18 November 2024

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NOTICE OF APPLICABILITY FOR COVERAGE UNDER GENERAL ORDER NO. R5-2019-0023, WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION OF THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN PROGRAMMATIC GENERAL PERMIT, CENTRAL CALIFORNIA TRACTION COMPANY, NORTH VINEYARD STATION RAIL CROSSING PROJECT (WDID#5A34CR00759-031), SACRAMENTO COUNTY

On 26 September 2024, the Central California Traction Company submitted a Notice of Intent (NOI) to enroll under and comply with Central Valley Regional Water Quality Control Board (Central Valley Water Board) General Order No. R5-2019-0023, Waste Discharge Requirements and Clean Water Act Section 401 Water Quality Certification of the South Sacramento Habitat Conservation Plan Programmatic General Permit.

The Central Valley Water Board has reviewed your enrollment materials and finds the Central California Traction Company North Vineyard Station Rail Crossing Project (Project) meets the requirements of, and is hereby enrolled under, General Order R5-2019-0023. You may proceed with your Project in accordance with the Order.

A copy of the General Order No. R5-2019-0023 can be found on the Central Valley Water Board's Adopted Orders webpage (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/sacramento/r5-2019-0023.pdf).

Please familiarize yourself with the requirements of General Order R5-2019-0023. You are responsible for complying with all applicable Order requirements. Failure to comply with General Order R5-2019-0023 constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:
The 7.27-acre Project consists of reconstructing two previously removed railroad crossings and the construction of a new pedestrian trail across Elder Creek.

Construction of the Elder Creek railroad crossing includes clearing any remaining structures, excavation at a maximum of 9 feet deep, and fill from three 120-inch wide by 156-inch tall by 360-inch-long pre-cast concrete box culverts and rock slope protection. Concrete box culverts will be installed with one-foot-wide headwalls constructed on the upstream and downstream ends. For erosion control, rock slope protection will be installed in compliance with Caltrans Standard Specifications. To prevent ponding along the railroad, drainage swales will be created on either side of the railroad upstream and downstream of the crossing. Two 10-foot wide by 360-foot-long swales will be installed on the west side of the railroad, with one 5-foot wide by 360-foot long and one 5-foot wide by 370-foot-long swales installed on the east side of the railroad. The drainage swales will drain to Elder Creek.

The low-flow pedestrian crossing will be installed on the downstream side of the rail crossing over Elder Creek and connect to the existing pedestrian trail adjacent the railroad. Four pre-cast concrete 96-inch-wide by 36-inch-tall by 227-inch-long concrete box culverts will be installed with above ground cutoff walls to be constructed at both the upstream and downstream ends of the box culverts. Rock slope protection will be installed around the completed structures.

Construction of the Gerber Creek railroad crossing includes clearing any remaining structures, excavation at a maximum of 9 feet deep, and fill from two 120-inch wide by 144-inch tall 360-inch-long pre-cast box culverts. Pre-cast box culverts are to be installed with concrete wingwalls at the upstream and downstream ends of the crossing. To prevent ponding along the railway, drainage swales will be created on either side of railroad both upstream and downstream of the crossing. Two 10-foot wide by 220-foot-long swales will be created on the west side of the railroad and two 5-foot-wide by 180-foot-long swales will be created on the east side of the railroad. The drainage swales will drain to Gerber Creek.

If water is present at Elder Creek and Gerber Creek during construction, a water diversion will be installed using temporary sandbag berms to maintain dry conditions within the work area.

The Project will temporarily impact 0.338 acre/465 linear feet and permanently impact 0.698 acre/308 linear feet of stream channel and vernal pool habitat.

Temporarily impacted areas will be restored to pre-Project condition.

PROJECT TYPE:
Railroads

ADDITIONAL CONDITION:
1. The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one

or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

PROJECT LOCATION:
The Project is located at 9216 Florin Road and 9437 Gerber Road.

Section 5-6 and 8, Township 7 North, Range 6 East MDB&M

Assessors Parcel Numbers:

065-0310-005, 065-0052- 003, 065-0310-003, 065- 0310-007, 065-0370-091, 065-0330-046, 065-0310- 004, 065-0310-006, 066- 0080-009, 066-0080-010, 066-0080-030, 066-0080- 031, 066-0080-028

Latitude/Longitude at Elder Creek: 38.494159°, -121.356629°

Latitude/Longitude at Gerber Creek: 38.483402°, -121.346584°

PUBLIC NOTICE
The Central Valley Water Board provided public notice of the application from 25 October 2024 to 15 November 2024. The Central Valley Water Board did not receive any comments during the comment period.

