

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
SEPTEMBER 1, 2015**

ITEM 4

SUBJECT

CONSIDERATION OF PROPOSED WASTE DISCHARGE REQUIREMENTS FOR THE FEDERAL HIGHWAY ADMINISTRATION MOJAVE NATIONAL PRESERVE ROAD REPAIR PROJECT.

DISCUSSION

The Federal Highway Administration – Central Federal Lands Highways Division (FHWA) proposes to construct the *Mojave National Preserve – Reconstruct Road Segments to Improve Safety Project PMIS 18464* (Project). FHWA, in coordination with the United States National Park Service (USNPS), proposes to perform highway realignments, intersection improvements, and associated road repair activities at eight sites within the Mojave National Preserve.

The State Water Board, as lead agency for the California Environmental Quality Act (CEQA), proposes to adopt the Finding of No Significant Impact (FONSI) prepared by the USNPS for the Project and signed on June 4, 2015. The FONSI satisfies the requirements for a Mitigated Negative Declaration under CEQA, and finds that all effects on the environment have been mitigated to a less than significant level.

A Notice of Intent to Adopt the FONSI was filed with the State Clearinghouse in conjunction with the release of the Draft Waste Discharge Requirements (WDRs) with the public notice for this Board Meeting session.

Pursuant to CEQA, the State Water Board will make Findings of Facts (Findings) which support the issuance of these WDRs. The Findings are included in draft form in Attachment D of the Draft WDRs.

The proposed Project would improve highway safety in the Mojave National Preserve and repair highway sections that have been damaged by bank erosion caused by runoff from adjacent dry washes. Repairs are expected to reduce road-related impacts to special status species, especially desert tortoise and their habitat adjacent to the highways.

Total project impacts to waters of the state would entail 0.392 acres and 3,055 linear feet of impacts to desert dry washes. FHWA would minimize impacts to waters of the state through implementation of the Project, which would reduce road mileage in the preserve, reduce off-road vehicular operations, and prevent or reduce the severity of highway accidents that frequently impact waters of the state.

FHWA has incorporated numerous mitigation measures into the proposed Project that are specific to reducing water resource impacts to a less than significant level during construction.

POLICY ISSUE

Should the State Water Board adopt the proposed Order?

FISCAL IMPACT

State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL BOARD IMPACT

The Project falls within the jurisdictions of the Lahontan Regional Water Quality Control Board and the Colorado River Basin Regional Water Quality Control Board (Regional Water Boards) and is subject to the water quality control plans (Basin Plans) for the regions and other plans and policies.

STAFF RECOMMENDATION

The State Water Board should adopt the proposed Order.

**STATE WATER RESOURCES CONTROL BOARD
WATER QUALITY ORDER NO. 2015-XXXX-DWQ
WASTE DISCHARGE REQUIREMENTS
FOR
FEDERAL HIGHWAY ADMINISTRATION –
CENTRAL FEDERAL LANDS HIGHWAYS DIVISION
MOJAVE NATIONAL PRESERVE ROAD REPAIR PROJECT**

The State Water Resources Control Board (State Water Board) finds:

1. Discharger

On March 20, 2015 the Federal Highway Administration – Central Federal Lands Highway Division (FHWA) submitted a report of waste discharge for the *Mojave National Preserve – Reconstruct Road Segments to Improve Safety Project PMIS 18464* (Mojave National Preserve Road Repair Project, or Project). The Project entails construction of various road safety improvements at eight sites in the Mojave National Preserve, located in San Bernardino County, California. On April 4, 2015 the State Water Board notified FHWA that the application was incomplete because it lacked required application information. The remaining application information was submitted by FHWA and the application was deemed complete on June 2, 2015. The FHWA has provided design and permitting services for the Project, including the applications for these WDRs, on behalf of the United States National Park Service (USNPS).

2. Project Description and Purpose

The USNPS proposes to make safety improvements on paved and unpaved roads within Mojave National Preserve (Preserve), in San Bernardino County, California. The Project consists of road repairs at eight sites (see Table 1). At six sites, road, intersection and curve realignments would be constructed. At one site, two low water crossings would be rebuilt and repaved, and at one site a road embankment that is eroding due to stream channel erosion would be repaired.

Five locations, including the intersections, are on paved roads, and total approximately 1.9 linear miles. The Project also includes improvements to maintain safe ingress/egress at three sites on unpaved roads that serve as main access roads for the local community. Roadway embankment protection totaling about 1.6 miles in length will be installed where flood events have frequently caused damage, and two low water crossings which total 320 feet in length will be reinforced to reduce the severity and incidence of washouts.

The purpose of the Project is to reduce the number of accidents within the Preserve by improving roadway elevations, grades, curvature, and sight distances, and by realigning two intersections. The Project purpose also includes improvement in protection of the natural resources of the Preserve by creating highway structures that impede or reduce accidental and intentional movement of vehicles off the highway and onto adjacent protected lands. Resources to be protected include various sensitive species including desert tortoise (*Gopherus agassizii*), a species listed as rare and endangered under the Federal Endangered Species Act.

3. Project Location

Maps depicting the location of the Project are shown in Attachment A. The Project is located in San Bernardino County and includes eight sites throughout the Mojave National Preserve, as described shown in Table 2 of Attachment C.

Table 1 – Mojave National Preserve Road Repair Project – Site Locations and Proposed Activities (Site numbers correspond to site numbers in Attachment A, Project Area Map 1b)				
Site No.	Site Name	Latitude	Longitude	Proposed Activity
1	Kelbaker Road 1	35.2460	-115.8896	curve realignment
2	Kelbaker Road 2, Kelso Pass	35.1466	-115.7341	realign curves and elevations
3	Kelbaker Road 3, Granite Pass	35.8036	-115.6119	realign and regrade road
4	Kelso-Cima/Kelbaker Intersection	35.0011	-115.6541	Realign intersection; raise road grade at RR crossing
5	Kelso-Cima/Morning Star Mine Intersection	35.2370	-115.4997	realign intersection, raise road grade at RR crossings
6	Cedar Canyon 1 & 2	35.1721 35.1719	-115.4262 -115.4164	rebuild/pave two low water crossings
7	Black Canyon Road	35.1645	-115.4045	regrade curve superelevation
8	Black Canyon Slope Protection	35.1094	-115.4043	Repair/riprap eroded road embankment adjacent to dry wash, and add low water crossing for tributary wash to main wash

4. Site Description

The Project area is entirely within the Mojave National Preserve, which is managed by the USNPS. All of the waters of the state affected by the Project occur as unnamed dry washes that drain closed basins which extend beyond the Preserve boundaries.

Mojave National Preserve is a 1.6 million-acre unit of the USNPS, established by Congress on October 31, 1994, by the California Desert Protection Act (CDPA). The Preserve is bounded to the north and south by major interstate highways, I-15 and I-40. The Nevada–California state-line makes up most of the eastern boundary. The Preserve is located about half way between Las Vegas and Joshua Tree National Park.

The Preserve features a combination of Great Basin, Sonoran, and Mojave Desert ecosystems; a wide variety of desert plant life in combinations that exist nowhere else in the United States in such proximity.

Providence Mountain State Recreation Area (Mitchell Caverns), the University of California's Granite Mountains Natural Reserve, and California State University's Soda Springs Desert Studies Center at Soda Springs are also within the Preserve boundaries.

5. Receiving Waters Information

The Project is located within the jurisdictions of the Lahontan Regional Water Quality Control Board and the Colorado River Basin Regional Water Quality Control Board (Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plans include water quality standards which consist of beneficial uses of waters of the state¹ and water quality objectives to protect those uses. Attachment C lists the receiving waters and beneficial uses of waters of the state impacted by the Project.

6. Impacts to Waters of the State

The Project involves the proposed discharge of structural materials and/or earthen wastes (fill) to ephemeral and intermittent drainages. These impacts could occur during construction, operation, and maintenance of the Project. Activities that could cause direct and indirect, and permanent and temporary impacts, include: addition of highway road fill during curve realignment and removal of old road fill from abandoned road sections, improvement of roadside pullouts, road paving, installation of low-water road crossing structures, and installation of revetment material to protect road embankments from stream erosion. .

Direct impacts are impacts that occur when any Project activities occur directly in waters of the state. Indirect impacts are impacts to waters immediately outside of the direct impact area or when Project activities occur outside of waters of the state, but close enough where they could still impact waters of the state.

Potential direct impacts from the Project may cause adverse effects to waters of the state by increasing erosion and sedimentation from hydro-modification of streams (i.e., any activity or structure that increases the velocity and volume (flow rate) and/or the timing of runoff); reducing base flows of streams due to decreased groundwater recharge from new impervious surfaces; introducing potential new sources of polluted stormwater runoff; and loss of waters from direct removal and/or filling of waters of the state (i.e., wider road beds). Individual impact locations and quantities are shown in Table 2 of Attachment C. Total impacts are summarized in Table 1 below.

¹ No Waters of the United States occur in the project area. "Waters of the United States" means surface water and water bodies as defined by United States Environmental Protection Agency (U.S. EPA) regulations (see 40 C.F.R. § 122.2). This definition, which establishes the limits of federal jurisdiction over state waters, does exclude some surface water and water body types recognized under the California Water Code. The latter defines "waters of the state" more broadly as "any surface water or ground water, including saline waters, within the boundaries of the state." [Wat. Code, § 13050, subd. (e)]. Waters of the state that fall outside of federal jurisdiction are nonetheless fully protected under the Water Code.

Table 1: Total Project Fill/Excavation Quantity						
Aquatic Resource Type	Temporary Impact			Permanent Impact		
	Acres	CY	LF*	Acres	CY	LF
Stream Channel	na	na	na	0.392	na	3,055
Cubic Yards (CY); Linear Feet (LF)						

7. Avoidance and Minimization

Projects authorized by the State Water Board that include impacts to waters of the state must demonstrate that the Project design has first avoided and then minimized impacts to waters of the state to the maximum extent practicable. After all opportunities to avoid and minimize impacts to waters of the state have been implemented, any remaining, unavoidable impacts to waters of the state must be offset by compensatory mitigation.

The USNPS and FHWA have avoided direct impacts to waters of the state by confining the proposed activities to previously existing road beds, or by removing abandoned road beds. New impacts occur only as minor incremental widening of road prisms and water crossings.

The USNPS and FHWA will minimize impacts by incorporating mitigation measures that minimize disturbance to vegetation, provide for restoration of disturbed sites, and prevent movement of noxious weeds or invasive plants. Other measures include hazardous materials handling practices, spill prevention and clean-up measures, and erosion control measures. To protect water quality and streams, construction will not be performed during precipitation events that result in flow to stream channels affected by the Project, and staging areas will be placed out of streams and waters to the greatest extent possible. More information concerning these and other mitigation measures are in Attachment E.

8. Compensatory Mitigation

See Attachment C.

9. Regulatory Authority and Reason for Action

The FHWA prepared a delineation report, showing waters of the state in the Project area. The U.S. Army Corps of Engineers (Corps) has found no jurisdictional waters in the Project area, and has declined to regulate activities in these waters under section 404 of the federal Clean Water Act (33 U.S.C. § 1344). Nonetheless, these drainages are waters of the state, as defined by section 13050 of the California Water Code, and are therefore subject to state requirements. Therefore, these WDRs are issued pursuant to Water Code section 13263 to regulate discharges to waters of the state.

