California High Speed Train Project – Merced to Fresno Permitting Phase 1

Clean Water Act Section 401 Water Quality Certification

Attachment B

Project Information

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Project Identifiers	
WDID No:	
Reg. Meas. ID:	
Place ID:	
Party ID:	
USACOE No:	
Other File No:	

PROJECT INFORMATION	
Details	
Application Received Date:	May 17, 2013
Application Completed Date:	June 17, 2013
Additional Info Completed Date:	
Applicant:	California High-Speed Rail Authority c/o Mark McLoughlin
Applicant Representative(s):	CH2M HILL c/o Mark Oliver
Project Title:	California High-Speed Train (HST Project), Merced to Fresno Section, Permitting Phase 1 (PP1)
Regulating Water Board:	State Water Resources Control Board
Type of Project:	Railroads
Project Description:	
Applicant proposes construction of a 24 mile section of the California High Speed Rail System, between Madera and Fresno. The proposed project is Permitting Phase 1 (PP1).	
Location	
City:	Vicinity of Madera and Fresno
County:	Madera and Fresno County
Cross Streets:	Area from Avenue 17 in Madera County to immediately south of the Downtown Fresno Station, south of SR 41 adjacent to Los Angeles Street in Fresno, California.
Section, Township, Range:	
Zip code:	No street address is associated with PP1. The project is located between Avenue 17 in Madera, CA and State Route 41 in Fresno, CA.
Directions:	PP1 northern end: County Road Avenue 17, 3.2 miles west of State Highway 99, at the terminus at the BNSF railroad. PP1 southern end: The proposed Fresno Station, centered on Mariposa Street and bordered by Fresno Street on the north, Tulare Street on the south, H Street on the east, and G Street on the west.
Latitude(s) and Longitude(s):	Merced County; Latitude 36°59'43.56"N, Longitude 120°2'34.34"W to Fresno County; Latitude 36°43'25.66"N, Longitude 119°47'3.50"W.
Public Notice	
Water Board Public Notice: Information regarding this project was noticed on the State Water Board's website from May 17, 2013 to ____ date of issuance of certification. One comment was received.	

Fees

Application Fee Provided: A certification fee of $945.00 was submitted on 7/1/2013 as required by 23 CCR § 3833b(2)(A) and by 23 CCR § 2200(e). An additional fee of $50914.00 (IF APPLICABLE) to offset additional design impacts was received on 8/8/2013 as required by 23 CCR § 3833b(2)(A) and by 23 CCR § 2200(e).

(Total certification fee was calculated as: $40,849.00. The base fee of $945.00, was received by the Division of Water Quality (DWQ) July 1, 2013. A dredge and fill fee of $50,914.00 was received by DWQ on August 8, 2013. The State Water Board will issue a refund for any overpayment after issuance of the certification.)

Hydrologic Information

Receiving Water(s):	See Table 8a, Waterbodies in the PP1 Study Area, of the Section 401 Water Quality Certification Application Supplemental Information.
Hydrologic Unit(s):	San Joaquin Valley Floor Hydrologic Unit (545) and South Valley Floor Hydrologic Unit (551).
Water Body Type(s):	Vernal pools, seasonal wetland, natural watercourses, constructed watercourses, constructed basins and open waters.

Designated Beneficial Use(s)

X	AGR		COMM		FRSH	X	MIGR	X	RARE	X	SPWN		
	AQUA		CUL	X	GWR	X	MUN	X	REC-1	X	WARM		
	ASBS		EST	X	IND		NAV	X	REC-2		WET		
	BIOL		FISH		LWRM		POW		SAL	X	WILD		
X	COLD		FLD		MAR		PRO		SHELL		WQE		

Candidate, Sensitive, or Special Status Species

Listed species present or potentially present in PP1 include San Joaquin kit fox, the central California tiger salamander, conservancy fairy shrimp, vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, Colusa grass, San Joaquin Valley Orcutt grass, hairy Orcutt grass, Greene's tuctoria, and succulent owl's clover (see USFWS BO provided with Other Requisite Material that accompanies the 401 application package). Also see Section 7, Threatened and Endangered Species, of the Section 401 Water Quality Certification Application Supplemental Information.

