2,490 square feet, 1,100 square feet (0.025 acres) below the Ordinary High Water Mark (OHWM) would be permanently impacted to accommodate the splash pad, rip-rap apron, and outfall pipe. The total permanent impact within the channel would be 0.03 acres.

The proposed pedestrian bridge would require grubbing/excavation at the top-of-bank of Dog Creek. The pedestrian bridge would provide a connection to a future pedestrian path west of Dog Creek that others would build sometime in the future. The pedestrian bridge installation will begin with clearing and grubbing of

the top of bank for the footing footprint. Excavation will then occur to pour in place the footing foundations and the removed soil will be recompacted in place. The pre-cast (pre-fab) bridge will be trucked to the site, lifted with a crane, and installed on the new footings. Any excess/remaining soil shall be re-spread over the existing top of bank and stabilized with a native seed mix.

The area grubbed would be 300 square feet on both sides of the channel (600 square feet, or 0.01 acres). For construction of the abutment footing, an approximate 10-foot by 20-foot area at top of bank for temporary excavation is needed to install the new bridge footing. There would be no grading/grubbing, excavation, placement of fill, or placement of structures below the top-of-bank in Dog Creek because the bridge would span the width of the channel.

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

All construction will occur when the creek bed is dry (and no anticipated flows) and the project will install a stormwater outfall from the east bank of Dog Creek. The wetland soils will be stockpiled and segregated for use as seedbank during restoration. All disturbed areas above the OHWM will be stabilized and hydro-seeded with a native seed mix from a local supplier. The wetland seed bank will be placed in the disturbed areas below the OHWM to restore the wetland habitat.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 to 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[1]**

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|---|---|---|---|
| Stream Channel | 0.06 | 66.6 | 30 |
| Riparian Zone | --- | --- | --- |
| Wetland | --- | --- | --- |

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

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|---|---|---|---|
| Stream Channel | 0.03 | 52 | 25 |
| Riparian Zone | --- | --- | --- |
| Wetland | --- | --- | --- |

[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.

**X. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts.

**XIV. Conditions**

**J. Mitigation for Temporary Impacts**

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities.

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method**

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|---|---|---|---|---|---|---|---|---|
| Stream Channel | Permittee Responsible | Acres | --- | --- | 0.06 | --- | --- | --- |
| Riparian Zone | Permittee Responsible | Acres | --- | --- | --- | --- | --- | --- |
| Wetland | Permittee Responsible | Acres | --- | --- | --- | --- | --- | --- |

**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 in-water work.

   **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 for the authorized impact to 0.03 acres of Stream Channel by purchasing 0.03 or more 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.

   **b.** Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [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**

| Aquatic Resource Type | Mitigation Type | Units | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
|---|---|---|---|---|---|---|---|---|
| Stream Channel | In-Lieu Fee Credits | Acres | --- | --- | --- | --- | --- | 0.03 |

## Attachment A – Project Map

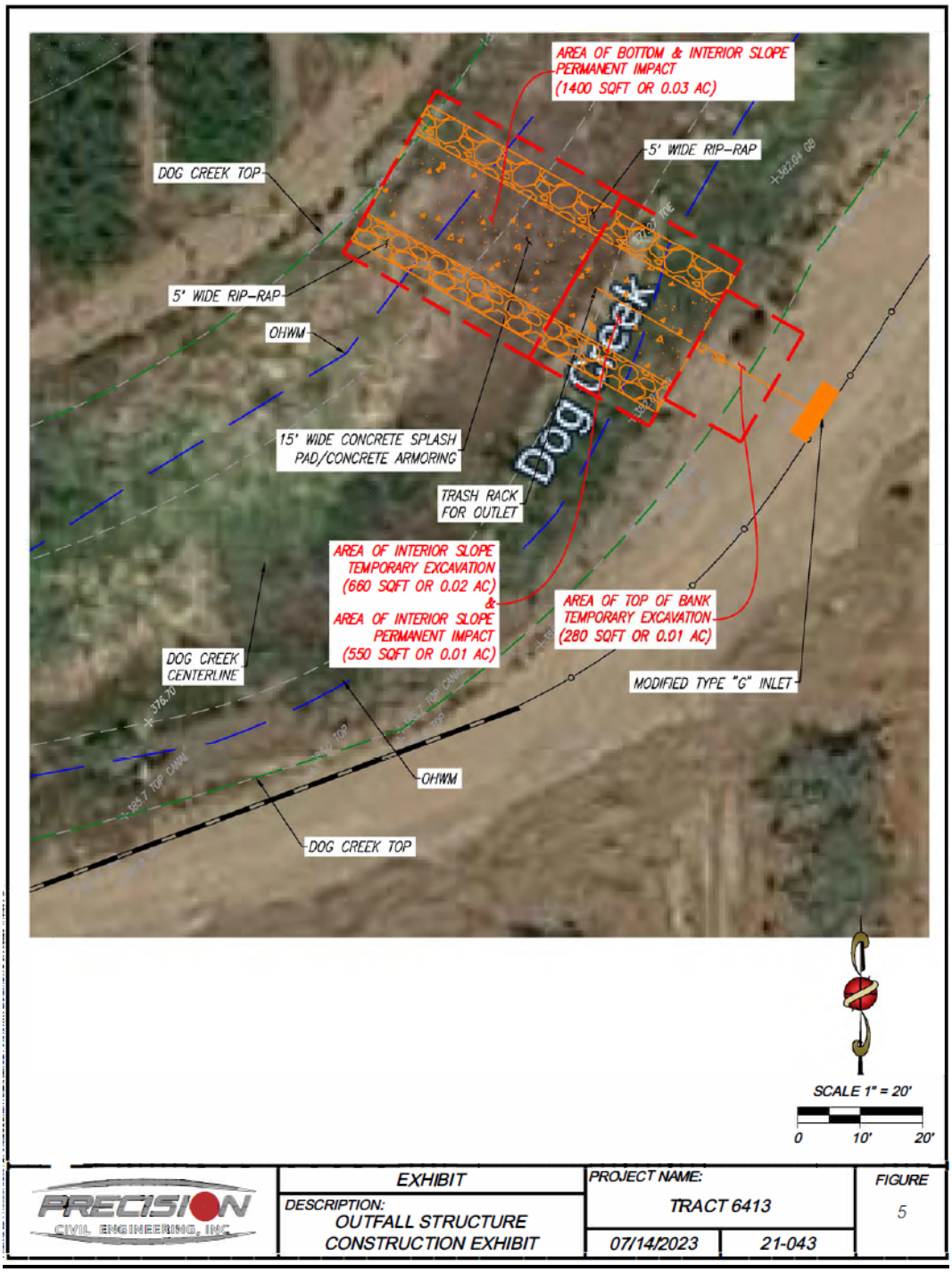


**Figure 4. Project Permanent Impact Map**

## Attachment B – Receiving Waters, Impacts and Mitigation Information

**Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 1: Receiving Water(s) Information**

| Impact Site ID | Waterbody Name | Impacted Aquatic Resources Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | California Rapid Assessment Method (CRAM) ID |
|---|---|---|---|---|---|---|---|
| Dog Creek Stream Channel | Dog Creek | Stream Channel | 551.30 | Valley Floor Waters | AGR, IND, PRO, REC-1, REC-2, WARM, WILD RARE, GWR | N/A | N/A |
| Dog Creek Riparian | --- | --- | --- | --- | --- | --- | --- |
| Dog Creek Wetland | --- | --- | --- | --- | --- | --- | --- |

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

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres | Cubic Yards | Linear Feet |
|---|---|---|---|---|---|---|
| Dog Creek Stream Channel | 36.80891 | -119.63244 | No | 0.06 | 66.6 | 30 |
| Dog Creek Riparian | --- | --- | --- | --- | --- | --- |
| Dog Creek Wetland | --- | --- | --- | --- | --- | --- |

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

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Acres | Cubic Yards | Linear Feet |
|---|---|---|---|---|---|---|
| Dog Creek Stream Channel | 36.80891 | -119.63244 | No | 0.03 | 52 | 25 |
| Dog Creek Riparian | --- | --- | --- | --- | --- | --- |

**Compensatory Mitigation Information**

The following table(s) show individual compensatory mitigation information and locations. In-Lieu Fee Compensatory Mitigation Information

**Table 4: In-Lieu Fee Program**

| | |
|---|---|
| In-Lieu Fee Program Name: | National Fish and Wildlife Foundation's Sacramento District California |
| Website: | https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-feeprogram |
| Watershed Service Area | Kings River |
| In-Lieu Fee Program Contact Name: | Chris Gurney |
| Phone: | (415) 593-7627 |
| Email: | Christopher.Gurney@nfwf.org |
| In-Lieu Fee Program Location - County: | Fresno County |
| Latitude: | TBD |
| Longitude: | TBD |

**Table 5: Mitigation Type Information**

| Aquatic Resource Credit Type | Acres | Linear Feet | Number of Credits To Be Purchased |
|---|---|---|---|
| Stream Channel | 0.03 | - - - | 0.03 |

**APPLICATION FEE RECEIVED:**
An amendment fee of $2,734.00 was received on 14 August 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 G – Amended Orders. 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 18 August 2023 to 8 September 2023. The Central Valley Water Board did not receive any comments during the comment period.

**WATER QUALITY CERTIFICATION:**
I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Tract 6123 Dog Creek Stormwater Outfall Project (WDID# 5C10CR00081A1). 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.

For Patrick Pulupa
Executive Officer

cc: [Via email only]

Marc Fugler (SPK-2022-00356)
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