COMPENSATORY MITIGATION
To mitigate for the loss of 0.22 acre of stream channel and 0.48 acre of vernal pool, the permittee shall purchase 0.70 in lieu fee credits from the South Sacramento Habitat Conservation Plan (SSHCP) in lieu fee program for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Compensatory mitigation must comply with the effective policy, which ensures no overall net loss of wetlands for impacts to waters of the state, at the time of Certification.

Evidence of compliance with compensatory mitigation requirements includes providing a letter from the approved in-lieu fee recipient. The letter must: a) be on the in-lieu fee recipient's letterhead; b) be signed by an authorized representative of the in-lieu fee recipient; c) indicate the United States Army Corps of Engineers' SPK number; d) describe the Project name and location; and e) detail the type of in-lieu fees paid for the Project's impacts.

APPLICATION FEE RECEIVED:
An application fee of $2,985.00 and project fee of $31,605.00 was received on 8 October 2024.

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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES:

- No equipment will be operated in areas of flowing or standing water.
- Construction materials and heavy equipment must be stored outside of the active flow of any waters.
- When work within waters is necessary, the entire stream flow will be diverted around the work area.
- In the event of rain, the disturbed in-water work area will be temporarily stabilized before water body flow exceeds the capacity of the diversion structure. The disturbed water body will be stabilized so that the disturbed areas will not come in contact with the flow.
- Once construction is complete, all project-introduced material (e.g., pipes, gravel, cofferdam, sandbags) must be removed, leaving the water as it was before construction. Excess materials will be disposed of at an appropriate disposal site.
- All work areas will be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow will not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., cofferdam, geo-textile silt curtain) will not be removed until all disturbed areas are cleaned and stabilized.
- Any flow diversion used during construction will be designed in a manner to prevent pollution and minimize siltation and will provide flows to downstream reaches. Flows will be maintained to support existing aquatic life, riparian wetlands, and habitats that may be located upstream and downstream from any temporary diversion.
- All surface waters, including ponded waters, will be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that may result in a discharge to waters.
- All temporary dewatering methods will be designed to have the minimum necessary impact to waters to isolate the immediate work area. All dewatering methods will be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams and diversions will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods will be removed immediately upon completion of diversion activities.
- A method of containment must be used below any bridge, boardwalk, and/or temporary crossing to prevent debris from falling into the waters through the entire duration of a project.
- If temporary surface water diversions and/or dewatering are anticipated, the Third-Party Project Proponent will develop and maintain on site a surface water diversion and/or dewatering plan. The plans must be developed prior to initiating any water diversions and will include the proposed method and duration of diversion activities. The plans must be made available to Central Valley Water Board staff upon request.

- When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water will be allowed at all times to pass downstream to maintain beneficial uses of waters below the dam. Construction, dewatering, and removal of temporary cofferdams will not violate the turbidity, settle-able matter, pH, temperature, or dissolved oxygen requirements of any Water Quality Control Plan.
- Any temporary dam or other artificial obstruction will only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel that will cause little or no siltation. Stream flow will be temporarily diverted using gravity flow through temporary culverts or pipes, or pumped around the work site with the use of hoses.
- The main channel of a re-routed channel will be free to migrate laterally over its active and terrace floodplain.
- Channel geometry (plan, profile, and cross-section) of the site will be appropriate for the watershed location and physical/hydrologic condition.
- Local, native materials will be used as fill material to the extent practicable.
- Bioengineering techniques will be used for construction and maintenance of bank stabilization. Bioengineered bank stabilization structures will use vegetation in combination with bank reshaping; biodegradeable geotextile materials; and, in some cases, a minimal amount of rock or wood to the extent practicable to dissipate erosive energy. Third-Party Project Proponents will consult a professional engineer when considering using bioengineering techniques.
- All rerouted, widened, or deepened streams must be re-established and maintain native Woody Riparian land cover and/or native Grassland Riparian land cover in the entire stream setback.

WATER QUALITY MONITORING:
Water quality monitoring is not required if work is performed when the aquatic features are naturally dry.

If you have any questions regarding this Notice of Applicability, please contact Olivia Ilsley at (916) 464-4673 or Olivia.Ilsley@waterboards.ca.gov.

