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## Central Valley Regional Water Quality Control Board

16 June 2022

Kathryn Reyes  
City of Newman  
PO Box 787, 938 Fresno Street  
Newman, CA 95360

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; CITY OF NEWMAN, NCCA WETLAND PROJECT (WDID NO. 5B24CR00096A1), MERCED COUNTY**

This Order responds to the 5 May 2022 request for an amendment of the NCCA Wetland Project (Project) Section 401 Water Quality Certification (WDID No. 5B24CR00096). The original Water Quality Certification (Certification) was issued on 14 January 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:**

The City of Newman (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order. Temporary disturbance of wetlands has increased to 4.49 acres, up 1.09 acres from the 3.40 acres under the original certification. The increase can be attributed to added grading to expand wetland enhancement in the west portion of the central swale on the 78-acre parcel. An additional portion of the increase is due to the footprint of the construction access route along the west boundary of the 24-acre parcel. Additionally, the total expected wetland to be restored/rehabilitated will decrease from 10.90 acres to 10.545 acres.

Therefore, Section VII Table 1, Section XIV Table 4 and Table 5, and Attachment B Table 2 are amended in underline format below.

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

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	0.110		590
Vernal Pool			
Wetland	<u>4.49</u>		

## XIV. Conditions

**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			0.110			
Wetland	Permittee Responsible	Acres			<u>4.49</u>			

**Table 5: Total Ecological Restoration and Enhancement Quantity**

Aquatic Resource Type	Restoration Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	Permittee-Responsible	Acres		<u>10.545</u>				

## Attachment B

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

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Central Swale	37.309432	-121.004759	No	<u>4.6</u>		

**APPLICATION FEE RECEIVED:**

No fee was required for this amendment. Total fees of \$645.00 for the original Certification were received on 29 November 2021. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category D - Ecological Restoration and Enhancement Projects (fee code 85) 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 NCCA Wetland Project Project (WDID#5B24CR00096A1). 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 Clay L. Rodgers for:*  
Patrick Pulupa  
Executive Officer

cc: [Via email only]

Zachary Simmons  
United States Army Corps of Engineers  
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