These WDRs regulate the proposed discharge of fill material, including structural material and/or earthen wastes associated with the construction and operation of the Project to waters of the state. WDRs ensure that the Project's construction and operation will comply with all relevant Basin Plans, other applicable water quality control plans, applicable water quality standards, and appropriate requirements of state law.

These WDRs also regulate waste discharges to non-federal waters from stormwater runoff, other discharges associated with Project construction activity, and post-construction stormwater runoff.

10. Fees

According to the State Water Board's *Billing Guidelines For Federal Facilities* (as revised September 12, 2006), fees are not required for this federal undertaking on federal lands. CIWQS Fee code 18 will be entered to designate these federal facilities that are not subject to fees based on this policy.

11. California Environmental Quality Act (CEQA) Findings

Upon approval of these WDRs, the State Water Board, as lead agency for CEQA, hereby adopts Finding of No Significant Impact (FONSI) prepared by the USNPS for the Project, dated June, 2015 and signed on June 4, 2015. The FONSI satisfies CEQA's requirements for a negative declaration.

A Notice of Intent to Adopt the FONSI was filed with the State Clearinghouse (SCH) upon the release of the Draft WDRs with the meeting announcement for the State Water Board's scheduled meeting of September 1, 2015.

Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of these WDRs and are included in Attachment D. A Notice of Determination will be filed with the SCH by the State Water Board within five days of adoption of these WDRs.

12. Public Notice

The State Water Board provided public notice and an opportunity for public comment of the draft WDRs as set forth in Water Code section 13167.5 beginning on July 16, 2015. The public comment period ended on August 17, 2015.

THEREFORE, IT IS HEREBY ORDERED that, pursuant to Water Code sections 13160 and 13263:

A. Reporting and Notification Requirements

For reporting and notification details for the Report Types, including requirements for photo and map documentation during the Project, see Attachment G. When submitting written reports and notifications, include the Report and Notification Cover Sheet in Attachment G which must be signed by the Discharger or an authorized representative.

1. Annual Reporting: The Discharger shall submit Report Type 1 each year on September 30th following the issuance of these WDRs. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

a. Commencement of Construction: The Discharger shall submit Report Type 2 at least seven (7) days prior to start of initial ground disturbance activities.

b. Request for Notice of Completion of Discharges Letter: The Discharger shall submit Report Type 3 following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the State Water Board staff within thirty (30) days following

completion of all Project construction activities. Upon approval of the request State Water Board staff shall issue a Notice of Completion of Discharges Letter to the Discharger which will end the active discharge period and associated annual fees.

- c. Request for Notice of Project Complete Letter:** The Discharger shall submit Report Type 4 when construction and/or any post-construction monitoring is complete,² and no further Project activities will occur. This request shall be submitted to State Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request the State Water Board staff shall issue a Notice of Project Complete Letter to the Discharger which will end the post discharge monitoring period and associated annual fees.

3. Conditional Notifications and Reports: The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials³

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

- i. As soon as (A) Discharger has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852 - 7550 or (916) 845 – 8911
 - Lastly follow the required OES procedures as set forth in:
http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf
- ii. Following notification to OES the Permittee shall notify State Water Board, as soon as practicable. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- iii. This notification must be followed within three (3) business days by submission of Report Type 5.

² Completion of post-construction monitoring shall be determined by State Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

³ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501).

b. Violation of Compliance with Water Quality Standards: The Discharger shall notify the State Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) business days by submission of Report Type 6.

c. In-Water Work

- i. The Permittee shall notify the State Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- ii. Within three (3) business days following completion of work in water or stream diversions, Report Type 7 must be submitted to State Water Board staff.

d. Modifications to Project

The Discharger shall give advance notice to State Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting Report Type 8. The Discharger shall inform State Water Board staff of any Project modifications that will interfere with the Discharger's compliance with these WDRs. Notification may be made in accordance with conditions in the certification deviation section of these WDRs.

e. Transfer of Property Ownership: This WDRs are not transferable in their entirety or in part to any person or organization except after notice to the State Water Board in accordance with the following terms:

- i. The Discharger must notify the State Water Board of any change in ownership or interest in ownership of the Project area by submitting Report Type 8. Notification of change in ownership must include a statement that the Discharger has provided the purchaser with a copy of these WDRs and that the purchaser understands and accepts the WDR's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so. This includes complying with any long-term BMP⁴ maintenance plan requirements approved by the State Water Board. The Permittee and purchaser must sign and date the notification and provide such

⁴ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

notification to the State Water Board at least 10 days prior to the transfer of ownership. The new owner, or purchaser, must also submit a written request to the State Water Board to be named as the permittee in revised WDRs. The Executive Director is authorized to amend these WDRs to reflect transfers of property ownership.

- ii. Until such time as these WDRs have been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in these WDRs.

f. Transfer of Long-Term BMP maintenance: If maintenance responsibility for post-construction BMPs is legally transferred, the Discharger must submit to the State Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Discharger must provide such notification to the State Water Board with Report Type 8 at least 10 days prior to the transfer of BMP maintenance responsibility.

4. Report Submittal Information

Written notice shall be submitted to State Water Board and the appropriate Regional Water Board at the following addresses:

	State Water Board
Phone	(916) 558-1709
Fax	(916) 341-5584
Email	clifford.harvey@waterboards.ca.gov
Address	ATTN: 401 Certification Program Division of Water Quality State Water Resources Control Board 1001 I Street 15 th Floor Sacramento, CA 95814

	Colorado River Basin Regional Water Board
Phone	(760) 776-8950
Fax	(760) 341-6830
Email	Jay.Mirpour@waterboards.ca.gov
Address	ATTN: 401 Certification Program 73-720 Fred Waring Drive, Su. 100 Palm Desert, CA 92260

	Lahontan Regional Water Board (Victorville)
Phone	(760) 241-7376
Fax	(760) 241-7308
Email	Jan.Zimmerman@waterboards.ca.gov
Address	ATTN: 401 Certification Program 1440 Civic Drive, Suite 200 Victorville, CA 92392

B. Monitoring Requirements

In the event that project activity occurs when surface water is present, the following conditions shall monitoring apply:

1. General: Continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
2. Accidental Discharge: Upon notification of and accidental discharge of waste, the State Water Board may require water quality monitoring. The sources of accidental discharges must be eliminated as soon as practicable.

C. General Compliance Conditions

1. Failure to comply with any condition of these WDRs shall constitute a violation of the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.). Any such WDRs previously granted shall immediately be revoked, and any or all discharges shall cease. FHWA may then be subject to administrative and/or civil liability pursuant to Water Code section 13350.
2. a. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any the applicable Regional Water Board or any applicable State Water Board water quality control plan or policy.

b. In response to a suspected violation of any condition of these WDRs, the State Water Board may require FHWA to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
3. The FHWA must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support these WDRs; and all subsequent submittals required as part of these WDRs. The conditions within these WDRs and attachments supersede conflicting provisions within FHWA submittals.
4. The FHWA shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) as required by CEQA and is incorporated herein by reference.

D. Administrative Conditions

1. Signatory requirements for all document submittals required by these WDRs are presented in Attachment B.
2. The Executive Director of the State Water Board may suspend, cancel, or modify these WDRs, after providing notice to FHWA, if the Executive Director determines that the Project fails to comply with any of the terms or conditions of these WDRs.

3. The Executive Director may add to or modify the conditions of these WDRs, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act.
4. The FHWA shall give advance notice to State Water Board staff if Project implementation as described in FHWA's application is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The FHWA shall inform State Water Board staff of any modifications that interfere with compliance with these WDRs.
5. These WDRs do not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under these WDRs held by FHWA, FHWA must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The FHWA is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under these WDRs.
6. The FHWA shall grant Water Boards staff, or an authorized representative (including an authorized contractor acting as a State Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of these WDRs.
 - b. Have access to and copy any records that must be kept under the conditions of these WDRs.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under these WDRs.
 - d. Sample or monitor for the purposes of assuring compliance with these WDRs.
7. A copy of these WDRs shall be provided to any contractor and all subcontractors conducting the construction and restoration work, and copies shall remain in their possession at the Project site until FHWA receives a Notice of Project Complete Letter from the State Water Board. The FHWA shall be responsible for work conducted by its contractor and any subcontractors.
8. A copy of these WDRs must be available at the Project site(s) during construction and restoration for review by site personnel and agencies who may not be involved in construction. All personnel performing work on the Project shall be familiar with the content of these WDRs and its posted location at the Project site.
9. Lake and Streambed Alteration Agreement: The FHWA shall submit a signed copy of the Department of Fish and Wildlife's (CDFW) lake and streambed alteration agreement to the State Water Board immediately upon execution and prior to any discharge to waters of the state, if such agreement is required by CDFW.

E. Construction Conditions

Good Site Management - "Housekeeping"

1. All activities and best management practices (BMPs) shall be implemented according to FHWA's application and the conditions in these WDRs. BMPs for erosion, sediment, and turbidity control shall be implemented and in place at commencement of, during, and after any ground clearing activities or any other Project activities that could result in erosion or sediment discharges to surface water.
2. Measures shall be employed to minimize disturbances along stream channels that will adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
3. The FHWA or USNPS shall oversee the work of the contractor during implementation of the Project, to ensure that the work is being done in accordance with the plans.
4. Waste discharges associated with the Project shall be in compliance with Water Quality Objectives as stated in the respective Basin Plans (See Table 2), and shall not:
 - a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species;
 - b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests;
 - c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters;
 - d) cause the formation of sludge deposits; or
 - e) adversely affect any designated beneficial uses of waters of the state.

