



Colorado River Basin Regional Water Quality Control Board

Certified Mail: **7021 1970 0002 0497 5011**

August 28, 2024

Hamed Baha, Project Manager
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110
hamed.baha@dot.ca.gov

**SUBJECT: NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ
2021-0048-DWQ, GENERAL ORDER FOR CLEAN WATER ACT SECTION
401 WATER QUALITY CERTIFICATION ACTION, 11-2N147 111
SUB-REHAB PROJECT (WDID NO. 7A133185001), IMPERIAL COUNTY**

Dear Hamed Baha,

On July 1, 2024, California Department of Transportation (Caltrans or Discharger) submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order WQ 2021-0048-DWQ, *General Order for Clean Water Act Section 401 Water Quality Certification Action* (General Order). The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) has reviewed your enrollment materials and finds that the dredge/fill discharges associated with the 11-2N147 111 Sub-rehab (Project) meet the requirements for enrollment. You are hereby enrolled under the General Order and may proceed with the Project in accordance therewith.

A copy of the General Order is attached to this notice. The General Order can also be found on the State Water Board's Adopted Orders webpage at:
https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf.

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

PETER SATIN, CHAIR | PAULA RASMUSSEN, EXECUTIVE OFFICER

PROJECT DESCRIPTION, IMPACTS, AND MITIGATION

Caltrans is repairing two box culverts along State Route 111 to maintain safe roadway conditions for travelers. Caltrans has applied for a United States Army Corps of Engineers (USACE) Nationwide Permit 14 (NWP 14), for activities required for the repair work. This requires a Clean Water Act Section 401 Water Quality Certification by the state. The General Order is a statewide order pre-certifying NWP 14 Projects.

Project work involves removing sediment from the inside of the culvert boxes, repairing and replacing deteriorating concrete on wingwalls and culvert walls, sealing cracks in the walls, cleaning rust off exposed rebar, removing and replacing rebar as necessary, and applying a polyester concrete (silane waterproofing sealer) overlay to protect the surface of all box floors.

Avoidance measures include, but are not limited to: a) preventing pollutants from vehicle/equipment maintenance from entering the washes; b) maintaining vehicles and equipment to prevent fluid leaks; c) storing hazardous materials such as fuels, oils, solvents, etc., in sealed containers; d) removing equipment, tools, and unused material from the stream bed and banks at the end of each workday; and e) capturing and controlling sediment, spoils, and materials with erosion control devices such as silt fence, fiber rolls, appropriate erosion control netting, and covers. When the Project is complete, Caltrans will return topographical contours to pre-Project conditions.

The Project will temporarily impact 0.07 acres of Waters of the US (WOUS) at two sites; Clay Wash (0.04 acres, 60 linear feet), and Frink Wash (0.03 acres, 60 linear feet). Temporary impacts are due to access work site locations, staging equipment and materials, and temporarily moving existing rock slope protection. No permanent impacts are identified.

PROJECT LOCATION

The Project is located along State Route 111 at Clay Wash (post mile (PM) 50.65) and Frink Wash (PM 52.43) near the Community of Niland, in Imperial County.

The latitude and longitude of impacted sites are listed below in Table 1. Maps showing the Project locations and areas of impacted waters are found in Attachment A: Project Maps.

Site	Latitude	Longitude
Clay Wash (PM 50.65)	33.349456° N	115.630885° W
Frink Wash (PM 52.43)	33.363691° N	115.655234° W

Table 1. Project site locations

APPLICATION FEE RECEIVED

Payment for the application fee in the amount of \$2,985 was received on July 1, 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 Category E - Low Impact Discharges (Fee Code 87) with the FY 23/24 [Dredge and Fill Fee Calculator](#).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

On June 5, 2024, Caltrans District 11, acting “lead agency” for the Project under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), filed a Notice of Exemption (NOE) for the Project (State Clearinghouse (SCH) [SCH No. 2024060135](#)). Caltrans determined that the Project is categorically exempt from CEQA under a Class 1 exemption for “Existing Facilities” (Pub. Resources Code, § 21084; Cal. Code Regs., tit. 14, § 15300 et seq.) and no exceptions to these exemptions apply (Pub. Resources Code, § 21084; Cal. Code Regs., tit. 14, § 15300.2).

The Board concurs with Caltrans’ determination regarding the applicability of the “existing facilities” categorical exemption (Cal. Code Regs., tit. 14, § 15301). See Attachment B for additional findings under CEQA.