Original Signed by Anne Walters for:
Patrick Pulupa
Executive Officer

Attachments: Figure 1: Elder Creek Pedestrian Trail and Railroad Crossing Impact Map
Figure 2: Gerber Creek Railroad Crossing Impact Map

cc: Distribution List, page 6

DISTRIBUTION LIST
[Via email only]

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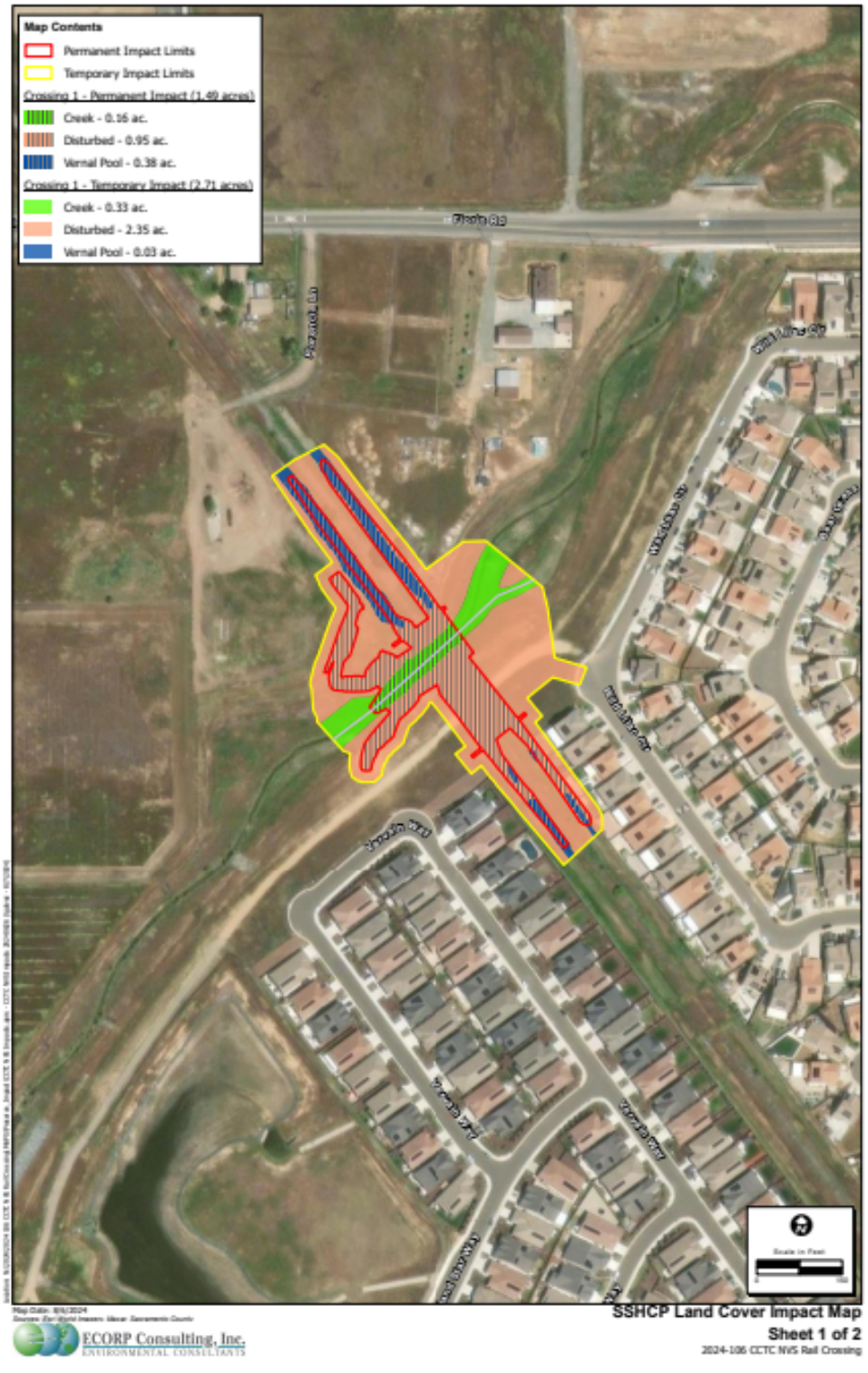

Figure 1: Elder Creek Pedestrian Trail and Railroad Crossing Impact Map

Figure 2: Gerber Creek Railroad Crossing Impact Map