Table 2: Water Quality Objectives

Constituent	Colorado River Basin Regional Water Board Limit	Lahontan Regional Water Board Limit
pH	<p>Since the regional waters are somewhat alkaline, pH shall range from 6.0-9.0. Discharges shall not cause any changes in pH detrimental to beneficial water uses.</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-2.)</p>	<p>In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Lahontan Region, the pH shall not be depressed below 6.5 nor raised above 8.5.</p> <p>The Lahontan Regional Water Board recognizes that some waters of the Lahontan Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.</p> <p>(Lahontan Regional Water Quality Control Board, Water Quality Control Plan for the Lahontan Region (Basin Plan) - Region 6 (1995), Chapter 3 <i>Water Quality Objectives</i>, p. 5)</p>

Constituent	Colorado River Basin Regional Water Board Limit	Lahontan Regional Water Board Limit																													
Temperature	<p>The natural receiving water temperature of surface waters shall not be altered by discharges of wastewater unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in temperature does not adversely affect beneficial uses.</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-2.)</p>	<p>The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Lahontan Regional Water Board that such an alteration in temperature does not adversely affect the water for beneficial uses.</p> <p>For waters designated WARM, water temperature shall not be altered by more than five degrees Fahrenheit (5° F) above or below the natural temperature. For waters designated COLD, the temperature shall not be altered.</p> <p>(Lahontan Regional Water Quality Control Board, Water Quality Control Plan for the Lahontan Region (Basin Plan) - Region 6 (1995), Chapter 3 <i>Water Quality Objectives</i>, p. 6)</p>																													
Dissolved Oxygen	<p>The dissolved oxygen concentration shall not be reduced below the following minimum levels at any time.</p> <p>Waters designated: WARM.....5.0 mg/l COLD.....8.0 mg/l</p> <p>WARM and COLD....8.0 mg/l</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-3)</p>	<p>The dissolved oxygen concentration, as percent saturation, shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration be less than 80 percent of saturation.</p> <p>For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration shall not be less than that specified below.</p> <p>Water Quality Criteria for Ambient Dissolved Oxygen Concentration^{1,2}</p> <table border="1" data-bbox="862 1157 1435 1524"> <thead> <tr> <th rowspan="2"></th> <th colspan="4">Beneficial Use Class</th> </tr> <tr> <th>COLD & SPWN³</th> <th>COLD</th> <th>WARM & SPWN³</th> <th>WARM</th> </tr> </thead> <tbody> <tr> <td>30 Day Mean</td> <td>NA⁴</td> <td>6.5</td> <td>NA</td> <td>5.5</td> </tr> <tr> <td>7 Day Mean</td> <td>9.5 (6.5)</td> <td>NA</td> <td>6.0</td> <td>NA</td> </tr> <tr> <td>7 Day Mean Minimum</td> <td>NA</td> <td>5.0</td> <td>NA</td> <td>4.0</td> </tr> <tr> <td>1 Day Minimum^{5,6}</td> <td>8.0 (5.0)</td> <td>4.0</td> <td>5.0</td> <td>3.0</td> </tr> </tbody> </table> <p>1. From: USEPA. 1986. Ambient water quality criteria for dissolved oxygen. Values are in mg/L</p> <p>2. These are water column concentrations recommended to achieve the required intergravel dissolved oxygen concentration shown in parentheses. For species that have early life stages exposed directly to the water column (SPWN), the figures in parentheses apply.</p> <p>3. Includes all embryonic and larval stages and all juvenile forms to 30-days following hatching (SPWN).</p>		Beneficial Use Class				COLD & SPWN ³	COLD	WARM & SPWN ³	WARM	30 Day Mean	NA ⁴	6.5	NA	5.5	7 Day Mean	9.5 (6.5)	NA	6.0	NA	7 Day Mean Minimum	NA	5.0	NA	4.0	1 Day Minimum ^{5,6}	8.0 (5.0)	4.0	5.0	3.0
	Beneficial Use Class																														
	COLD & SPWN ³	COLD	WARM & SPWN ³	WARM																											
30 Day Mean	NA ⁴	6.5	NA	5.5																											
7 Day Mean	9.5 (6.5)	NA	6.0	NA																											
7 Day Mean Minimum	NA	5.0	NA	4.0																											
1 Day Minimum ^{5,6}	8.0 (5.0)	4.0	5.0	3.0																											

Constituent	Colorado River Basin Regional Water Board Limit	Lahontan Regional Water Board Limit
		<p>4. NA (Not Applicable) 5. For highly manipulatable discharges, further restrictions apply. 6. All minima should be considered as instantaneous concentrations to be achieved at all times.</p> <p>(Lahontan Regional Water Quality Control Board, Water Quality Control Plan for the Lahontan Region (Basin Plan) - Region 6 (1995), Chapter 3 <i>Water Quality Objectives</i>, p. 4, 24)</p>
Total Suspended Solids (TSS)	<p>Discharges of wastes or wastewater shall not contain suspended or settleable solids in concentrations which increase the turbidity of receiving waters, unless it can be demonstrated to the satisfaction of the Regional Board that such alteration in turbidity does not adversely affect beneficial uses.</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-3)</p>	<p>Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.</p> <p>(Lahontan Regional Water Quality Control Board, Water Quality Control Plan for the Lahontan Region (Basin Plan) - Region 6 (1995), Chapter 3 <i>Water Quality Objectives</i>, p. 6)</p>
Turbidity	<p>Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-4)</p>	<p>Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.</p> <p>(Lahontan Regional Water Quality Control Board, Water Quality Control Plan for the Lahontan Region (Basin Plan) - Region 6 (1995), Chapter 3 <i>Water Quality Objectives</i>, p. 6)</p>
Sediment	<p>Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.</p> <p>(Colorado River Basin Regional Water Quality Control Board, Water Quality Control Plan for the Colorado River Basin, (2014), Chapter 3 <i>Water Quality Objectives</i>, p. 3-4)</p>	(No sediment standard in basin plan for this region.)

Dewatering

5. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water.
6. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum 5-foot buffer zone shall be maintained above the existing groundwater level.
7. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Downstream total suspended solids (TSS) and turbidity may not exceed the limits in Table 2. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
8. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state to isolate the immediate work area. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the Project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area. All dewatering methods shall be removed immediately upon completion of Project activities.

Fugitive Dust Control

9. Dust control measures, including pre-watering of excavation/grading sites, use of water trucks, track-out prevention, washing down vehicles/equipment before leaving site, and prohibiting grading/excavation activities during windy periods, should be implemented as appropriate and in accordance with any mandated drought restrictions.
10. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
11. Dust control activities shall be conducted in compliance with any restrictions on use of potable water as required by Rule No. 14.1-SO, Voluntary Water Conservation Plan, Southern Division of the California-American Water Company, date effective: April 17, 2014, and as shown below:
 - a. Use of potable water for watering streets with trucks, except for initial wash-down for construction purposes (if street sweeping is not feasible), or to protect the health and safety of the public;
 - b. Use of potable water for construction purposes, such as consolidation of backfill, dust control, or other uses unless no other source of water or other method can be used; and,
 - c. Use of potable water for construction purposes unless no other source of water or other method can be used.

Construction Materials and Equipment

12. No equipment shall be operated in areas of flowing or standing water unless dewatering measures are implemented per Construction Condition numbers 5 – 8.
13. At no time shall FHWA or USNPS or its contractors use any vehicle or equipment which leaks any substance that may impact water quality.
 - a. FHWA and USNPS shall designate a staging area for equipment and vehicle fueling, maintenance, and storage at least one-hundred (100) feet away from waters, in a location where fluids or accidental discharges cannot flow into waters. Any maintenance or refueling of vehicles or equipment occurring on-site shall be done in a designated area with secondary containment including drip pans and/or placement of absorbent material, located away from drainage courses to prevent the runoff of storm water and the runoff of spills.
 - b. Stationary equipment (motors, pumps, generator, etc.) and vehicles not in use shall be positioned over drip pans or other types of containment.
 - c. Spill and containment equipment (oil spill booms, sorbent pads, etc.) shall be maintained onsite at all locations where equipment is used or staged.
14. Except as provided in Condition 15 below, fueling, refueling, lubrication, maintenance, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state, and is prohibited within the floodplain or within one-hundred (100) feet of the waterway.
15. Exceptions to the 100-foot limit may be approved by State Water Board staff on a case-by-case basis provided that FHWA or USNPS first submits a request in writing 30 days in advance of any of these activities that explains why the exception is necessary, the proposed BMPs to contain any hazardous spills, and location information. Such requests should include a fueling plan that:
 - a. Identifies the specific piece of machinery that may require fueling within waters of the state;
 - b. Provides justification for the need to refuel within waters of the state. The justification shall describe why fueling outside waters of the state is infeasible; and,
 - c. Includes a narrative of specific BMPs, including practices, materials, and equipment, that shall be employed to prevent and capture fuel releases.
16. All equipment must be free of mud, soil, sediment, vegetative debris, grease, oil, and all foreign matter prior to transport to the Project site, to prevent transport of hazardous materials, invasive plant propagules, and soil-borne pathogens
17. All imported fill material shall be clean and free of pollutants. All fill material shall be imported from a source that has the appropriate environmental clearances and permits. The reuse of low-level contaminated solids as fill on-site shall be performed in accordance with all state and federal policies and established guidelines.

18. Surface water shall be diverted such that it will not flow over concrete within thirty (30) days after it is poured/sprayed. During that time, if the concrete must be kept moist, then the runoff from the concrete shall not be allowed to enter waters of the state. Commercial sealants, subject to State Water Board approval, may be applied to the concrete surface where difficulty in excluding flow for a long period may occur. If sealant is used, water shall be excluded from the site until the sealant is cured and until no detrimental impacts to water quality shall occur. If groundwater comes into contact with fresh concrete, it shall be prevented from flowing to surface water. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility that is authorized to accept concrete wastes.
19. Asphalt-concrete grindings shall not be placed in any location where it may, at any time, be directly exposed to stormwater or seasonally-high ground water, except asphalt-concrete grinding may be re-used and incorporated into impervious asphalt mixes.

Hazardous Materials and Waste

20. FHWA and USNPS shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.
21. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be well-maintained and inspected daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials prior to use.
22. FHWA and USNPS shall not discharge waste classified as "hazardous waste discharge" as defined in California Code of Regulations, title 22, section 66260.10, or "designated waste" as defined in Water Code section 13173.
23. Onsite containment for storage of chemicals classified as hazardous shall include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.
24. Asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by Project-related activities, shall be prevented from contaminating the soil and/or entering waters of the state.
25. Activities shall not cause visible oil, grease, or foam on water surfaces in the work area or downstream.
26. Any oil or grease leaks shall be cleaned up immediately.
27. An emergency spill kit must be stocked and available for immediate use at all Project work areas at all times.
28. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within one-hundred (100) feet of a water of the state.

29. Application of pesticides must be supervised by a qualified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat.

Access Roads

30. The number of access routes, number and size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the Project goal. Routes and boundaries will be clearly demarcated, and these areas will be outside of riparian and wetland areas.
31. The FHWA and USNPS shall use existing paved and unpaved highways and roads where possible for construction access.
32. Wherever possible, roads shall be built at right angles to streams and washes. Culverts or other drainage structures will be installed as necessary across drainages, but the roads should follow natural grade.
33. Sediment barriers shall be installed (e.g., silt fences and/or staked hay or straw bales, or sandbags) at the base of disturbed slopes adjacent to road crossings of watercourses. These barriers shall be installed to prevent siltation into water bodies crossed by or near the construction work area, and will remain in place until re-vegetation is successful.
34. Bridges, culverts, dip crossings, or other structures shall be installed so that water flow is not impaired. Bottoms of temporary culverts shall be placed at water body grade and bottoms of permanent culverts shall be placed at or below water body grade.
35. In-stream structures, including low water crossings and road bank revetments shall be properly aligned within the water body and otherwise engineered, installed, and maintained, to assure resistance to washout, and to prevent erosion and/or fill of the water body. Water velocity shall be dissipated at outfalls to reduce erosion.
36. During installation of any permanent bridge or temporary crossing when surface water is present, a method of containment must be used below the bridge or crossing to prevent debris from falling into the water body.

Trash and Other Waste

37. FHWA is prohibited from discharging waste materials to waters of the state, unless explicitly authorized by these WDRs. Waste materials include, but are not limited to, spoils, debris, or any other substances associated with the Project, such as soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, broken concrete/cement, welding slag, unset cement, concrete, grout, damaged concrete spoils, wash water used to clean concrete surfaces, leachate from truck or grout mixer cleaning stations, or other organic or earthen material.
38. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas. All waste or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which waste

discharge requirements have been established by a Regional Water Quality Control Board or the State Water Board, and is in full compliance with its authorized WDRs.

