
Central Valley Regional Water Quality Control Board

31 July 2024

Michael P. Jackson
Bureau of Reclamation
1243 N Street
Fresno, CA 93721

ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BUREAU OF RECLAMATION, FRIANT-KERN CANAL MIDDLE REACH CAPACITY CORRECTION PROJECT (WDID NO. 5C54CR00113A2), KERN COUNTY

This Order responds to the 30 March 2024 request for an amendment of the Friant-Kern Canal Middle Reach Capacity Correction (Project) Section 401 Water Quality Certification (WDID No. 5C54CR00113). Supplemental information to the initial request was received on 27 June 2024. The original Water Quality Certification (Certification) was issued on 7 April 2021 and was subsequently amended on 10 March 2024. 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 Bureau of Reclamation (hereinafter Permittee) is requesting an amendment to the Section 401 Water Quality Certification and Order. The Permittee proposes to change the method of restoration for temporary impacts to wetland habitat from permittee responsible to in-lieu fee credit purchase. The Permittee will not re-plant 0.68 acres of wetland to its original condition and will only re-seed the area instead. For the purposes of this water quality certification, the 0.68 acres that will not be restored to its original condition will be considered a permanent impact even though some level of wetland function may return. To account for this change, the Permittee shall purchase an additional 0.68 Aquatic Resource Credits in the Kern 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 . Therefore, Section VII, Section XIII.J Table 4, Section XIII.K.2, and Attachment B Table 2, Table 3, and Table 7 are amended as specified below.

Amendment A2.1

Section VII is replaced in its entirety with the following:

VII. Description of Direct Impacts to Waters of the State

Construction of the Deer Creek check and siphon would result in temporary impacts on 0.53 acre (490 linear feet) and permanent impacts on 0.02 acre (110 linear feet) of intermittent stream channel due to the placement of rip rap. Construction of the White River check and siphon would result in temporary impacts on 0.46 acre (397 linear feet) and permanent impacts on 0.01 acre (60 linear feet) of intermittent stream channel due to the placement of rip rap. The new siphons would be buried under the intermittent streams at project completion and the streambeds would be restored. As such, the new siphons are not considered a permanent impact on the intermittent streams.

Construction of the Deer Creek check and siphon would result in temporary and permanent impacts to 0.30 acre and 1.45 acre of wetland, respectively. Construction of the White River check and siphon would result in temporary impacts on 0.03 acre of riparian wetlands, with no permanent impacts on riparian wetlands.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 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 Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	0.99	9,082	887
Vernal Pool			
Wetland	0.33	22,535	

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.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake			
Ocean/bay/estuary			
Riparian Zone			
Stream Channel	0.03	3,371	170
Vernal Pool			
Wetland	1.45	30,943	

Amendment A2.2

Section XIII.J, Table 4 is modified as follows shown in underline:

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			0.99			
Wetland	Permittee Responsible	Acres			<u>0.33</u>			

Amendment A2.3

Section XIII.K.2 is modified as follows shown in underline:

2. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.03 acre of stream channel by purchasing 0.06 Aquatic Resource Credits in the Kern 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. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.77 acre of wetland by purchasing 1.54 Aquatic Resource Credits in the Kern 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.

- c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.68 acre of wetland by purchasing 0.68 Aquatic Resource Credits in the Kern River Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation Sacramento District California In-Lieu Fee Program.
- d. 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						0.06
Wetland	In-Lieu Fee Credits	Acres						<u>2.22</u>

Amendment A2.4

Attachment B, Tables 2, 3, and 7 are modified as shown in underline below. Attachment B, Table 5 is removed entirely.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Deer Creek	35.977847	- 119.10666	No	<u>0.83</u>		490
White River	35.843638	-119.161685	No	0.49		397

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Deer Creek	35.977847	- 119.10666	No	<u>1.47</u>		110
White River	35.843638	-119.161685	No	0.01		60

Table 7: Mitigation Type Information for In-Lieu Fee Program

Aquatic Resource Credit Type	Watershed Service Area	Acres	Linear Feet.	Number of Credits to Purchase
Stream Channel	Kern River	0.03		0.06
Wetland	Kern River	<u>1.45</u>		<u>2.22</u>

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 Friant-Kern Canal Middle Reach Capacity Correction Project (WDID# 5C54CR00113A2). 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 Alexander S. Mushegan
 For Patrick Pulupa
 Executive Officer

cc: see next page

cc: [Via email only]

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