Other Permits/Licenses/Agreements/Plans

Federal (Type and Permit/License Number):

-->U.S. Army Corps of Engineers (Corps) Section 404 Individual Permit Application, Permitting Phase 1, U.S. Army Corps of Engineers File No. SPK-2009-01483.
-->Corps Section 408 Determination.
-->U.S. Fish and Wildlife Service (USFWS) Biological Opinion.

State (Type and Permit/License/Agreement Number):

- CDFW Master Streambed Alteration Agreement (MSAA) for PP1 pursuant to Section 1602 of the California Fish and Game Code. (Notification requesting an MSAA has been submitted to CDFW.
- State Water Board NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities [Order No. 2009-0009-DWQ; as amended by 2010-0014-DWQ and 2012-0006-DWQ; NPDES No. CAS000002 (2009)] (CGP).
- CDFW Incidental Take Permit (ITP) pursuant to Section 2081 of the California Fish and Game Code. (ITP application has been submitted to CDFW.)
- CVFPB Encroachment Permits. (These permits will be obtained by the Design/Build (D/B) contractor during design/construction of the HST Project.)
- State Water Board Water Quality Order No. 2003-003-DWQ, Statewide General Waste Discharge

Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality (General WDRs). (If necessary, this permit will be obtained by the D/B contractor during design/construction of the HST Project.)

- RWQCB - Central Valley Region, Order No. R5-2008-0081, Waste Discharge Requirements for Dewatering and Other Low Threat Discharges to Surface Waters. (This permit will be obtained by the D/B contractor during design/construction of the HST Project.)
- Caltrans Encroachment Permits. (These permits will be obtained by the D/B contractor during design/construction of the HST Project.)

Other County, City, etc. (Type and Permit/License Number):

See Table 4.1, Other Authorizations, of the Section 401 Water Quality Certification Application Supplemental Information.

Any Required Documents or Plan Submittals (SWPPP, Mitigation & Monitoring, etc.)

-->Submittal of SWPPP not required for Certification. Documentation of enrollment under the CGP is required. The D/B contractor will prepare the project SWPPP.

NEPA and/or CEQA Compliance

Document Type:	EIR/EIS
Lead Agency:	California High-Speed Rail Authority (Authority) (note: Federal Railroad Administration (FRA) is lead for NEPA compliance)
Date Completed:	Notice of Determination filed May 4, 2012
State Clearinghouse Number:	2009091125

IMPACTS

Describe Potential Water Quality Impacts:

Primary impacts include: Direct impacts due to fill of wetlands by the rail bed; alteration of flow caused by stream crossings; potential polluted runoff from the rail lines and facilities; indirect impacts due to operation and maintenance of the rail lines and associated facilities. See Section 5, Water body Impact, of the Section 401 Water Quality Certification Application Supplemental Information.

Final Project Impacts (Fill)*

See Block 8b, Fill and Excavation, of the Section 401 Application form.

Water Body Type	Permanent			Temporary		
	Acres**	Linear Feet	Cubic Yards	Acres**	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian	**1.330**	**875**		**0.600**	**620**	
Streambed	**1.793**	**895**		**1.910**	**905**	
Vernal Pool	**1.282**					
Wetland	**3.102**			**2.590**		

* Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal water body types.
** Provide acres to three decimal places (e.g., 0.006).

Final Project Impacts (Dredge*/Excavation)**

See Block 8c, Dredging, of the Section 401 Application form.

Water Body Type	Permanent			Temporary		
	Acres***	Linear Feet	Cubic Yards	Acres***	Linear Feet	Cubic Yards
Lake						
Ocean						
Riparian						
Streambed						
Vernal Pool						
Wetland						

* For projects that will occur annually please provide the total volume to be dredged for the entire certification period (typically 5 years).
** Include all three measurements (acres, linear feet and cubic yards) for all federal and non-federal water body types.
*** Provide acres to three decimal places (e.g., 0.006).

Impact Comparison*

	Fill				Dredge			
	Permanent		Temporary		Permanent		Temporary	
	Initial	Final	Initial	Final	Initial	Final	Initial	Final
*Impacts (Acres)***	**8.345**	**7.507**	**2.476**	**2.476**				

* Include impacts to both federal and non-federal waters.
** Provide acres to three decimal places (e.g., 0.006).