39. All Project-generated hazardous waste shall be handled, transported, and disposed in strict compliance with all applicable state and federal laws and regulations. When disposing of Project-generated waste, FHWA, USNPS and its contractors shall:
 - a. Make appropriate arrangements to dispose of the material, including, but not limited to, property owner agreements, permits, licenses, and environmental clearances;
 - b. Obtain satisfactory evidence that the work in this condition has been completed;
 - c. Ensure that FHWA and/or USNPS has given written permission for disposal; and
 - d. Obtain a dated, signed manifest from the disposal site owner, or authorized representative, that identifies the type and quantity of disposed waste.
40.
 - a. The FHWA and USNPS may temporarily stockpile excavated sediment prior to disposal or reuse, provided that appropriate state and federal regulations are met and BMPs are implemented to protect water quality and beneficial uses. The excavated sediment may be stockpiled on site so that it can be loaded into trucks for offsite disposal within seven calendar days of the completion of active work. Onsite stockpiled materials shall be fully contained to prevent any wind or water transport. The excavated sediment may also be temporarily stockpiled at an offsite location. Offsite stockpiles shall be covered and surrounded with perimeter sediment control BMPs to ensure that excavated materials remain stable. Runoff, sediment, or decant water from excavated materials shall not contact waters of the state. Any material stockpiled that is not actively being used during construction shall be covered with plastic unless reserved for seed banking, which requires alternative erosion and dust control BMPs.
 - b. Except for temporary stockpiling of waste generated during demolition or excavation operations ("temporary" in this instance means generated and removed during the same working day), waste materials shall not be placed in a manner where the materials may be transported into waters of the state. Waste materials shall not be placed within 100 linear feet of the ordinary high-water mark of waters of the state. Exceptions to the 100-foot limit may be granted on a case-by-case basis provided that FHWA or USNPS first submits a proposal in writing that is found acceptable by State Water Board staff.
41. Soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
42. The FHWA shall develop and maintain on site a Project-specific Spill Prevention, Containment and Cleanup Plan (Cleanup Plan) outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The plan must detail the Project elements, construction equipment types and location, access and staging, and construction sequence. The Cleanup Plan must also address spill response and prevention measures for potential spills that may occur within the Project site.

43. The FHWA is not authorized to discharge wastewater from concrete mixing or pouring operations (e.g., water that has contacted uncured concrete or cement, or related washout) to surface waters, ground waters, or land. All wash water shall be contained and disposed of in compliance with state and local laws, ordinances, and regulations. If concrete washout is necessary at the site, FHWA shall use washout containment to prevent any discharge. Wastewater may only be disposed of to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly-licensed disposal or reuse facility.
44. Hardened concrete or grout shall be disposed at an authorized landfill, in compliance with state and local laws, ordinances, and regulations.
45. All construction debris and trash shall be contained and regularly removed from the work area to the staging area during construction activities.
46. To prevent sediment-laden water from being released back into waters of the state during transport of spoils to disposal or reuse locations, truck beds shall be lined with an impervious material (e.g., plastic), or the tailgate shall be blocked with wattles or other appropriate filtration material.
47. All construction-related equipment, materials, and any temporary BMPs no longer needed, shall be removed and cleaned from the site upon completion of the Project.
48. Upon completion of construction, all Project-generated debris, building materials, excess material, waste, and trash shall be removed from all the Project sites for disposal at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.

Erosion and Sediment Control; Stabilization

49. FHWA shall prepare a stormwater pollution prevention plan, and shall implement and maintain appropriate erosion control design and implementation measures and sediment controls at all disturbed areas of the Project site that drain to waters of the state through the entire duration of the Project.
50. FHWA shall use appropriate structural BMPs for erosion control as needed: e.g. jute, weed-free straw, coconut fiber erosion control fabric, coir logs, re-vegetation, fiber rolls, erosion control blankets, hydromulching, compost, weed-free straw with tackifiers, temporary basins etc. These measures shall be constructed and maintained to prevent the discharge of earthen materials to waters of the state, including all ephemeral and intermittent drainages, from disturbed areas during all periods of ground clearing, site grading, and construction, as well as after completion of construction.
51. Erosion and sediment control materials shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events. Materials shall be available in quantities sufficient to respond to reasonably
52. Erosion and sediment control structures shall be installed and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.

53. Where areas of bare soil are exposed during the rainy season, silt control measures shall be used where silt and/or earthen fill threaten waters of the state. Silt control structures shall be monitored for effectiveness and shall be repaired or replaced as needed. Buildup of soil behind silt fences shall be removed promptly and any breaches or undermined areas repaired at once.
54. After sediment removal, FHWA and USNPS shall grade channels so that the transition between the work area and the existing channel, both upstream and downstream, is smooth and continuous, and does not present a "wall" of sediment or other blockage that could erode or cause erosion once flows are restored.
55. The grading, stabilization and re-vegetation will be phased to limit the exposed or working face such that the graded area can be stabilized within twenty-four (24) hours after the first prediction of rain during the five (5) day forecast or within twenty-four (24) hours after final grading of the phased area.
56. Where bank stabilization activities may result in modifications to channel cross-sections and/or profiles, the banks shall be re-contoured to match the adjacent bank slope.
57. The USNPS and FHWA shall prioritize the use of wildlife-friendly biodegradable (not photodegradable) erosion control products wherever feasible. The USNPS and FHWA shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e., erosion control materials to be left in place for two years or after the completion date of the project). If USNPS finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products.

Vegetation Management

58. The USNPS and FHWA shall adhere to mitigations measures described in the EA/FONSI and standard federal guidance for control of invasive plants and noxious weeds before, during, and following active construction.
59. Equipment and machinery used in Project construction shall be inspected and cleaned of all vegetative matter prior to transport to the Project area, to prevent introduction of non-native, invasive vegetation or propagules.
60. Best management practices to stabilize disturbed soils must include the use of native plant species whenever feasible.
61. The FHWA and USNPS must prevent the introduction or spread of noxious/invasive weeds or aquatic invasive species within the Project and staging areas. Measures may include, but are not limited to, the treatment of on-site infestations and the cleaning of all equipment and gear that has been at an infested site.

Special Status Species

62. Prior to construction, FHWA and USNPS shall hold a mandatory environmental education program for all construction personnel, which shall be conducted by USNPS biologists, botanists, hydrologists or other park resource staff assigned to the Project.

The program shall cover all resource protection measures described in these WDRs, and in the Project EA/FONSI, including plant and animal special status species that could potentially occur on-site (e.g., desert tortoise) and the protection measures to be implemented throughout construction. The environmental education program shall include a description, representative photographs, and legal status of each special status species; terms and conditions of the biological opinion; and the penalties for not complying with biological mitigation and permit requirements.

As new construction personnel are added to the Project, the USNPS and FHWA shall ensure that the crew foreman conducts training sessions for those personnel with FHWA and USNPS project managers prior to the start of work by new personnel. The USNPS and FHWA shall require that the contractor ensure that all construction personnel are in compliance with guidelines and restrictions set forth in the environmental training and Project permits.

63. The FHWA and USNPS shall adhere to all desert tortoise protection commitments as verified in the letter from the March 24, 2015 letter from the US Fish and Wildlife Service to the USNPS.

F. Restoration Conditions

1. After completion of grading, all areas must be revegetated with native species appropriate for the area as described in the Project EA/FONSI and in accordance with USNPS guidance.
2. The FHWA and USNPS shall restore all areas of temporary impacts to aquatic resources and all upland areas of temporary disturbance which could result in a discharge to waters of the state as described in a restoration plans provided in the EA/FONSI.
3. The State Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination that the performance standards have not been met.

G. Deviation Conditions

Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. Some modifications of Project locations or predicted impacts may qualify as Deviations. For purposes of these WDRs, a "Deviation" is a Project locational or impact modification that does not require an immediate amendment of these WDRs, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the conditions of these WDRs and the mitigation measures described in the EA/FONSI. Project modifications that warrant or necessitate changes to these WDRs that are not addressed by existing environmental documents will require an amendment to these WDRs and do not qualify for the Deviation procedures set forth in Attachment F of these WDRs. After the termination of construction, these WDRs will be amended to reflect all authorized Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

The Executive Director is authorized to amend these WDRs to reflect minor modifications to the Project, as necessary.

H. Waste Discharge Requirements

Except insofar as may be modified by any preceding conditions, all actions under these WDRs are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of these WDRs and the attachments to these WDRs, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies, and the EA/FONSI for the Project.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 1, 2015.

Jeanine Townsend
Clerk to the Board

Attachment A	Project Location
Attachment B	Signatory Requirements
Attachment C	Receiving Waters and Impact Information
Attachment D	CEQA Findings
Attachment E	Mitigation, Monitoring, and Reporting Plan
Attachment F	Deviation Procedures
Attachment G	Construction Notification and Reporting

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ATTACHMENT A: PROJECT AREA MAP MOJAVE NATIONAL PRESERVE ROAD REPAIR PROJECT

MAP 1a – Mojave National Preserve – Regional Context



(Map 1b – Mojave National Preserve – Project Sites, next page)

MAP 1b - Mojave National Preserve Road Repair Project

Park Mojave National Preserve, Calif.	NATIONAL PARK SERVICE PACIFIC WEST REGIONAL OFFICE		Sheet
Project Reconstruct Road Segments to Improve Safety			Of
Feature Park Map	Date June 12, 2014	Scale Not to Scale	Pkg 187484