AVOIDANCE AND MINIMIZATION MEASURES

The Discharger must implement the measures identified in the Restoration Plan submitted with the Project NOI, as well as comply with all applicable conditions in the General Order.

TERMINATION OF COVERAGE

Upon completion of the Project, Caltrans shall submit a Request for Notice of Project Complete Letter notifying Water Board staff that all Project activities are complete and requesting to be disenrolled under the General Order. Requirements for the content of the Request for Notice of Project Complete Letter are detailed in Attachment B and Section VI.E of the General Order.

If you require further assistance, please contact Logan Raub, 401 Water Quality Certification Program Manager by phone at (760) 776-8966 or via email at Logan.Raub@waterboards.ca.gov.

Sincerely,

Original signed by

Paula Rasmussen
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

Enclosures: 1) Attachment A Project Maps
2) Attachment B CEQA Findings
3) State Water Board Order WQ 2021-0048-DWQ

AD/

File: WDID: 7A133185001, RM: 457567, Place ID: 895519, 11-2N147 111 Sub-rehab Project, Order No. WQ 2021-0048-DWQ

cc: [via email only] (with enclosures):

David Nagy, Senior Environmental Planner
California Department of Transportation, District 11
david.l.nagy@got.ca.gov

Daniel Palmer, Biologist
California Department of Transportation, District 11
daniel.palmer@dot.ca.gov

Jennifer (Jenny) Aleman-Zometa, Project Manager
US Army Corps of Engineers
jennifer.aleman-zometa@usace.army.mil

Christopher (Jason) Bill, Senior Environmental Scientist
California Department of Fish and Wildlife, Region 6
crisopher.bill@wildlife.ca.gov

401 Program
United States Environmental Protection Agency Region IX
R9cwa401@epa.gov

Jeff Lamoure
Imperial County
Division of Environmental Health
jefflamoure@co.imperial.ca.us

Michael Abraham
Imperial County
Planning Department
MichaelAbraham@co.imperial.ca.us

Phillip Crader, Deputy Director
Division of Water Quality
State Water Resources Control Board
Phillip.Crader@waterboards.ca.gov

CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
Stateboard401.Stateboard401@waterboards.ca.gov