MITIGATION

Describe Avoidance and Minimization for Impacts to Waters:

See Section 11.1, Avoidance and Minimization, of the Section 401 Water Quality Certification Application Supplemental Information.

Describe Compensatory Mitigation for Impacts to Waters (temporary and permanent):

A permittee responsbile mitigation plan calls for off-site preservation, enhancement and restoration of wetlands, stream channels and vernal pools within the watersheds where the project is proposed. See Section 6, Compensatory Mitigation, of the Section 401 Water Quality Certification Application Supplemental Information.

Compensatory Mitigation (Proponent Provided)

Water Body Type	Acres Established		Acres Restored		Acres Enhanced		Acres Preserved	
	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.	Temp.*	Perm.**
Lake								
Ocean								
Riparian			**0.390**	**2.200**				
Streambed			**2.086**	**0.000**				
Vernal Pool				**8.350**				**12.030**
Wetland								

* Report as mitigation for temporary impacts at a 1:1 ratio any required conditions to restore the site (e.g., re-vegetating or re-contouring). Temporary impacts are being mitigated at the project site.
** This preservation is for compliance with the federal Endangered Species act and not for waters of the U.S./waters of the state.

Compensatory Mitigation (Mitigation Bank)

N/A

Water Body Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Compensatory Mitigation (In-Lieu)

N/A

Water Body Type	Acres Established	Acres Restored	Acres Enhanced	Acres Preserved
Lake				
Ocean				
Riparian				
Streambed				
Vernal Pool				
Wetland				

Proponent Provided Mitigation Information (If Applicable)*

See Additional Mitigation Information (Proponent, Bank, or In-Lieu) below

	Site 1	Site 2
Mitigation Site Location(s):	**See Below**	
Mitigation Site Lat/Long(s):		
Name of Watershed & Hydrologic Unit:		
Mitigation Site City and County:		

*If more than two sites, please provide additional information in the additional information table located at the end of this form.

Mitigation Bank Information (If Applicable)*

N/A

	Bank 1	Bank 2
Mitigation Bank Name:	N/A	
Name of Mitigation Bank Operator:		
Address of Mitigation Bank Office:		
Mitigation Bank Location(s):		
Mitigation Bank Lat/Long(s):		
Name of Watershed & Hydrologic Unit:		
Mitigation Bank City and County:		
Mitigation Purchase Amount ($):		

*If more than two sites, please provide additional information in the additional information table located at the end of this form.

In-Lieu Mitigation Information (If Applicable)*

N/A

	Program 1	Program 2
Name of Approved In-Lieu Fee Mitigation Sponsor:	N/A	
Address of In-Lieu Mitigation Sponsor:		
Description of In-Lieu Mitigation Arrangements:		
In-Lieu Mitigation Location:		
In-Lieu Mitigation Lat/Long(s):		
In-Lieu Mitigation City and County:		
Name of Watershed & Hydrologic Unit:		
*If more than two sites, please provide additional information in the additional information table located at the end of this form.		

Additional Mitigation Information (Proponent, Bank, or In-Lieu)

	Site 1	Site 2
Mitigation Site Name:	**Lazy K**	
Name of Mitigation Site Operator:	**John Vollmar / Vollmar Natural Lands Consulting**	
Address of Mitigation Site Office:	**1720 Solano Ave Berkeley, CA 94707**	
Mitigation Site Location(s):	**The Lazy K mitigation site is located at the northwestern edge of Madera County and the southern edge of Merced County, approximately 5 miles east of the City of Chowchilla, 15 miles north of the City of Madera, and 5 miles south of Le Grand in Merced County.**	
Mitigation Site Lat/Long(s):	**The approximate center of the site is latitude 37°9'48.31"N, longitude 120°9' 10.10" W.**	
Name of Watershed & Hydrologic Unit:	**The site is located in the Chowchilla River watershed of the Middle San Joaquin-Lower Chowchilla River hydrologic unit, within the San Joaquin River Basin hydrologic unit.**	
Mitigation Site City and County:	**Madera and Merced Counties**	
Mitigation Purchase Amount ($):	**Not yet available.**	