OVERVIEW OF PROJECT SITES

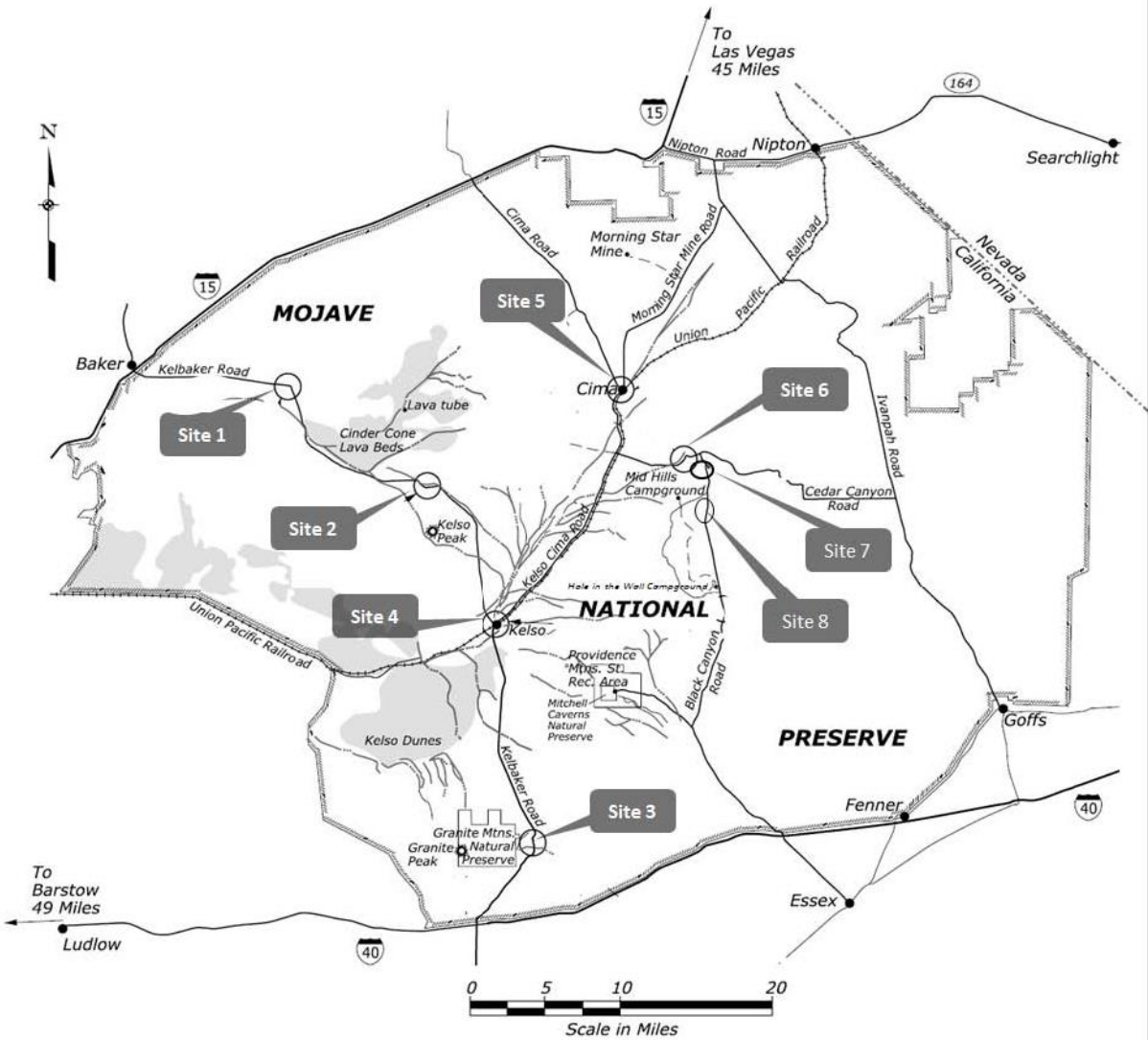


Figure 5: Index Map Showing Project Sites Within Mojave National Preserve

Mojave National Preserve Road Repair Project



Basin Plan Hydrologic Units

Map 1c

Site 1
Kelbaker Road 1

Site 2
Kelbaker Road 2

Site 5
Kelso-Cima/Morning Star

Site 6a
Cedar Canyon 1

Site 6b
Cedar Canyon 2

Site 7
Black Canyon Road

Site 4
Kelso-Cima/Kelbaker Intersection

Site 8
Black Canyon Slope Protection


Site 3
Kelbaker Road 3,
Granite Pass


Baker
MOJAVE
628.82
W28.H2

Kelso
MOJAVE
628.9
W28.J0

IVANPAH
612
W12.00

Fenner
ROUTE SIXTY SIX
710.2
X10.B0

 Water Quality Control Region Boundary

 Impacted Basin Plan Hydrologic Units

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the State Water Resources Control Board (State Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the State Water Board Executive Director.
3. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

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Receiving Waters

The following table shows the receiving waters associated with each impact site.

Table 1: Receiving Water(s) Information							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID
1 and 2	Baker Mohave	Stream (Desert dry washes)	628.82	Soda Lake (closed basin)	MUN, AGR, GWR, REC-1, REC-2, COMM, WARM, COLD, WILD, WQE	no listings	Not Applicable
4, 6a, 6b,	Kelso/Mohave	Stream (Desert dry washes)	628.90	Kelso Basin (closed basin)	MUN, AGR, GWR, REC-1, REC-2, COMM, WARM, COLD, WILD, WQE	no listings	Not Applicable
5	Ivanpah	Stream (Desert dry washes)	612.00	Ivanpah Valley (Closed basin)	MUN, AGR, GWR, REC-1, REC-2, COMM, WARM, COLD, SAL, WILD, WQE, FLD	no listings	Not Applicable
3, 7, 8	Fenner, Route 66	Stream (Desert dry washes)	710.20	Fenner Valley (Closed Basin)	GWR, REC-2, WILD	no listings	Not Applicable
<p>NOTES:</p> <p>1. For sites 1, 2, 4, 5, & 6: Region 6 beneficial uses listed as shown in Lahontan Basin Plan, Chapter 2, Table 2-1.</p> <p>2. For sites 3, 7, & 8: Region 7 beneficial uses listed as shown in Colorado River Basin Plan, Chapter 2, Table 2-2 for unlisted ephemeral streams.</p> <p>3. Desert Ephemeral/episodic stream CRAM module not yet available.</p>							

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information											
Site ID {Site ID must be the same as in Table 1. }	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1	35.2460	-115.8896	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.089		325
2	35.1466	-115.7341	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.077		1285
3	35.8036	-115.6119	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.033		105
4	35.0011	-115.4997	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.045		135
5	35.2370	-115.4997	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				na		na
6a	35.1721	-115.4262	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.048		215
6b	35.1719	-115.4164	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.013		55
7	35.1645	-115.4045	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				na		na
8	35.1094	-115.4043	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.087		935

Compensatory Mitigation Information

All stream bed impacts are categorized as "Class I Dry Washes" by FHWA. "Class II dry washes," i.e., smaller ephemeral drainage features generally indicative of surface or sheet flow, were recorded in the project area. These are also waters of the state, but will not be subject to fill or excavation as a result of the Project.

No Temporary impacts are noted in the report of waste discharge.

No compensatory mitigation required. Although permanent alterations to watercourses are planned, all impacts occur as a result of roadside repairs and road realignment in existing impacted road corridors with no substantial increase in the amount of fill into waters of the state over current conditions. No significant loss of channel distance or capacity occurs, and planned repairs will improve hydrologic function and/or help prevent future disturbances by preventing accidental and intentional intrusion of vehicles into watercourses. In addition, the routine management activities of the USNPS generally support protection and improvement of habitats, including waters.

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**Reconstruct Road Segments to Improve Safety (PMIS 187464) Project
(Mojave National Preserve Road Repair Project)**

A. Environmental Review

On March 20, 2015, an application for Clean Water Act section 401 water quality certification from the Federal Highway Administration – Central Federal Lands Highways Division (FHWA) was received by the State Water Resources Control Board (State Water Board) Division of Water Quality (DWQ) for the *Reconstruct Road Segments to Improve Safety (PMIS 187464) Project* (Mojave National Preserve Road Repair Project, or Project).

When it was subsequently determined by the U.S. Army Corps of Engineers that no waters of the U.S. were present in the project area, the application was processed as a report of waste discharge pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne)

The U.S. Department of Interior National Park Service (USNPS) is the federal National Environmental Policy Act (NEPA) lead agency, and issued a Finding of No Significant Impact (FONSI) for the Project, signed June 4, 2015. This FONSI is supported by an Environmental Assessment (EA) produced by USNPS and FHWA for the Project.

The State Water Resources Control Board, acting as lead agency under the California Environmental Quality Act (CEQA), filed a Notice of Intent to adopt the FONSI with the State Clearing House on the date of the Public Notice of Adoption, pursuant to Public Resources Code, sec. 21083.7, and section 15223 of the Guidelines for the Implementation of the California Environmental Quality Act (Cal., Code Regs., tit. 14, sec. 15000 et seq., hereafter, Guidelines) for the Project.

State Water Board staff has consulted with responsible agencies regarding this EA/FONSI, and have found that the EA/FONSI prepared for this Project meets the requirements of CEQA (Guidelines, sec. 15225).

The EA/FONSI includes adopted mitigation measures to reduce potential significant impacts, and implementation measures for those mitigations that are the functional equivalent of a mitigation monitoring and reporting program (MMRP) (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d)). The USNPS and FHWA are jointly responsible for implementation of all mitigations.

The EA/FONSI is available on request from the designated staff person listed below.

B. Incorporation by Reference

All CEQA project impacts, including those discussed in subsection C below, are analyzed in greater detail in the Project EA/FONSI which is incorporated herein by reference.

All mitigation measures required by the EA/FONSI that are under the purview of the State Water Board are additionally incorporated herein by reference and included in Attachment E of this Order.

Finally, FHWA's application with all attachments is incorporated herein by reference, which includes detailed project maps, a detailed project description, copies of information provided to other resource agencies, and other supporting information.

C. Findings

The EA/FONSI describes the potential significant effects to the environment. Having considered the whole of the record, State Water Board staff makes the following findings for the following impacts that are less than significant with mitigation:

- Impact 1: Impacts to cultural resources, including historic and pre-historic resources.
- Impact 2: Impacts to Desert Tortoise
- Impact 3: Impacts to Nesting Birds
- Impact 4: Impacts to Geological Resources and Soils
- Impact 5: Impacts to Vegetation

Findings regarding impacts that will be mitigated to a less than significant level (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1)).

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EA/FONSI.

General Measures: Note that many "General Measures" (GM) will be implemented and will serve multiple resource protection goals in the Project area. The GMs will be referred to in the discussion of resource-specific impacts and mitigations below. General Measures 1 through 11 include:

- **GM-1:** All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the construction zone. This does not exclude necessary temporary structures such as erosion control fencing.
- **GM-2:** All tools, equipment, barricades, signs, and surplus materials will be removed from the project work limits upon project completion. Construction debris will be hauled from the Preserve to an appropriate disposal or recycling location. Any asphalt surfaces damaged due to work on the project will be repaired to original condition. All demolition debris will be removed from the project site, including all visible concrete and metal pieces.
- **GM-3:** Contractors will be required to properly maintain construction equipment (e.g., mufflers to minimize noise).
- **GM-4:** A hazardous spill plan will be put in place, stating what actions will be taken in the event of a spill and preventive measures to be implemented, such as placement of refueling facilities, storage, and handling of hazardous materials.

- **GM-5:** All equipment will be maintained in a clean, well-functioning state to avoid or minimize contamination from mechanical fluids. Equipment will be checked daily.
- **GM-6:** Material stockpiling, machinery storage, and vehicle parking will be permitted only in designated areas.
- **GM-7:** No work will occur on holidays. Work hours will be scheduled between dawn and dusk to avoid the potential for accidents after dark.
- **GM-8:** Weekday lane closures using one-way traffic with pilot cars and flaggers and 30-minute maximum delays will allow the work to continue with minimal traffic safety concerns.
- **GM-9:** Cross-country (off-road) travel outside of the construction areas will not be authorized, except under life-threatening/emergency. No pets or firearms will be permitted inside the construction areas.
- **GM-10:** No pets or firearms will be permitted inside the construction areas.
- **GM-11:** Ranchers will be notified and information pertaining to the construction timing will be provided so that grazing operations and allotments are not impacted.

Less Than Significant Impacts

The EA/FONSI identifies classes of impacts that would be considered to be “Less Than Significant” (LTS) impacts under CEQA. In this regard the FONSI states that the Project will have no or negligible impacts to the following environmental resources: air quality, climate change, environmental justice, ethnographic resources, geological hazards / natural hazards, hazardous materials, historic resources, land use, lightscapes and night sky, museum collections, natural preserves, prime and unique farmland, unique ecosystems, urban quality/gateway communities, socioeconomics, soundscapes visual resources wetlands and riparian habitat, wild and scenic rivers, and wilderness. The State Water Board concurs with these conclusions.

