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## Central Valley Regional Water Quality Control Board

18 June 2024

Matthew Treber  
County of Madera  
200 W 4th St, Suite 3100  
Madera, CA 93637

### **ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; COUNTY OF MADERA, RIO MESA BOULEVARD PROJECT (WDID NO. 5B20CR00109A1), MADERA COUNTY**

This Order responds to the 12 March 2024 request for an amendment of the Rio Mesa Boulevard (Project) Section 401 Water Quality Certification (WDID No. 5B20CR00109). The original Water Quality Certification (Certification) was issued on 11 February 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 County of Madera (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order. The Permittee is requesting to change only the preservation compensatory mitigation requirements by establishing the proposed Jensen Ranch Mitigation Site which encompasses 4.577 acres of vernal pools, 0.739 acres of seasonal wetland, 2.348 acres of seasonal wetland swale, and 101.6 acres of annual grassland. Therefore, Section XIV.K, Attachment B Table 5, and Attachment B Table 6 are replaced in their entirety with the following:

#### **XIV.K Compensatory Mitigation for Permanent Impacts:**

##### **1. Final Compensatory Mitigation Plan**

- a. The Permittee shall provide a Compensatory Mitigation Plan for the 109-acre Jensen Ranch Mitigation Site (Preserve) as mitigation for impacts to waters that may result from the implementation of the Rio Mesa Boulevard Project. The Preserve supports 4.577 acres of vernal pools, 0.739 acres of wetland, 2.348 acres of wetland swale, and 101.6 acres of annual grassland. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c), and shall be **submitted**

**to the Central Valley Water Board within 18 months from construction start date.**

- b. The Permittee (or Permittee's successor) shall prepare a Property Analysis Report (PAR) for the Preserve and submit the PAR to the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for review and approval, **and shall provide a copy of the agency-approved PAR to the Central Valley Water Board as part of the Compensatory Mitigation Plan.**

## **2. Conservation Easement**

**Within 18 months after the start of Project construction,** the Preserve shall be protected via a USFWS and CDFW approved conservation easement, which shall be placed on the entirety of the Preserve for the protection of its habitats in perpetuity. The easement shall include, but not be limited to, provisions and responsibilities of the landowner, grantee of the conservation easement, and the Manager of the Preserve for the protection of the habitats of the Preserve. The easement shall include a list of prohibited activities that are inconsistent with the maintenance of the natural habitat areas within the Preserve. **The Permittee shall provide a copy of the recorded conservation easement to the Central Valley Water Board within 30 days of its recordation.**

## **3. Funding Mechanism**

**Within 18 months after the start of Project construction,** the Permittee shall provide a non-wasting endowment, or an agency approved funding mechanism to fund management, maintenance, and monitoring activities of the preserve and shall be consistent with the agency-approved PAR and **shall provide evidence of the funding mechanism to the Central Valley Water Board.**

## **4. Financial Security**

**Prior to the start of Project construction,** the Permittee shall provide to the Central Valley Water Board, evidence that a financial security (e.g., letter of credit or performance bond) has been provided to CDFW to ensure compensatory mitigation requirements associated with the Preserve are in place within 18 months after the start of Project construction.

## **5. 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 within 90 days of authorized impacts.

- 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.

**6. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 1.423 acres of vernal pool by preserving 4.577 acres of vernal pool at the Jensen Ranch Mitigation Site.
- b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.544 acres of wetland by preserving 3.087 acres of wetland at the Jensen Ranch Mitigation Site.
- c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.554 acre of wetland and 1.423 acres of vernal pool by purchasing 3.4 Aquatic Resource Credits from an Army Corps of Engineers approved Mitigation Bank.
- d. 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
Vernal Pool	Permittee-Responsible	Acres					4.577	
Wetland	Permittee-Responsible	Acres					3.087	
Wetland, Vernal Pool	Mitigation Bank Credits	Acres	3.4					

**Attachment B**

**Permittee Responsible Compensatory Mitigation Site Information**

**Table 5: Conservation Site Information**

Conservation Site Name:	Jensen Ranch Mitigation Site
Website:	TBD
Conservation Site Contact Name:	Lauren Miller
Phone:	209-742-5556
Website:	<a href="https://sierrafoothill.org/">https://sierrafoothill.org/</a>
Mitigation Location - County:	Madera
Latitude (degrees):	36.9482
Longitude (degrees):	-119.7806

**Table 6: Mitigation Type Information**

Aquatic Resource Credit Type	Acres Preserved
Vernal Pool	4.577
Wetland	3.087

**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 Rio Mesa Boulevard Project (WDID# 5B20CR00109A1). 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 Christina Shupe*  
For Patrick Pulupa  
Executive Officer

cc: [Via email only]

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