Attachment A
Project Maps

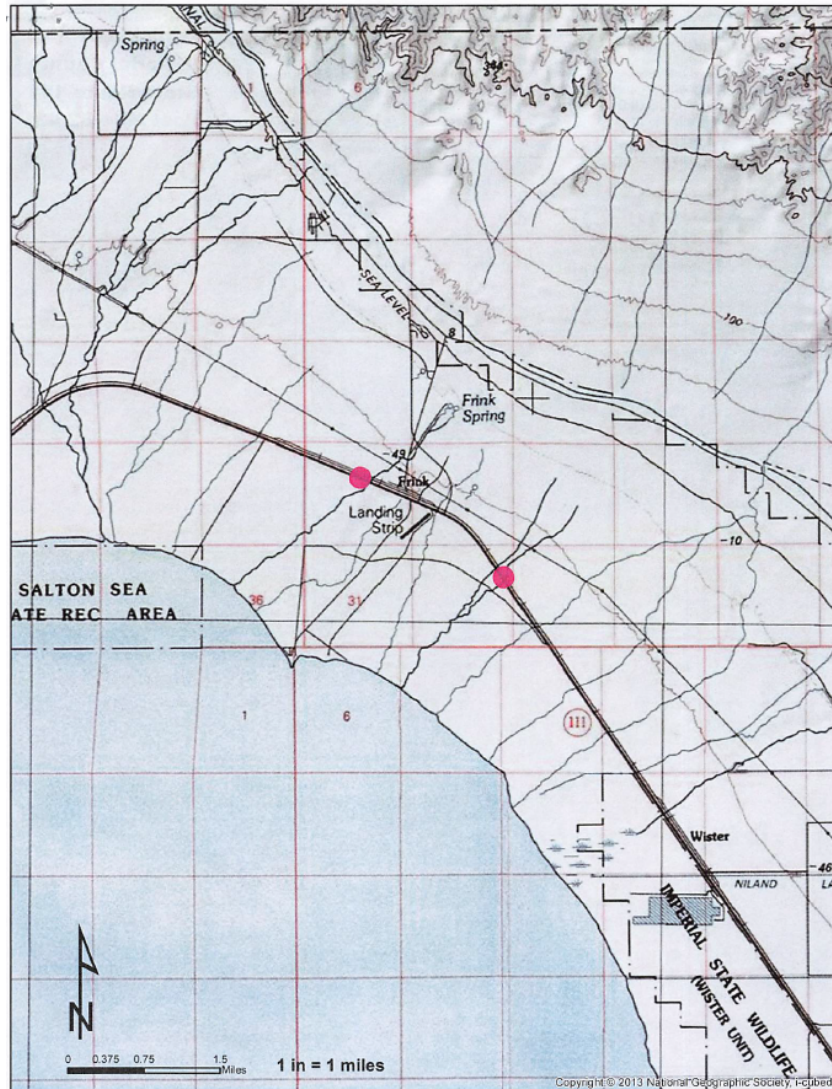


Figure 1. Project locations at Clay Wash (PM 50.65) and Frink Wash (PM 52.43)
(Caltrans, 2024)¹

¹ California Department of Transportation, 2024. Figures and photos submitted by Caltrans with Notice of Intent (NOI) for 11-2N147 111 Sub-rehab Project received by Regional Water Board on July 1, 2024.

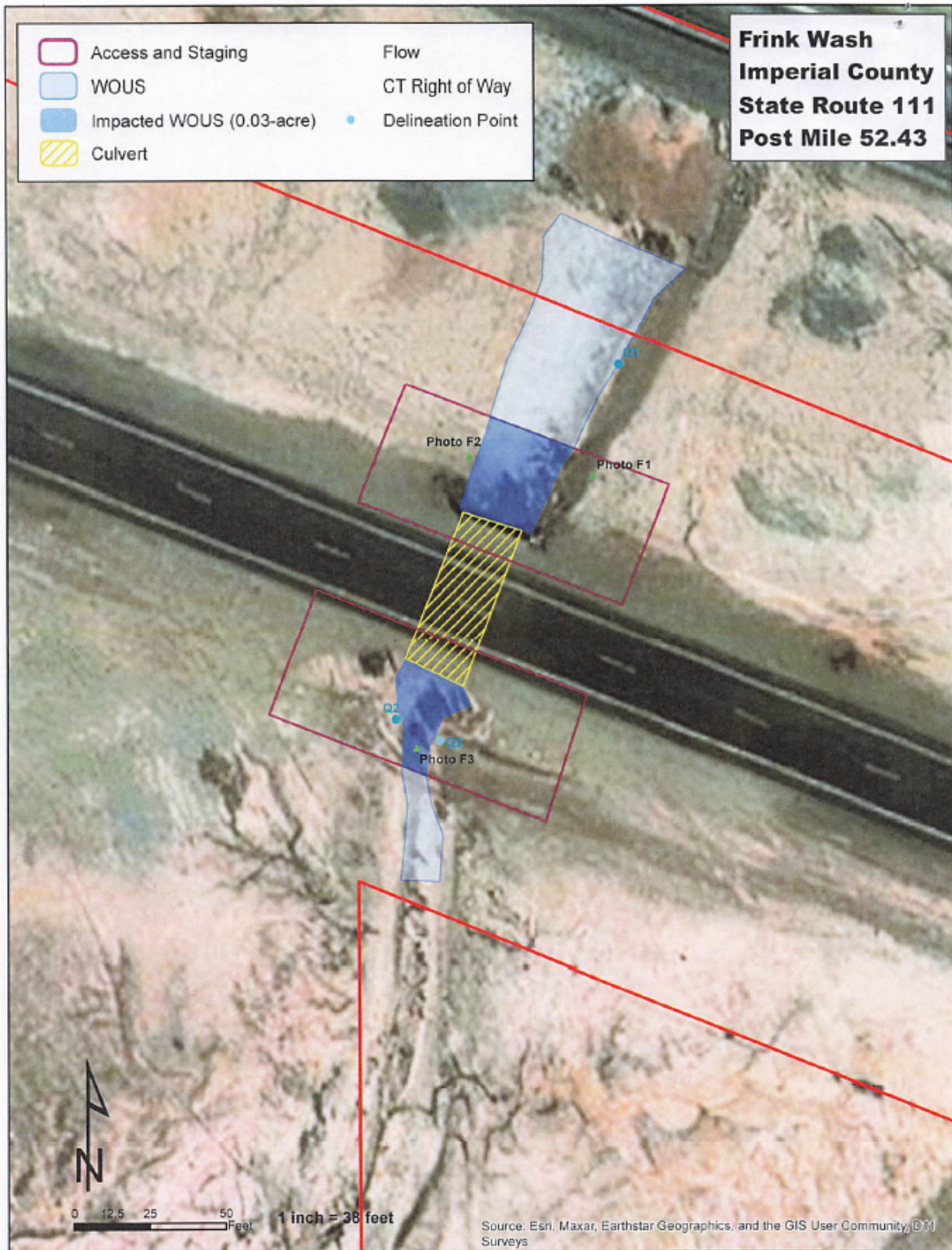


Figure 2. Project work areas and impacted waters at Frink Wash.