These LTS impacts are discussed in the EA /FONSI, and a number of mitigation measures are provided for these impacts that further reduce the already LTS impact levels.

LTS Impact 1: Air Quality and GHG. The proposed project involves road repairs, and will not include any new permanent stationary sources of air pollution. This Project will not conflict with or obstruct implementation of any applicable air quality plans. This Project is expected to have no impact on any applicable air quality plan.

Minor impacts due to fugitive dust caused by vehicle and equipment operation could occur.

Construction of the proposed Project may result in the generation of criteria air pollutants, including CO, SO₂, PM₁₀, and PM_{2.5}; precursor emissions such as reactive organic gases (ROG), NO_x, and greenhouse gasses (GHGs). Sources of these pollutants include emissions from equipment used during construction (dump trucks, bulldozers, paving machines, road graders, rollers, etc.) and commute vehicles.

The FHWA and USNPS concluded in the EA that “GHGs emitted from the Project area would consist of truck and equipment exhaust. Construction within the Preserve associated with the Proposed Action would result in short-term, minor impacts to air quality, and mitigation measures described (Measures AQ-1, 2 and 3) would further reduce impacts; therefore, air quality has been dismissed as an impact topic in this EA.” The State Water Board concurs with this conclusion and finds that project effects to air quality and greenhouse gas emissions would be less than significant. Best Management Practices would be implemented to further reduce emissions to the greatest extent possible.

- **AQ-1:** Construction activities will be coupled with water sprinkling to reduce fugitive dust emissions. Water sprinkling will occur as needed on active work areas where soil or fine particles are exposed.
- **AQ-2:** Water will be obtained from Preserve sources, and trucked to project sites.
- **AQ-3:** Idling of construction vehicles will be limited to reduce construction equipment emissions. Unnecessary idling of all construction vehicles will be avoided throughout the construction period.

LTS Impact 2: General wildlife impacts: (Impacts to Desert Tortoise and nesting birds are treated separately.) Some species of special consideration, such as migratory birds, bats and large mammals – especially bighorn sheep -- could be impacted by construction activities. Road construction activities would result in impacts, including clearing and grubbing of approximately 10 acres of undisturbed areas that would result in loss of habitat and could cause physical harm or mortality, disruption of behavior, and temporary displacement. Indirect impacts due to noise disturbance could also occur. These impacts were analyzed and found to be less than significant in the EA/FONSI.

The California Department of Fish and Wildlife, as trustee agency, concurs with this analysis and conclusion. Although these general impacts would be less than significant without mitigation, various mitigation measures are proposed that would further reduce these impacts. In addition to any general benefits to wildlife that would occur through implementation of desert tortoise and nesting bird measures discussed below, General Measures 1 – 7, 9, and 10 (discussed above) would provide additional protection for all wildlife species.

LTS Impact 3: Hydrology. Road reconstruction and repairs could adversely affect the hydrology of the affected watersheds through diversions or impediments to natural flow patterns of the surrounding landscape. However, the Project would be rebuilding road segments to either retain existing drainage systems or making minor modifications to existing systems that would improve watershed functions at the site-specific scale. At the site-specific and watershed scale, these impacts would be less than significant. However, mitigation measures are proposed that would further reduce these less than significant impacts. Proposed measures include:

- **Water-1:** During precipitation events that result in flow to stream channels affected by the project, no construction will take place.
- **Water-2:** Staging areas will not occur in stream channels and will occur outside of flood prone areas to the greatest extent possible.

LTS Impact 4: Effects on local ranching operations. The EA/FONSI identifies potential impacts to ranching operations that occur on inholdings within the Preserve; i.e., construction operations occurring in active open range. Although this impact is deemed less than significant, GM 11 will be implemented to further reduce the impact on ranching operations.

LTS Impact 5: Traffic. Project construction will result in traffic delays. As with most road construction projects, traffic delays may result due to short-term road closures and escorted one-way traffic control. These impacts are necessary for the safety of Project personnel and motorists, but would not cause inordinate delays. Also, the number of travelers affected by the impacts would be small on these lightly travelled roads. Although this impact is deemed less than significant, GM 8 will be implemented to further reduce the impact:

LTS Impact 6: Recreation/Preserve Visitor Resources. Project construction could impact visitors' enjoyment of this national preserve. Although the Project purposes include improvements for safer visitor access, some short-term impacts to the visitor experience, including traffic impacts discussed above, could occur due to the presence of construction activity and the associated noise, dust, visual effect, etc. Project activities at the Kelso Depot may disrupt access to the historic district and visitor services found there. However, the construction area at any given Project site will be small, effects would be localized, and would exist only for the duration of the project. Impacts on visitor experience are therefore expected to be less than significant. Although this impact is deemed less than significant, mitigation measures will be implemented to further reduce Project impacts to the visitor experience:

- **VR-1:** Motorists will be advised in announcements, programs, publications and temporary signs that there may be temporary inconveniences from construction work on the road.
- **VR-2:** In all cases, traffic control and safety shall be maintained.
- **VR-3:** The construction contractor shall include proposed daytime work protocols in its Quality Control Plan and its Safety Plan to show how traffic monitoring and controls will be implemented.

LTS Impact 7: Visual Resources. Project construction might detract from visual resource quality due to presence of construction equipment and activity in the Preserve. These impacts would be short-term and localized, and would result in no permanent change in the Preserve's visual resources. Impacts to visual resources are therefore found to be less than significant.

Also, realignment of the intersection at the Kelso Depot could adversely affect the visual landscape of the depot and surrounding historic district. These impacts are addressed through cultural resource protection measures discussed below.

Less Than Significant with Mitigation Impacts:

Impact 1: Impacts to cultural resources, including historic and pre-historic resources.

Based on pre-project cultural resource surveys, two sites were identified where known cultural resources could be affected by project activity. At Site 2 on Kelbaker Road, a small archeological lithic scatter site has been identified. This is the only project site with known archeological resources.

At Site 4, the project would impact the cultural landscape of the Kelso Depot Historic District. Kelso Depot was registered as a National Historic Landmark in 2000. Reconstruction of the intersection between Kelbaker Road and Kelso-Cima Road at Site 4 would affect the historic road alignment which is a contributing landscape feature of the Kelso Depot, Restaurant, and Employees Hotel. The impact would be moderate and adverse, and would result in an adverse effect under Section 106 of the NHPA.

Also, project excavations or other activity could reveal or disturb previously undiscovered archaeological resources.

Facts Supporting the Finding (Rationale): Mitigation measures will be implemented that are sufficient to reduce impacts to cultural resources to a level that is less than significant. For impacts to the Kelso Depot and the associated historic district, these measures include Measure HR-1 and HR-2, which require that the USNPS will complete recordation and documentation of the Kelbaker and Kelso-Cima intersection, and that an update to the National Register of Historic Places documenting the new road alignment will be completed. A Memorandum of Agreement with the California State Historic Preservation Officer (CA SHPO) will be implemented.

For site 2, Measure HR-3 requires that fencing will be installed to keep work activity away from known resources at site 2, thus reducing the potential impact to a level that is less than significant. In addition, Measure HR-4 requires that archeological specimens found within the construction area will be removed only by NPS archeologists who meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), or their designated representatives.

In addition, many of the GMs cited above would aid in the protection of cultural resources, especially GM-1, 2, 6, and 9.

Impact 2: Impacts to Desert Tortoise: Project construction could adversely affect desert tortoise, which is listed as threatened under the Federal Endangered Species Act (ESA). Desert tortoise could be directly harmed or killed by project construction, and could experience disruption of behavior due to construction activity. Approximately ten acres of desert tortoise habitat could be affected due to clearing, grading and trenching.

Facts Supporting the Finding (Rationale): The USFWS has concurred that project activity as planned would not adversely affect desert tortoise. Numerous mitigation measures will be implemented that are sufficient to reduce impacts to desert tortoise to a level that is less than significant:

- **Listed-1** requires that qualified biologists will provide oversight of all survey efforts, monitoring, and other activities.
- **Listed-2** requires that a field contact representative will oversee project compliance and coordination. The field contact representative will be authorized to halt any activity that may harm desert tortoise.
- **Listed-3** requires that a worker education program will be presented to all construction personnel prior to any construction activities.

- **Listed-4** specifies that no handling or relocating desert tortoises will be permitted, and that if a tortoise enters the project area, all work will stop until the tortoise moves away on its own accord.
- **Listed-5** requires imposition Speed limits within the project area, which shall not exceed 20 miles per hour.
- **Listed-6** requires that vehicles parked in desert tortoise habitat shall be inspected immediately prior to being moved.
- **Listed-7** requires that a litter control program will be implemented during construction to eliminate the accumulation of trash to avoid attracting predators, especially ravens.
- **Listed-8** requires that all work and staging areas be surveyed prior to the start of construction, and that tortoise-proof fencing be installed to prevent tortoises from entering the construction areas.
- **Listed-9** requires that, at sites where fencing is not feasible, presence/absence surveys will be completed each morning by a qualified biologist, and that the qualified biologist will accompany all heavy equipment operators in desert tortoise habitat and remain on site while construction employees are actively working. The qualified biologist has the responsibility and authority to halt all project activity that would endanger a desert tortoise.
- **Listed-10** requires that a qualified biologist will monitor initial vegetation removal and disturbance to monitor for any undocumented tortoises.
- **Listed-11** requires that the qualified biologist will maintain a complete record of desert tortoise encounters.
- **Listed-12** requires that grading practices to avoid building up tall berms that may inhibit desert tortoise movement.

In addition, GMs 1, 2, 6, 7, 9 and 10 will also contribute to protection of desert tortoise.

Impact 3: Impacts to Nesting Birds: Project Construction could cause impacts to nesting birds due to direct removal of or damage to nests, and due to indirect impacts which may disrupt nesting or brood-rearing behaviors, cause nest abandonment, or otherwise cause impacts to nesting success.

Facts Supporting the Finding (Rationale): Mitigation measures are will be implemented that are sufficient to reduce impacts to nesting birds to a level that is less than significant. The California Department of Fish and Wildlife, acting as trustee agency, was consulted in the formulation of these mitigation measures. Measures include Measure Wildlife-1, which requires that vegetation clearing be conducted outside nesting season, unless site specific surveys verify that nesting birds are not present. Measure Wildlife-1 also requires that work be stopped until conclusion of brood rearing if active nests are found, and requires that work areas be fenced to avoid disturbance of habitats outside the designated work areas. Measure Wildlife-2 requires that workers be trained to avoid or limit contact with migrating birds or any mammals.

Impact 4: Impacts to Geological Resources and Soils: Clearing and grubbing (during construction) of approximately 10 acres of newly disturbed areas will result in disturbance and removal of soils. Excavation, grading, and exposure of soil material would increase the potential for erosion.

Facts Supporting the Finding (Rationale): Mitigation measures will be implemented that are sufficient to reduce impacts to soils to a level that is less than significant. These measures include: Measure Soils-1, which requires implementation of various BMPs for erosion control; Measure Soils-2, which requires proper storage and use of chemicals, fuels and toxic materials; and Measure Soils-3, which requires revegetation of disturbed areas.

Impact 5: Impacts to Vegetation: Construction of the Project will result in clearing and grading of up to 10 acres of native vegetation.

Facts Supporting the Finding (Rationale): Mitigation measures will be implemented that are sufficient to reduce impacts to vegetation to a level that is less than significant:

- **Veg-1** requires minimization of area. of ground disturbance.
- **Veg-2** requires monitoring of revegetation areas.
- **Veg-3** requires remedial action when monitoring reveals that revegetation goals are not being met.
- **Veg-4** specifies practices to prevent introduction or spread of noxious weeds or invasive plants.
- **Veg-5** requires implementation of weed control measures.
- **Veg-6** requires that one or more vegetation surveys be conducted prior to construction to avoid or reduce impacts to any undetected listed or rare plant species.
- **Veg-7** requires development and implementation of a project-specific plan for monitoring of revegetation success that includes reporting and success measures and appropriate contingency measures.

D. Determination:

The State Water Board finds that:

- 1) The final EA/FONSI meets the requirements set forth in Pub. Resources Code, § 21081.6, subd. (a)(1) and in Cal. Code Regs., tit. 14, § 15091, subd. (d),
- 2) The EA/FONSI documents include adopted mitigation measures to reduce potential significant impacts, and implementation measures for those mitigations that the functional equivalent of a mitigation monitoring and reporting program (MMRP; Note that the USNPS and FHWA are jointly responsible for implementation of all mitigations);

Therefore, the State Water Board will adopt and use the final FONSI prepared by the USNPS and FHWA for the Mojave National Preserve Road Repair Project, in place of a Mitigated Negative Declaration (See California Code of Regulations, title 14, section 15225, subdivision (a)).

The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order (Cal. Code Regs., tit. 14, §§ 15096, subd. (i), 15094, subd. (a)). The environmental document and other materials, which constitute the record, are available on request, and may be reviewed on request at:

State Water Resources Control Board
Division of Water Quality, Water Quality Certification and Wetlands Unit
1001 I Street, Sacramento, CA 95814.

Please contact the designated staff person for this Order to arrange for copies or access to these documents. The designated staff person is:

Cliff Harvey
Environmental Scientist
clifford.harvey@waterboards.ca.gov
(916) 558-1709

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Attachment E:

Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Resource Protection/Mitigation Measures are presented below. These measures, found on pages 9-14 of the Project Finding Of No Significant Impact (FONSI) prepared by the U.S. National Park Service, and shall serve as the mitigation monitoring and reporting plan for the Mojave National Preserve Road Repairs Project.

RESOURCE PROTECTION / MITIGATION MEASURES

Mojave National Preserve is committed to avoiding, minimizing, and mitigating potentially adverse environmental impacts. Mitigation measures identified below will be implemented as part of the selected alternative.

Number	Mitigation	Responsible Party
General Measures		
GM-1	All protection measures will be clearly stated in the construction specifications and workers will be instructed to avoid conducting activities beyond the construction zone. This does not exclude necessary temporary structures such as erosion control fencing.	NPS Project Manager (PM) FHWA Project Engineer (PE)
GM-2	All tools, equipment, barricades, signs, and surplus materials will be removed from the project work limits upon project completion. Construction debris will be hauled from the Preserve to an appropriate disposal or recycling location. Any asphalt surfaces damaged due to work on the project will be repaired to original condition. All demolition debris will be removed from the project site, including all visible concrete and metal pieces.	FHWA PE
GM-3	Contractors will be required to properly maintain construction equipment (e.g., mufflers to minimize noise).	FHWA PE
GM-4	A hazardous spill plan will be put in place, stating what actions will be taken in the event of a spill and preventive measures to be implemented, such as placement of refueling facilities, storage, and handling of hazardous materials.	FHWA PE
GM-5	All equipment will be maintained in a clean, well-functioning state to avoid or minimize contamination from mechanical fluids. Equipment will be checked daily.	FHWA PE
GM-6	Material stockpiling, machinery storage, and vehicle parking will be permitted only in designated areas.	FHWA PE
GM-7	No work will occur on holidays. Work hours will be scheduled between dawn and dusk to avoid the potential for accidents after dark.	NPS PM and FHWA PE
GM-8	Weekday lane closures using one-way traffic with pilot cars and flaggers and 30-minute maximum delays will allow the work to continue with minimal traffic safety concerns.	NPS PM and FHWA PE
GM-9	Cross-country (off-road) travel outside of the construction areas will not be authorized, except under life-threatening/emergency situations.	NPS PM and FHWA PE
GM-10	No pets or firearms will be permitted inside the construction areas.	NPS PM and FHWA PE

Attachment E:
Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Number	Mitigation	Responsible Party
GM-11	Ranchers will be notified and information pertaining to the construction timing will be provided so that grazing operations and allotments are not impacted.	NPS PM
Air Quality		
AQ-1	Construction activities will be coupled with water sprinkling to reduce fugitive dust emissions. Water sprinkling will occur as needed on active work areas where soil or fine particles are exposed.	NPS PM and FHWA PE
AQ-2	Water will be obtained from Preserve sources, and trucked to project sites.	NPS PM and FHWA PE
AQ-3	Idling of construction vehicles will be limited to reduce construction equipment emissions. Unnecessary idling of all construction vehicles will be avoided throughout the construction period.	NPS PM and FHWA PE
Geological Resources/Soils		
Soils-1	<p>Erosion and sediment control will be required. Best management practices for drainage and sediment control, as identified and used by the FHWA and the NPS, will be implemented to prevent or reduce non-point source pollution and minimize soil loss and sedimentation in drainage areas. Use of best management practices in the project area for drainage protection will include all or some of the following actions, depending on site-specific requirements:</p> <ul style="list-style-type: none"> • Keep disturbed areas as small as practical to minimize exposed soil and the potential for erosion. • Locate waste and excess excavated materials outside of drainages to avoid sedimentation. • Install silt fences, temporary earthen berms, temporary water bars, sediment traps, stone check dams, or other equivalent measures (including installing erosion-control measures around the perimeter of stockpiled fill material) prior to construction. • Conduct regular site inspections during the construction period to ensure that erosion-control measures were properly installed and are functioning effectively. • Only tightly woven fiber netting or nonbinding materials shall be used for erosion control or other purposes to ensure that small mammals and reptiles do not become trapped. No plastic-tied wattles shall be used. 	NPS PM and FHWA PE
Soils-2	Store, use, and dispose of chemicals, fuels, and other toxic materials appropriately.	NPS PM and FHWA PE
Soils-3	Revegetate disturbed areas as soon as possible after construction is completed.	NPS PM
Vegetation		
Veg-1	Vegetation disturbance will be minimized by replacement of topsoil in as near the original location as possible, scarification, mulching, and seeding / planting with species	NPS PM and FHWA PE

Attachment E:
Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Number	Mitigation	Responsible Party
	native to the immediate area.	
Veg-2	Reclaimed/revegetated areas will be monitored after construction to determine if efforts are successful or if additional remedial actions are necessary.	NPS PM and Vegetation Specialist
Veg-3	Remedial actions could include installation of erosion-control structures, reseeding and/or replanting the area, and controlling non-native plant species.	NPS PM and FHWA PE
Veg-4	In an effort to avoid introduction of non-native/noxious plant species, no imported topsoil or hay bales will be used during revegetation. Weed free materials (e.g., straw bales) may be used for erosion-control dams that may be necessary.	NPS PM and FHWA PE
Veg-5	Non-native and/or invasive plant species will be controlled in areas determined to be high-priority by Preserve staff and other undesirable species will be monitored and controlled, as necessary. To prevent the introduction and minimize the spread of non-native vegetation and noxious weeds, the following measures will be implemented during construction: <ul style="list-style-type: none"> • Pressure wash and/or steam clean all construction equipment to ensure that all equipment, machinery, rocks, gravel, or other material are cleaned and weed free before entering the Preserve. • Cover all haul trucks bringing asphalt or other materials from outside the Preserve to prevent seed transport. • Limit vehicle parking to existing roadways, parking lots, or access routes. • Limit disturbance to previously disturbed roadsides and culvert areas. No machinery or equipment should access areas outside the construction zone. Treatment of non-native vegetation will be completed in accordance with NPS-13, <i>Integrated Pest Management Guidelines</i>. 	NPS PM and FHWA PE
Veg-6	One or more vegetation surveys will be completed prior to any construction work to avoid or reduce impacts to any undetected listed or rare plant species.	NPS biologist
Veg-7	A project-specific plan will be developed and implemented to monitor the success of re-vegetation efforts. The plan will contain report and success measures and appropriate contingency measures.	NPS biologist
Federally Listed Species and Species of Special Consideration		
Listed-1	Qualified biologists will provide oversight of all survey efforts, monitoring, and other activities within the roadway corridor necessary to protect desert tortoise.	NPS PM and Wildlife Specialist
Listed-2	An individual will be designated the field contact representative to oversee project compliance and coordination. The field contact representative will be authorized to halt any activity that may harm desert tortoise.	NPS Wildlife Specialist
Listed-3	A worker education program will be presented to all	NPS PM, FHWA PE,

Attachment E:
Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Number	Mitigation	Responsible Party
	construction personnel prior to any construction activities. At a minimum, this program will cover: (1) desert tortoise distribution/occurrence, (2) general behavior, activity patterns, and ecology, (3) sensitivity of the species to human activities, (4) legal protection, (5) penalties for violation of state or federal laws, (6) reporting requirements, and (7) project protective mitigation measures; and (8) legal penalties for violation of federal or state laws.	and Wildlife Specialist
Listed-4	Handling or relocating desert tortoises is not permitted. If a tortoise enters the project area, all work will stop until the tortoise moves away on its own accord.	NPS Wildlife Specialist and FHWA PE
Listed-5	Speed limits within the project area, along right-of-way maintenance routes designated for limited use shall not exceed 20 miles per hour. Speed limits shall be clearly marked and all workers shall be made aware of the limits.	
Listed-6	Vehicles parked in desert tortoise habitat shall be inspected immediately prior to being moved. Construction vehicles parked overnight the side of the road or in pre-existing turnouts will be surveyed (from all four directions) for desert tortoise prior to moving the vehicle in the morning.	NPS PM, FHWA PE, and Wildlife Specialist
Listed-7	A litter control program will be implemented during construction to eliminate the accumulation of trash to avoid attracting ravens that may prey on juvenile desert tortoise. All trash and food items generated by the construction activities would be promptly contained and removed to reduce the attractiveness of the area to common ravens and other desert predators. Portable toilets shall be provided on site, if applicable.	NPS FHWA PE and Wildlife Specialist
Listed-8	All work and staging areas will be surveyed prior to the start of construction. Tortoise-proof fencing will be installed to prevent tortoises from entering the construction and staging areas. After initial presence/absence surveys are complete, the fence perimeter will be checked daily to ensure the integrity of the tortoise exclusion barrier is intact.	NPS PM, FHWA PE, and Wildlife Specialist
Listed-9	At sites where fencing is not feasible, presence/absence surveys will be completed each morning by a qualified biologist. The qualified biologist would accompany all heavy equipment operators in desert tortoise habitat and remain on site while construction employees are actively working. The qualified biologist has the responsibility and authority to halt all project activity that would endanger a desert tortoise.	NPS PM, FHWA PE, and Wildlife Specialist
Listed-10	A qualified biologist will monitor initial vegetation removal and disturbance to monitor for any undocumented tortoises.	NPS PM, FHWA PE, and Wildlife Specialist
Listed-11	The qualified biologist will maintain a complete record of desert tortoise encounters.	NPS PM, FHWA PE, and Wildlife Specialist
Listed-12	To avoid building up tall berms that may inhibit desert tortoise	NPS PM, FHWA PE,

Attachment E:
Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Number	Mitigation	Responsible Party
	movement, the operator should minimize lowering of the roadbed while grading. Berms higher than 12 inches or a slope greater than 30 degrees would be pulled back into the roadbed.	and Wildlife Specialist
Wildlife or Wildlife Habitat		
Wildlife-1	Vegetation will be cleared prior to March 1 or after May 20. If work needs to occur during this time, a nesting survey will be conducted to ensure no nesting birds are present in the construction area. If a nest or nests are found, work shall be postponed until after young have left the area. In addition, all work areas shall be fenced and disturbance shall not be permitted beyond the fenced area.	NPS PM, FHWA PE, and Wildlife Specialist
Wildlife-2	Train workers to avoid or limit contact with migrating birds or mammal species	NPS PM, FHWA PE, and Wildlife Specialist
Water Resources		
Water-1	During precipitation events that result in flow to stream channels affected by the project, no construction will take place.	NPS FHWA PE
Water-2	Staging areas will not occur in steam channels and will occur outside of flood prone areas to the greatest extent possible.	NPS PM and FHWA PE
Visitor Resources		
VR-1	Motorists will be advised in announcements, programs, publications and temporary signs that there may be temporary inconveniences from construction work on the road.	NPS PM and Interpretation Staff
VR-2	In all cases, traffic control and safety shall be maintained.	NPS PM and FHWA PE
VR-3	The construction contractor shall include proposed daytime work protocols in its Quality Control Plan and its Safety Plan to show how traffic monitoring and controls will be implemented.	NPS PM and FHWA PE
Archeological Resources and Cultural Landscapes		
HR-1	Prior to construction, the NPS will complete recordation and documentation of Kelbaker and Kelso-Cima intersection, and the section of Kelso-Cima Road that will be realigned, accordance with the Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation.	Park Archeologist and NPS PM
HR-2	After construction, the NPS will update the National Register of Historic Places Registration Form to update the National Register for the Kelso Depot, Restaurant, and Employees Hotel National Historic District and document the new alignment of the intersection, Kelbaker Road, and Kelso-Cima Road.	Park Archeologist
HR-3	The intact section of the archeological site at Project Site 2 will be fenced off and avoided during construction.	NPS PM, FHWA PE, and Park Archeologist
HR-4	Archeological specimens found within the construction area will be removed only by NPS archeologists who meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), or their designated representatives.	Park Archeologist

Attachment E:
Mojave National Preserve Road Repair Project Resource Protection/Mitigation Measures

Number	Mitigation	Responsible Party
HR-5	<p>In the event that a previously unidentified archeological resource is discovered during ground disturbing activities, all construction work involving subsurface disturbance will be halted in the area of the resource and in the surrounding area where further subsurface remains can be reasonably expected to occur. An archeologist meeting the Secretary of the Interior's Professional Qualification Standards (36 CFR 61) will immediately inspect the work site and determine the area and nature of the affected archeological feature. Construction work may then continue in the project area outside the defined area of the resource. Within 48 hours of the discovery, the NPS shall notify the CA SHPO and such notification shall describe the NPS' assessment of the eligibility of the feature for listing on the National Register of Historic Places and proposed actions to resolve potential adverse effects. The CA SHPO shall respond within 48 hours of the notification and the NPS shall take into account the CA SHPO's recommendation regarding National Register eligibility and proposed actions, and then carry out appropriate actions. In compliance with the Native American Graves Protection and Repatriation Act of 1990, work will be halted and NPS will also notify and consult concerned American Indian tribal representatives for the proper treatment of human remains, funerary, and sacred objects should these be discovered during the project.</p>	<p>NPS PM, FHWA PE, and Park Archeologist</p>

Attachment F
Waste Discharge Requirements Deviation Procedures

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Waste Discharge Requirements Deviation Procedures

Introduction

These procedures are put into place to preclude the need for Waste Discharge Requirements (WDRs) amendments for minor changes in the Project routing or location or minor corrections or clarifications of the conditions and requirements in these WDRs. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a WDR Deviation, as defined in Section G of the WDRs, may be requested by the Permittee as set forth below:

Process Steps

Who may apply: The Permittee or the Permittee's designated representative or agent (hereinafter, "Permittee") for this Order.

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

WDRs Deviation Request: The Permittee will request verification from the State Water Board staff that the project change qualifies as a WDRs Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state and the environment;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a WDR Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by State Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

Action by State Water Board on Request: The State Water Board's Executive Officer will make a determination on the WDRs Deviation request within 10 working days from receipt of a complete request and notify the Permittee via email of the staff determination. Determination of whether or not a WDRs Deviation request is complete is at the discretion of the State Water Board Executive Officer.

Post-Discharge WDRs Deviation Reporting:

1. Within 30 calendar days of completing the approved WDRs Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
 - a. Activity description and purpose;
 - b. Activity location, start date, and completion date;
 - c. Erosion control and pollution prevention measures applied;
 - d. Impacts to water body types if applicable;
 - e. Mitigation plan if applicable; and,
 - f. Map of activity location and boundaries; post-construction photos.

Action by Water Board on Post-Discharge Activity Report: State Water Board staff will review the post-discharge WDRs Deviation Report within 15 working days from receipt of a complete report. State Water Board staff will determine, in consultation with the Permittee and other regulatory agencies, if applicable, whether additional mitigation will be required. If additional mitigation is required, State Water Board staff will inform the Permittee within the 15-day review period. Determination of whether or not a post-discharge activity report is complete is at the discretion of State Water Board staff.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all WDRs Deviation activities through the reporting period with the following information:
 - a. Site name(s).
 - b. Date(s) of WDRs Deviation approval.
 - c. Location(s) of authorized activities.
 - d. Impact area(s) by water body type prior to activity (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) as originally authorized in the Order.
 - e. Actual impact area(s) by water body type (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards) due to WDR Deviation activity(ies).
 - f. The net change in impact area by water body type(s) (for fill/discharge or excavation/dredge: acres, linear feet, and cubic yards). An explanation will be required for any negative values.
 - g. Mitigation to be provided (approved mitigation ratio and amount).

Action by State Water Board on Annual WDR Deviation Report: Following issuance of a Notice of Completion of Discharges Letter or Notice of Project Complete Letter, the State Water Board's Executive Director may amend the Order to reflect all approved WDRs Deviations and the amended Order will serve as a record of actual Project activities.

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Report and Notification Requirement Instructions

Electronic Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the State Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: stateboard401@waterboards.ca.gov and cc: Clifford.Harvey@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Cliff Harvey; Reg. Measure ID: 401646_Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the State Water Board staff pertains to projects that have post construction monitoring requirements, i.e. if site restoration was required to be monitored for 5 years following construction. State Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

Report and Notification Requirement Instructions

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the State Water Board staff pertains to projects that either have completed post-construction monitoring or have no post-construction monitoring requirements, and no further Project activities are planned. Letter issued by the State Water Board staff following review and approval of Request for Notice of Project Complete Letter. Termination of annual invoicing of fees will correspond with the date of this letter.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the State Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

 - **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
 - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

***This Report and Notification Cover Sheet must be signed by the Permittee or an authorized representative and included with all written submittals.**

REPORT AND NOTIFICATION COVER SHEET

Project: Mojave National Preserve Road Repair Project
Permittee: Federal Highway Administration - CFLHD
Reg. Meas. ID: 401646 **Place ID:** 816119
Order Effective Date: [Click here to enter a date.](#)

Report Type Submitted

Part A – Annual Report

Report Type 1 **Annual Report**

Part B - Project Status Notifications

Report Type 2 **Commencement of Construction**

Report Type 3 **Request for Notice of Completion of Discharges Letter**

Report Type 4 **Request for Notice of Project Complete Letter**

Part C - Conditional Notifications and Reports

Report Type 5 **Accidental Discharge of Hazardous Material Report**

Report Type 6 **Violation of Compliance with Water Quality Standards Report**

Report Type 7 **In-Water Work/Diversions Water Quality Monitoring Report**

Report Type 8 **Other**

Responsible Party or Authorized Representative¹ for this submittal

Print Name	Affiliation and Job Title
Signature	Date

¹STATEMENT OF AUTHORIZATION (if necessary)

I hereby authorize _____ to act in my behalf as my agent in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature

Date

Notification and Report Submittal Information and Contents

Part A –Annual Report and Report Topics

Report Type 1	Annual Report
Report Purpose	Notify the State Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year by September 30 th following the issuance of these WDRs. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	<ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 5 and 6 (Part C below). b. Summary of WDR Deviations. See WDR Deviation Attachment for further information.
Annual Report Topic 2	Mitigation for Temporary Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.

Notification and Report Submittal Information and Contents

	<ol style="list-style-type: none">2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none">1. Planned date of initiation of compensatory mitigation site installation.2. If installation is in progress a map of what has been completed to date.3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <ol style="list-style-type: none">1. Status or proof of purchase of credit types and quantities.2. Include the name of bank/ILF Program and contact information.3. If ILF, location of project and type if known.

Notification and Report Submittal Information and Contents

Part B – Project Status Notifications

Report Type 2	Commencement of Construction
Report Purpose	Notify State Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

Report Type 3	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify State Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by State Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of WDR Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. 5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 4	Request for Notice of Project Complete Letter
Report Purpose	Notify State Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by State Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

Notification and Report Submittal Information and Contents

	<p>Part B: Permittee Responsible Compensatory Mitigation</p> <ol style="list-style-type: none">1. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.2. Status on the implementation of the long-term maintenance and management plan and funding of endowment.3. Pre- and post-photo documentation of all compensatory mitigation sites.4. Final maps of all compensatory mitigation areas (including buffers). <p>Part C: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none">1. Report status and functionality of all post-construction BMPs.
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Notification and Report Submittal Information and Contents

Part C – Conditional Notifications and Reports

Report Type 5	Accidental Discharge of Hazardous Material Report
When to Submit	Within three (3) business days following the date of an accidental discharge. Continue reporting as required by Water Board staff.
Report Contents	<ol style="list-style-type: none"> 1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation. If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 6	Violation of Compliance with Water Quality Standards Report
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) business days of the noncompliance event notification to State Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected include: the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by State Water Board staff.

Report Type 7	In-Water Work and Diversions Water Quality Monitoring Report
When to Submit	Within three (3) days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
Report Contents	As required by the approved water quality monitoring plan.

Report Type 8¹	Other
When to Submit	As required.
Report Contents	As required.

¹ This report type applies to: modifications to Project; transfer of property ownership; transfer of BMP responsibility; or as otherwise required by this Order.