
Central Valley Regional Water Quality Control Board

21 April 2022

David Taormino
Bretton Woods, LLC
429 F Street, Suite 5
Davis, CA 95616
assistdt@taormino.oeg

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BRETTON WOODS, LLC, BRETTON WOODS PROJECT, (WDID#5A57CR00188A2), YOLO COUNTY

This Order responds to the 13 May 2021 request for a second amendment of the Bretton Woods Project (Project) Section 401 Water Quality Certification (WDID#5A57CR00188). The original Water Quality Certification (Certification) was issued on 16 March 2020 and amended on 30 December 2020. The requested second amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original and amended Certification.

AMENDMENT:

Bretton Woods, LLC is requesting an amendment to update the Project scope as a result of modifications required by the City of Davis to the Project design associated with drainage and infrastructure improvements.

An updated delineation performed on 4 September 2020 determined that the impact area includes 0.001 acre of irrigation ditch, <0.001 acre of drainage ditch, and 0.0389 acre of detention basin. A total of 0.039 acre of additional aquatic resources were mapped within the Project impact area. An additional 0.028 acre of aquatic resources were delineated within the Project impact area on 9 March 2021, including 0.003 acre of detention basin, 0.011 acre of drainage ditch, and 0.014 acre of roadside ditch. As previously delineated, the Project was authorized for 0.247 acre of temporary impacts and 0.304 acre of permanent impacts to waters of the United States. As approved by the United States Army Corps of Engineers in the updated aquatic resource delineation, the Project will now permanently impact 0.300 acre and temporarily impact 0.353 acre, a reduction of permanent impacts and an increase of temporary impacts to waters of the United States. The update in impacts aquatic resources has been approved by the United States Army Corps of Engineers.

Bretton Woods, LLC will mitigate for loss of Waters of the United States and state by paying landcover impact fees by enrolling in the Yolo Habitat Conservation Plan/Natural

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

Communities Conservation Plan, as approved by the United States Army Corps of Engineers. A proof of payment will be submitted to the Central Valley Regional Water Quality Control Board (Central Valley Water Board) staff to satisfy the mitigation requirement under condition K.3.a of the Certification.

Bretton Woods, LLC will submit required monthly compliance reporting at the end of each month following the commencement of construction. The reporting deadline is modified from the original deadline of the final day of every month following the commencement of construction, as required in Attachment D of the Certification. The new deadline will allow for Bretton Woods, LLC to be consistent with all other reporting requirements for the Project.

The following sections of the Order, and respective Attachments B and D, are amended as shown below:

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	0.043	192	
Stream Channel	0.310	1,365	1,655

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake (new aquatic resource)	0.004		
Stream Channel	0.296		

XIV. Conditions

A. Reporting and Notification Requirements

1. Project Reporting

a. Monthly Reporting: The Permittee must submit a Monthly Report to the Central Valley Water Board on the final day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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.

K. Compensatory Mitigation for Permanent Impacts

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

1. Compensatory Mitigation Plan

- a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.

d. Total Required Compensatory Mitigation

1. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.300 acre of stream bed habitat by purchasing 0.3 acre of stream bed credits at the Yolo Habitat Conservancy Plan (Yolo HCP).
2. 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 4: 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 Habitat	Mitigation Bank Credits	Acres						0.300

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$4,347.00 for the original Certification were received with the original Application materials. 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:

Peter Minkel, Engineering Geologist
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114
Peter.Minkel2@waterboards.ca.gov
(916) 464-4684

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Bretton Woods Project (WDID#5A57CR00188A2). 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 James Marshall for:

Patrick Pulupa
Executive Officer

cc: [Via email only] (w/enclosure)

Chandra Jennings (SPK-2019-00685)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
SPKRegulatoryMailbox@usace.army.mil

United States Environmental Protection Agency
R9CWA401@epa.gov

California Department of Fish and Wildlife, Region 2
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

Bill Jennings
CA Sportfishing Protection Alliance
DeltaKeep@me.com

Ben Watson
Madrone Ecological Consulting
bwatson@madroneeco.com

Nikki Hugh
Madrone Ecological Consulting
nhugh@madroneeco.com