Figure 3. Project work areas and impacted waters at Clay Wash.



Photo C2. Imperial County, SR 111, PM 50.65 at Clay Wash. Proposed staging area upstream of the roadway, view southeast at the south bank.

Figure 4. Proposed impact area at Clay Wash.



Photo C3. Imperial County, SR 111, PM 50.65 at Clay Wash. Proposed staging area downstream of the roadway, view southwest.

Figure 5. Proposed impact area at Clay Wash.



Photo F1. Imperial County, SR 111, PM 50.65 at Frink Wash. Proposed staging area upstream of the roadway, view northwest towards the west bank.

Figure 6. Proposed impact area at Frink Wash.

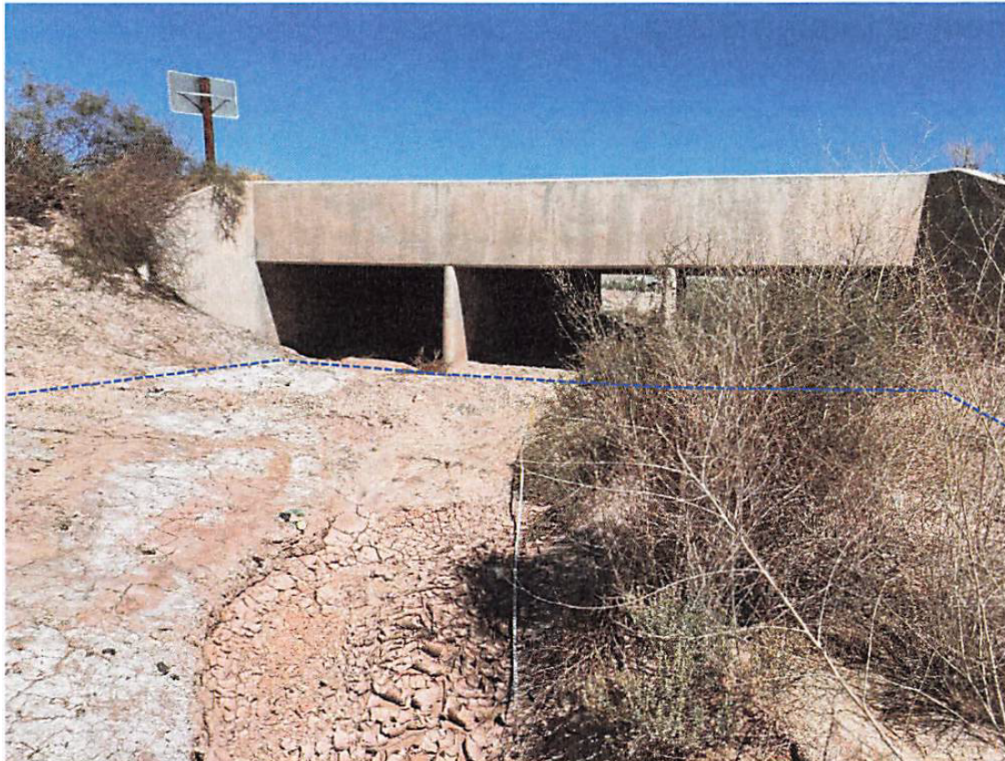


Photo F3. Imperial County, SR 111, PM 50.65 at Clay Wash. Culvert outlet downstream from the roadway, view north.

Figure 7. Proposed impact area at Frink Wash.

Attachment B CEQA Findings

A. Findings

Under title 14, section 15301 of the California Code of Regulations, there is a “Class 1” categorical exemption where the proposed project “consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination” such as “(c) [e]xisting highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.”. The Project falls within the exemption per section 15301 (Existing Highways and Streets), because the Project involves the repair/maintenance of an existing roadway. The Project will not result in an expansion of use. No exceptions to the exemption were identified.

B. Determination

The enrollment of this Project and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301 (Existing Highways and Streets). The Colorado River Basin Water Board concludes that no exceptions to the CEQA exemption listed above apply to the activities approved by this Order.

State Water Board Order WQ 2021-0048-DWQ

A copy of Order WQ 2021-0048-DWQ can be found on the State Water Board's Adopted Orders webpage at:

(https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf)