



## Central Valley Regional Water Quality Control Board

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### CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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**Effective Date:** 28 October 2022

**Expiration Date:** 27 October 2027

**Program Type:** Fill/Excavation

**Project Type:** Data Collection

**Project:** Sites Reservoir 2022-2024 Geotechnical Investigations Project (Project)

**Applicant:** Sites Project Authority

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**Water Board Contact Person:** If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

Reg. Meas. ID:	448328
Place ID:	881962
WDID No.:	5A06CR00075
USACE No.:	Non-Reporting NWP 6

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MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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## I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Sites Project Authority (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 20 June 2022. The application was deemed complete on 18 July 2022.

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates:

Date of Request for Supplemental Information: **20 June 2022**

Date all requested information was received: **20 June 2022**

## II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 1 July 2022 to 22 July 2022. The Central Valley Water Board did not receive any comments during the comment period.

## III. Project Purpose

The purpose of the Project is to conduct geotechnical investigations and testing within the proposed Sites Reservoir Project study area to identify and characterize relevant geological structures, rock integrity, and soil structure/stability. Results from these studies will be used to finalize designs for the construction and operation of the proposed off-stream water storage reservoir.

## IV. Project Description

To support the engineering and design of the proposed Sites Reservoir Project, types of geotechnical studies are proposed:

- Surface geological investigations conducted via pedestrian surveys to map the existing geology of the region.
- Surface geophysical investigations to include non-invasive species surveys to determination stratification properties.
- Subsurface geotechnical investigations, including underground exploration utilizing several methods including auger and rotary wash borings with downhole testing and rock coring.

Project activities consist of four geotechnical investigations within aquatic resources. Geotechnical investigations would result in the excavation or discharge of fill material within jurisdictional waters. Geotechnical investigations within aquatic resources at Funks Reservoir will be conducted in dry conditions. Work activities are scheduled

for late January 2023 or January 2024, depending on precipitation event occurrence. An existing seasonal wetland where impacts will occur is typically dry during the summer months. Therefore, work is planned between June and September 2022 in this aquatic feature.

## V. Project Location

County: Glenn, Colusa, and Yolo

Nearest City: Sites

Section 15 and 30, Township 17 and 18 North, Range 4 West, MDB&M.

Latitude: 39°18'32.47" and Longitude: -122°20'17.30"

Maps showing the Project location are found in Attachment A of this Order.

## VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/)). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

## VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.



**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	0.0001	0.35	3
Wetland	0.00004	0.12	1

**VIII. Description of Indirect Impacts to Waters of the State**

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The following activities would result in potential indirect impacts to aquatic resources assumed to be waters of the state:

- Geotechnical investigation activities in the work areas involving soil disturbance from construction vehicle access could result in increased erosion and sedimentation that can increase sediment discharge to surface waters.
- Vegetation removal could increase the volumes and velocities of stormwater runoff causing downstream erosion during the rainy season.
- Geotechnical investigations would involve the use of fuels and oils to operate construction equipment in the work areas. Accidental spills from equipment or onsite storage of hazardous materials could adversely affect water quality.
- Potential for the introduction and spread of invasive plant species could result in adverse effects on special status plants and natural communities.

**IX. Avoidance and Minimization**

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- All work activities would be conducted in dry conditions and field work would follow completion of pre- construction surveys to avoid sensitive resources to the maximum extent feasible. Full time biological monitoring will also be conducted during the activity. All work areas will be defined in the field to the minimum extent practicable to complete the activity. High density ridged plastic mats will be used to reduce or prevent soil disturbance in areas with loose or friable soils. This includes geotechnical investigations using drilling

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<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

equipment within seasonal wetlands and within Funks Reservoir. After work is completed, the plastic mats will be removed.

- The following measures will be implemented to avoid and minimize impacts on wetlands and waters subject to federal and State jurisdiction:
  - At least 48 hours prior to any ground-disturbing activities, a qualified biologist will ground truth the land cover mapping within proposed work areas and staging areas, including areas within 250 feet where accessible (i.e., where access has been granted by the property owner), to confirm the presence and absence of wetlands and waters. All wetlands and waters not previously identified, will be mapped in the field using a global positioning system (GPS) with submeter accuracy and will be used to update the land cover mapping.
  - To the extent practicable, geotechnical investigations will not take place in or within 250 feet of wetlands and waters (i.e., ponds, streams, reservoirs), except for activities identified in the Project description that will take place near the Sacramento River or those near or adjacent to canals and ditches in the agricultural areas.
  - If work needs to occur within 250 feet of wetlands and waters that are not also restricted by environmental commitments for special-status wildlife species (Bio-4, 5, and 6), the following measures will be implemented:
    - Sediment control measures
    - Prevent transport of sediment from work areas.
    - Reduce runoff velocity on exposed slopes.
    - Reduce offsite sediment tracking.
    - Management measures for investigation materials:
      - Cover and berm loose stockpiled materials
      - Store chemicals in watertight containers.
      - Minimize exposure of work materials to stormwater.
      - Designate refueling and equipment inspection/maintenance locations at least 300 feet from aquatic habitats. A spill prevention plan will be implemented.
      - A biological monitor will be onsite during all work within 250 feet of waters and wetlands.
      - Disturbed areas will be returned to their original condition, which may include, in coordination with the Authority-provided biological resource specialist, the following:
        - Restoring original topography to the degree possible.

- Placement of erosion control BMPs (e.g., wattles, soil binders, straw mulch, geotextiles) may be used to help stabilize work areas once work is complete.
- Hydroseeding with noninvasive plant seed.

#### **X. Compensatory Mitigation**

No compensatory mitigation was required for permanent impacts because all impacts are temporary in nature.

#### **XI. California Environmental Quality Act (CEQA)**

On May 23,2022, the Sites Project Authority, as lead agency, adopted an initial study/mitigated negative declaration (State Clearinghouse (SCH) No. 2022050480) for the Project and filed a Notice of Determination (NOD) at the SCH on 1 August 2022. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

#### **XII. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

#### **XIII. Fees Received**

An application fee of \$2,417.00 was received on 20 June 2022. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

An additional fee of \$323.00 based on total Project impacts was received on 20 June 2022.

#### **XIV. Conditions**

The Central Valley Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

##### **A. Authorization**

Impacts to waters of the state shall not exceed quantities shown in Table 1.

## B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to:  
[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov).

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month** beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of December, one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

### 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a

Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

### 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

**a. Accidental Discharges of Hazardous Materials<sup>2</sup>:**

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

- i. As soon as (A) Permittee 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 the [Office of Emergency Services' Accidental Discharge Notification Web page](#)

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<sup>2</sup> "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 & Safety Code, Section 25501.)

([http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)).

- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:**

The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

**c. In-Water Work and Diversions:**

- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

**d. Modifications to Project:**

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley 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 a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

**e. Transfer of Property Ownership:**

This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:

- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

**f. Transfer of Long-Term BMP Maintenance:**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley 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 or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

**C. Water Quality Monitoring**

**1. General:**

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or
- d. when any activities result in the creation of a visible plume in surface waters.

**2. Accidental Discharges/Noncompliance:**

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water

Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

### 3. In-Water Work or Diversions:

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.<sup>3</sup> The sampling requirements in Table 2 shall be conducted in the

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<sup>3</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.



lake (reservoir) outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the reservoir.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

If no sampling is required, the Permittee shall submit a written statement stating, “No sampling was required” within two weeks on initiation of in-water construction, and every two weeks thereafter.

**Table 2: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants <sup>4</sup>	Observations	Visual Inspections	Continuous throughout the construction period

**4. Post-Construction:**

Visually inspect the Project site during the rainy season for one year following completion of active Project construction activities to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

**D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28,

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<sup>4</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. 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 applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided 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.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### **F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does 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 & Wildlife Code, sections 2050-2097) or the

- federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a 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 are kept.
    - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
    - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
    - d. Sample or monitor for the purposes of assuring Order compliance.
  4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
  5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

## **G. Construction**

### **1. Dewatering**

- a. If water is present, the area must be dewatered prior to start of work.
- b. No dewatering will occur within the Project area.
- c. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
- d. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in

discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

**2. Directional Drilling – Not Applicable**

**3. Dredging - Not Applicable**

**4. Fugitive Dust:**

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

**5. Good Site Management “Housekeeping”**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and 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 Plan must be made available to the Central Valley Water Board staff upon request.
  - b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
  - c. All materials resulting from the Project shall be removed from the site and disposed of properly.
-

## **6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. No wet concrete will be placed into lake or reservoir habitat after the area has been completely dewatered. when the work area is naturally dry.

## **7. Invasive Species and Soil Borne Pathogens**

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

## **8. Post-Construction Storm Water Management – Not Applicable**

## **9. Roads**

- a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
- b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as

determined by the Water Board) to secure passage of fish across the structure.

- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

## **10. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

## **11. Special Status Species**

The following special status species are documented to occur within or near the Project area: Keck's checkerbloom, Palmate-bracted bird's beak, Conservancy fairy shrimp, Vernal pool fairy shrimp, Vernal pool tadpole shrimp, Valley elderberry longhorn beetle, California red-legged frog, Golden Eagle, Bald Eagle, Swainson's hawk, White-tailed kite, and Tricolored blackbird.

## **12. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

## **13. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

- i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

**H. Site Specific – Not Applicable**

**I. Total Maximum Daily Load (TMDL) – Not Applicable**

**J. Mitigation for Temporary Impacts – Not Applicable**

**K. Compensatory Mitigation for Permanent Impacts – Not Applicable**

**L. Certification Deviation**

1. 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 Choose an item. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential Choose an item impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project Choose an item. In this case a supplemental environmental review and different Order will be required.



**XV. Water Quality Certification**

I hereby issue the Order for the Sites Reservoir 2022-2024 Geotechnical Investigations Project, WDID#5A06CR00075, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order.

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; 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.

Original Signed by Adam Laputz for:

Patrick Pulupa, Executive Officer

Central Valley Regional Water Quality Control Board

- Attachment A:** Project Maps
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Compliance with Code of Federal Regulations

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### Attachment A – Project Maps

Figure 1: Project Location Map

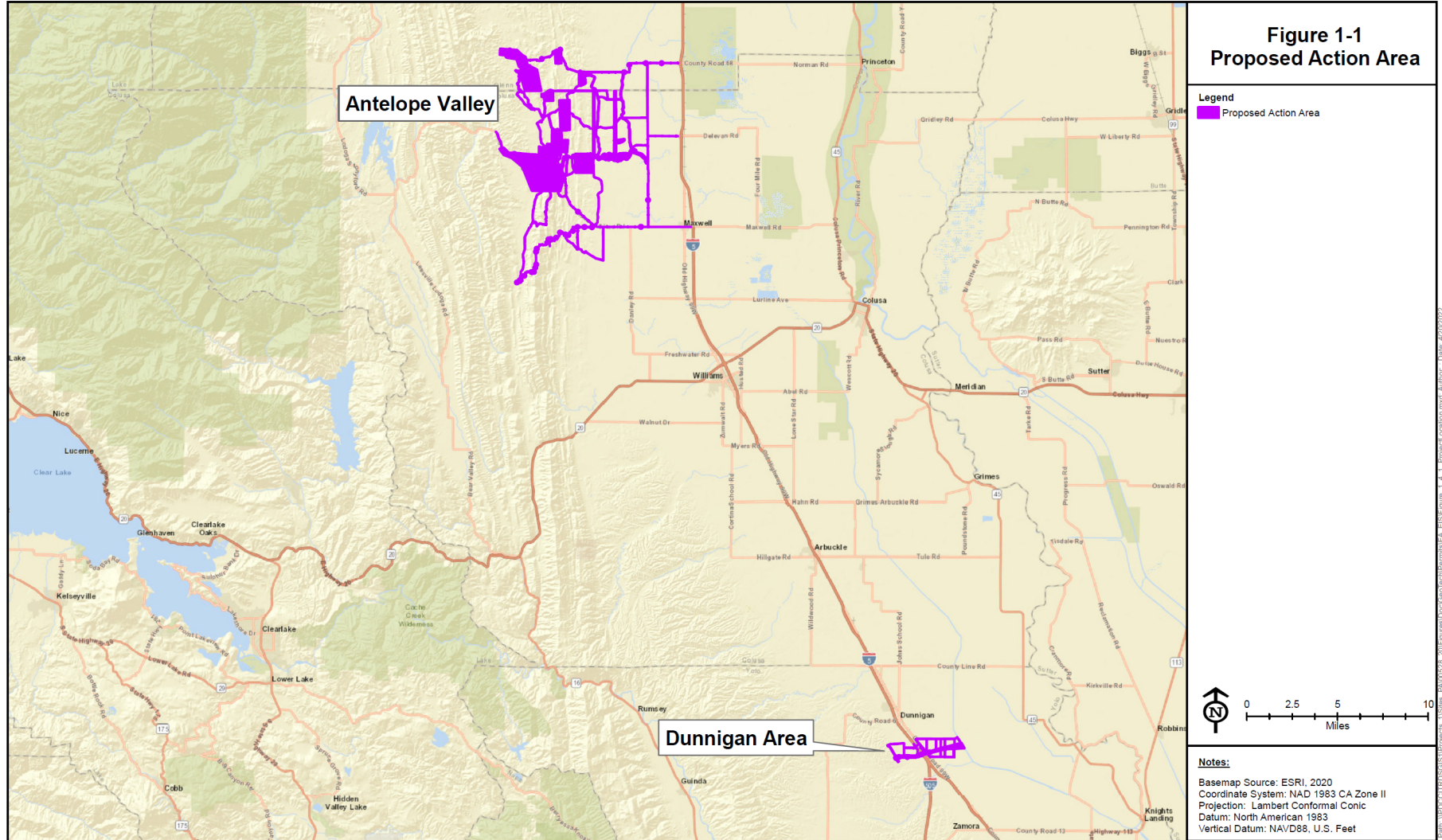
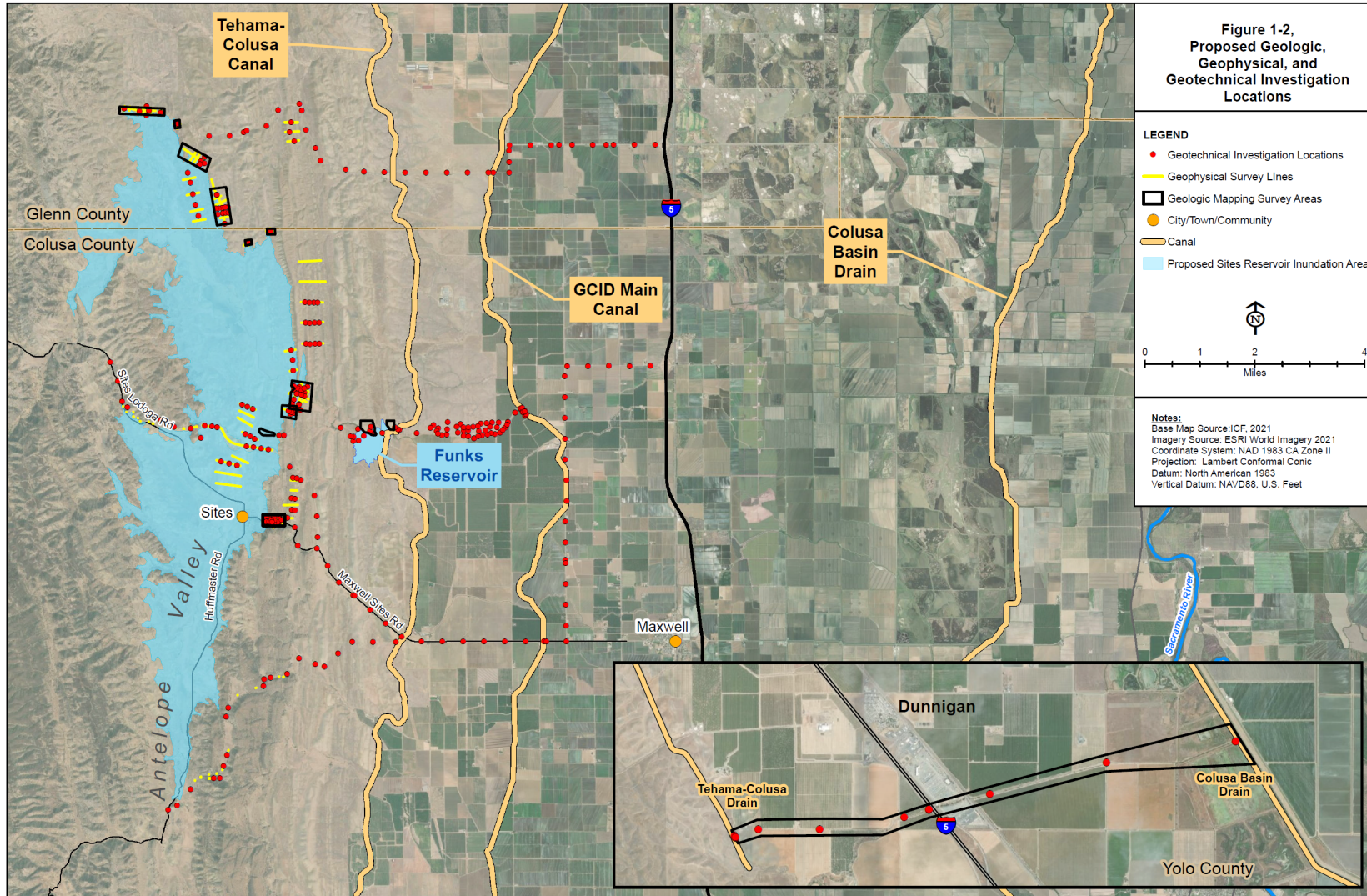




Figure 2: Site Impacts Map



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**Attachment B – Receiving Waters, Impacts and Mitigation Information**

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

**Table 1: Receiving Water(s) Information**

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	Sites Reservoir	Sites Reservoir	Lake (Reservoir)	520.21	Funks Reservoir	AGR, REC, WARM, COLD, MIGR, SPWN, WILD	Toxicity, Group A Pesticides, Dissolved Oxygen, Mercury, DDT, Dieldrin, Diazinon, Indicator Bacteria	N/A
No	Unnamed wetland	Unnamed wetland	Wetland	520.21	Hunters Creek	AGR, REC, WARM, COLD, MIGR, SPWN, WILD	Toxicity, Group A Pesticides, Dissolved Oxygen, Mercury, DDT, Dieldrin, Diazinon, Indicator Bacteria	N/A

**Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Temporary Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Sites Reservoir	39°18'32.47"N	122°20'17.30"W	No	0.0001	0.35	3
Unnamed wetland	39°18'32.47"N	122°20'17.30"W	No	0.00004	0.12	1

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## **Attachment C – CEQA Findings of Fact**

### **A. Environmental Review**

On 23 May 2022, the Sites Project Authority, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. (2022050480) for the Project and filed a Notice of Determination (NOD) at the SCH on 1 August 2022. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the Sites Project Authority's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Sites Project Authority addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Sites Project Authority for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

### **B. Incorporation by Reference**

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project IS/MND, the application for this Order, and other supplemental documentation.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at:  
<https://ceqanet.opr.ca.gov/2022050480>.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

The Permittee's application for this Order, including all supplemental information provided, are incorporated herein by reference.

### **C. Findings**

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:



*Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.*

a.i. Potential Significant Impact:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special--status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or USFWS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.
- Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

a.ii. Facts in Support of Finding:

**MM Bio-1: Conduct Mandatory Biological Resources Awareness Training:**

Prior to Proposed Action implementation, a qualified biologist will conduct a mandatory biological resources awareness training for all Proposed Action personnel. A qualified biologist is defined as someone with training, knowledge, and experience with the species this document is concerned with. The training will cover special-status species and their habitats that could be encountered in the Proposed Action area. The training will cover the natural history, appearance (using representative photographs), and legal status of species, regulatory protections, penalties for noncompliance, benefits of compliance, as well as the avoidance and minimization measures to be implemented. Participants will be required to sign a form that states they have received and understand the training. Reclamation will maintain the record of training and make it available to USFWS upon request. The Authority-provided biological monitor will verify that the new personnel brought onto the Proposed Action team receive the mandatory training before starting work.

**MM Bio-2: General Measures to Avoid and Minimize Effects on Sensitive Biological Resources:** General restrictions and guidelines that will be followed by personnel are listed below. The contractor and Authority-provided

biological monitor will be responsible for ensuring that crew members adhere to these measures.

- Qualified biologists (USFWS-approved for giant garter snake and California red-legged frog, see below) will monitor all terrestrial activities. Any observations of federally listed species will be reported to Reclamation and USFWS within 24 hours.
- Personnel driving vehicles will observe the posted speed limit on paved roads and a 15 mile-per-hour speed limit on unpaved roads during travel in the Proposed Action area.
- All project personnel will have stop work authority if a potentially listed species is observed within an active work area.
- All food-related trash will be disposed of in closed containers and removed from the work area daily during the work period. Personnel will not feed or otherwise attract fish or wildlife to the work site.
- No pets or firearms will be allowed in the Proposed Action area.
- Personnel conducting aquatic surveys for amphibians will follow USFWS-approved decontamination protocols prior to any staff entering a wetland or stream (USFWS, 2005a).
- All Proposed Action-related equipment will be maintained to prevent leaks of fuels, lubricants, or other fluids. Daily equipment inspections will include inspections for leaks.
- Temporary signs, staking, or flagging will be used to identify sensitive biological resources and project personnel will be advised to avoid disturbance of these areas. These areas will be identified during pre-activity surveys. Signs, staking, and flagging will be inspected by the qualified or approved biologist on a daily basis.
- Any worker who inadvertently injures or kills a special-status species or finds one dead, injured, or entrapped will immediately report the incident to the Authority-provided biological monitor, who will immediately report the incident to Reclamation. Reclamation will provide oral notification to the USFWS Sacramento Endangered Species Office within 1 working day. Reclamation will follow up with written notification to USFWS within 5 working days.
- Vehicles and equipment left onsite overnight will be thoroughly inspected each day for wildlife (both underneath the vehicle and in open cabs) before they are moved. To prevent possible resource

damage from hazardous materials such as motor oil or gasoline, personnel will not service or refuel vehicles, equipment, or motorized tools within 300 feet of any aquatic habitat.

- Work will be restricted to open areas in riparian habitat and other sensitive natural communities, including woodlands. All work will remain outside of the tree canopy. Additionally, the upper 12 inches of topsoil will be restored at drilled work area within these habitats.

**MM Bio- 3: Waters of the U.S./State:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on wetlands and waters subject to federal and State jurisdiction:

- At least 48 hours prior to any ground-disturbing activities, a qualified biologist will ground truth the land cover mapping within proposed investigation areas and staging areas, including areas within 250 feet where accessible (i.e., where access has been granted by the property owner), to confirm the presence and absence of wetlands and waters. All wetlands and waters not previously identified will be mapped in the field using a global positioning system (GPS) with submeter accuracy and will be used to update the land cover mapping.
- To the extent practicable, investigations will not take place in or within 250 feet of wetlands and waters (i.e., ponds, streams, reservoirs), except for the investigation sites within Funks Reservoir and the potential regulated water and for activities identified in the Proposed Action description that are near or adjacent to canals and ditches in the agricultural areas.
- If work needs to occur within 250 feet of wetlands and waters that are not also restricted by environmental commitments for special-status wildlife species (see MM Bio-4, 5, and 6), the following measures will be implemented:
  - Prevent transport of sediment from work area;
  - Reduce runoff velocity on exposed slopes; and reduce offsite sediment tracking;
  - Cover and berm loose stockpiled materials;
  - Store chemicals in watertight containers; and
  - Minimize exposure of work materials to stormwater.

- Designate refueling and equipment inspection/maintenance locations at least 300 feet from aquatic habitats. A spill prevention plan will be implemented. A biological monitor will be onsite during all work within 250 feet of waters and wetlands. In coordination with the Authority provided biological monitor, disturbed areas will be returned to their original condition, which may include the following: Restoring original topography to the degree possible; Placement of erosion control BMPs (e.g., wattles, soil binders, straw mulch, geotextiles) may be used to help stabilize work areas once work is complete; and Hydroseeding with noninvasive plant seed.

**MM Bio-4: Valley Elderberry Longhorn Beetle:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on valley elderberry longhorn beetle throughout the Proposed Action Area.

- Pre-activity surveys for elderberry shrubs will be conducted in and adjacent to potential work areas by a qualified biologist familiar with the appearance of valley elderberry longhorn beetle exit holes in elderberry shrubs. Pre-activity surveys will be conducted in accordance with the USFWS's 2017 Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). Any elderberry shrubs in the Proposed Action Area will be mapped. Those shrubs that are within 300 feet of Proposed Action activities will be identified with flagging and protected with high visibility fencing (at the edge of the work area) and signs indicating the potential for beetle presence and excluding any Proposed Action activity within 165 feet of the plants.
- A qualified biologist will be responsible for ensuring the buffer area fences are maintained throughout Proposed Action implementation.
- Gravel roadways, staging areas, and other applicable areas will be sprayed with water as needed to minimize dust moving onto elderberry shrubs.

**MM Bio-5: Vernal Pool Branchiopods:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on federally listed vernal pool branchiopods.

- Prior to any ground-disturbing activities, a qualified biologist will ground truth the land cover mapping that was done for the Proposed Action Biological Assessment within the above identified investigation areas and staging areas, including areas within 250 feet, to confirm the presence or absence of habitat suitable for vernal pool branchiopods. All suitable

branchiopod habitat will be mapped in the field using a GPS with submeter accuracy and will be used to update the land cover mapping. Updated maps with exclusion buffers for listed species will be provided to all Proposed Action personnel.

- Vehicles and equipment will not travel in identified branchiopod habitat.
- Investigations will fully avoid effects on vernal pool branchiopods and their habitat. Full avoidance requires a minimum 250-foot no-disturbance buffer around all suitable habitat potentially supporting vernal pool branchiopods or drainage features feeding or draining these areas. The buffers will be identified with flagging or high-visibility fencing as well as signs identifying it as off limits and protected habitat.
- Geophysical activities will not take place within 250 feet of suitable vernal pool branchiopod habitat. All geophysical lines will avoid going through pools that represent potential suitable habitat for these species.
- The Authority-provided qualified biologist will ensure that the contractor complies with these avoidance buffers.

#### **MM Bio-6: Giant Garter Snake:**

No work would occur within aquatic habitat for giant garter snake. However, the following measures will be implemented to avoid, minimize, and mitigate impacts on the giant garter snake and its upland habitat.

- Prior to any ground-disturbing activities, a qualified biologist will ground truth the land cover mapping that was done for the Proposed Action Biological Assessment within the above identified investigation areas and staging areas, to confirm the presence or absence of habitat suitable for giant garter snake. All suitable habitat will be mapped in the field using a GPS with submeter accuracy and will be used to update the land cover mapping. Updated maps with exclusion buffers for listed species will be provided to all Proposed Action personnel. Geotechnical activities will not be conducted in giant garter snake upland habitat during the active giant garter snake season (April through October) to the maximum extent practicable.
- No less than 30 days prior to Proposed Action implementation, Reclamation will submit a request for approval of biologists to conduct monitoring and other activities (see below) associated with the giant garter snake in the areas identified above.

- A USFWS-approved biologist will survey work areas within 200 feet of giant garter snake aquatic habitat for snakes no more than 24 hours prior to the start of activities.
- Movement of heavy equipment will be confined to existing paved and dirt roads and will avoid suitable upland giant garter snake habitat.
- A USFWS-approved biologist will be present during all investigation activities taking place within 200 feet of suitable aquatic habitat. The biologist will visually check for giant garter snake under vehicles and equipment prior to contractors moving them. The biologist will ensure that the contractor caps all materials onsite (e.g., conduits, pipe), precluding wildlife from becoming entrapped. The biologist will check any crevices or cavities in the work area where individuals may be present including stockpiles that have been left for more than 24 hours where cracks/crevices may have formed.
- If a giant garter snake is observed by the biologist within the work area, all work will cease until the snake has moved out of the work area on its own. If a giant garter snake does not move out of the work area on its own, the USFWS-approved biologist will have the discretion to relocate the snake to the nearest suitable habitat where it will not be exposed to Proposed Action activities that may result in take. The relocation will be immediate and will be recorded and reported to the USFWS within one business day.
- All Proposed Action activities adjacent to suitable giant garter snake aquatic habitat will be conducted within paved roads, farm roads, road shoulders, and similarly disturbed and compacted areas without small mammal burrows or other suitable refugia that could be used by giant garter snake. A USFWS-approved biologist will assess the locations of proposed bore holes in order to avoid small mammal burrows. The biologist will ensure that the work area along the geophysical line remains clear of snakes and other wildlife during testing. The USFWS-approved biologist will immediately notify the operator to shut down testing if a snake is seen moving into the work area. Testing will resume once the snake has moved out of the work area on its own.
- No Electrical Resistance Survey work will be conducted within 200 feet of giant garter snake aquatic habitat to avoid exposing giant garter snakes to electrical current if they are occupying or passing through uplands.

**MM Bio-7: California red-legged frog:**

No work would occur within suitable California red legged frog aquatic habitat. If work needs to be conducted within suitable California red-legged frog upland habitat or dispersal habitat (areas within 1 mile of aquatic breeding

habitat during the rainy season, generally October 15 to March 31), the following measures will be implemented to avoid, minimize, and mitigate impacts under the guidance of a USFWS-approved biologist.

- Prior to any ground-disturbing activities, a qualified biologist will ground truth the land cover mapping that was done for the Proposed Action Biological Assessment within the above identified investigation areas and staging areas to confirm the presence or absence of habitat suitable for California red-legged frog. All suitable habitat will be mapped in the field using a GPS with submeter accuracy and will be used to update the land cover mapping. Updated maps with exclusion buffers for listed species will be provided to all Proposed Action personnel.
- A qualified biologist will be present during all investigation activities in California red-legged frog upland habitat and dispersal habitat (if work occurs during rainy season, generally October 15 to March 31 when frogs are dispersing) to implement avoidance and minimize measures for the California red-legged frog. The biologist will survey work areas for frogs and for rodent burrows in potential upland habitat before equipment is moved in and work begins. Areas with higher potential for California red-legged frog, such as areas with a high density of burrows, will be flagged for avoidance. The biologist will work with the geotechnical crew and geologists to align work such that the minimum number of burrows is affected.
- The qualified biologist will inspect all equipment left in a work area overnight to ensure that no frogs are present before work begins. Any California red-legged frogs found within a work area will be avoided and allowed to disperse on their own accord.
- The qualified biologist will ensure that the work area along the geophysical lines remains clear of frogs and other wildlife during the ERI. The biological monitor will immediately notify the operator to shut down the ERI equipment if a frog, or other special-status wildlife species, is seen moving into the work area. Testing will resume once the frog has moved out of the work area on its own.
- No work will occur in the aforementioned work areas during or 24 hours following a rain event. Following a rain event, no work will proceed until a qualified biologist has inspected the work areas and verified that there are no California red-legged frogs present. A rain event is to be considered precipitation of at least one-quarter inch within a 24-hour period.
- Activities within suitable upland/dispersal habitat will occur during daylight hours (from 30 minutes before sunrise to 30 minutes after sunset). Except when necessary for driver or pedestrian safety, artificial lighting at a

worksite will be prohibited during the hours of darkness when working in suitable California red-legged frog upland/dispersal habitat.

- If work in suitable California-red legged frog dispersal habitat occurs during the rainy season, generally October 15 to March 31, and lasts for more than 1 day, exclusion fencing will be installed around the work area. Fencing will remain within the Proposed Action Area at any location and allow enough room for the movement of equipment and personnel. The fencing will be installed to a depth of 6 inches and be at least 36 inches above grade. The contractor will avoid placing fencing on top of ground squirrel burrows. A qualified biologist will inspect the fencing daily for the presence of California-red legged frogs.

#### **MM Bio-8: Foothill Yellow-legged Frog:**

All investigations will be sited outside of foothill yellow-legged frog habitat (i.e., intermittent or perennial streams with moderate gradient and rocky substrates). If work occurs within 300 feet of suitable aquatic habitat, a CDFW-approved biological monitor will conduct a pre-activity survey immediately prior to work crews entering the work area and will remain onsite for the duration of the activities within 300 feet of suitable aquatic habitat. If a frog is observed in a work area, it will be allowed to move out of the work area on its own. Any observed foothill yellow-legged frogs will be reported to CDFW within 24 hours.

#### **MM Bio-9: Migratory Birds:**

The following measures will be implemented to avoid and minimize impacts on nesting migratory birds, including special-status birds, during investigations:

- A qualified wildlife biologist with experience with nesting birds will conduct nesting surveys before the start of investigation activities during the breeding season (February 1-August 31). A minimum of two separate surveys will be conducted within 14 days prior to the initiation of work, with the last survey within 24 hours prior to work beginning in a given work area. Surveys will include a search of all suitable nesting habitat in the work area. In addition, a 500-foot radius around the work areas, where accessible, will be surveyed for nesting raptors, and an area within 50 feet of the work area will be surveyed for other nesting birds protected by the Migratory Bird Treaty Act. If no active nests are detected during these surveys, no additional measures are required.
- If active nests are found in the survey area, no-disturbance buffers will be established around the nest sites to avoid disturbance or destruction of the nest site until the end of the breeding season (approximately August 31)



or until a qualified wildlife biologist determines that the young have fledged and moved out of the Proposed Action Area (this date varies by species). A qualified wildlife biologist will monitor activities in the vicinity of the nests to ensure that activities do not affect nest success. The extent of the buffers will be determined by the biologists in consultation with CDFW and will depend on the level of noise or disturbance, line-of-sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. Suitable buffer distances may vary between species.

**MM Bio-10: Bald and Golden Eagles:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on bald and golden eagles during investigations:

- All investigations (surface and subsurface) will be avoided within 0.5 mile of potential bald eagle nests; and 1 mile of golden eagle nests during the nesting season (January to August 31).
- Work within the 0.5- and 1-mile buffers will only occur if the Proposed Action receives an eagle take permit from USFWS. Once the permit is received, the Proposed Action will implement conditions of the permit that are applicable to investigations, including mitigation. Conditions may include participation in an in-lieu fee program for take of eagles or utility line relocation and retrofit.

**MM Bio-11: Swainson's Hawk:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on Swainson's hawk during investigations:

- Pre-activity surveys will be conducted by a biologist with experience with Swainson's hawk in order to identify the presence of potential Swainson's hawk nest trees on and within 0.25 mile of work and staging areas. Surveys will be consistent with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000), or as the methodology is modified based on Proposed Action timing. Survey results will be provided to CDFW by phone or e-mail no less than 5 days prior to commencement of activities, and in a written report within 30 days after commencement of activities. The report will include the location of any known nest trees (occupied within one or more of the last 5 years) present within 0.25 mile of the work footprint.
- Investigations will fully avoid Swainson's hawk nests. Investigations will not be conducted within 650 feet of an occupied Swainson's hawk nest. A

nest is considered occupied from the time the nest is being constructed until the young leave the nest, or until the nesting attempt fails and the nest is abandoned.

### **MM Bio-12: Western Burrowing Owl:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on western burrowing owl during investigations. These measures incorporate survey, avoidance, and minimization guidelines adapted from CDFW's Staff Report on Burrowing Owl Mitigation (CDFG, 2012).

- Pre-activity surveys will be conducted with one occurring 14 days prior to all activities, including staging, and another within 24 hours of these activities within and adjacent to areas of suitable habitat. A qualified biologist will survey the Proposed Action Area and record and map all burrowing owl observations and burrows that may be occupied (as indicated by tracks, feathers, eggshell fragments, pellets, prey remains, cast pellets, whitewash, or decoration) on the Proposed Action Area. The surveys will be conducted while walking transects throughout the proposed investigations areas, plus all accessible areas within a 250-foot radius of the proposed investigation areas. Surveys will be conducted between 10:00 a.m. and 2 hours before sunset.
- Burrowing owls will be avoided by relocating work areas. If an active burrow is identified near a work area and work cannot be conducted outside of the nesting season (February 1 to August 31), a qualified biologist will establish a no-activity buffer that extends a minimum of 250 feet around the burrow. If burrowing owls are present at the site during the nonbreeding season (September 1 through January 31), a qualified biologist will establish a no-activity zone that extends a minimum of 150 feet around the burrow.
- If the appropriate no-activity buffer for breeding or nonbreeding burrowing owls cannot be established, a wildlife biologist experienced in burrowing owl behavior will evaluate site-specific conditions and recommend a smaller buffer that still minimizes the potential to disturb the owls (and still allows reproductive success during the breeding season). The site-specific buffer will be established by taking into consideration the type and extent of the proposed activity occurring near the occupied burrow, the duration and timing of the activity, the sensitivity and habituation of the owls to existing conditions, and the dissimilarity of the proposed activity to background activities. A biological monitor will be present during all activities occurring within any reduced buffers. If during the breeding season there is any change in owl nesting and foraging behavior as a result of activities, the biological monitor will work with personnel and

Authority to provide additional protections to reduce disturbance, such as adding visual and sound curtains.

- If monitoring indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in used by owls, the no-activity buffer may be removed.

**MM Bio-13: Tricolored Blackbird:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on tricolored blackbird during investigations:

- Prior to initiation of investigations within 1,300 feet of suitable nesting habitat, a biologist with experience surveying for and observing tricolored blackbird will conduct pre-activity surveys to establish use of nesting habitat by tricolored blackbird colonies. Surveys will be conducted, where access allows, during the nesting season (generally March 15 to July 31). Three surveys will be conducted within 15 days prior to activities with one of the surveys within 5 days prior to the start of activities. If active tricolored blackbird nesting colonies are identified, the following avoidance measure will be implemented:
- Investigations will fully avoid tricolored blackbird nesting and roosting habitat.
- To the extent practicable, investigations will not occur within 1,300 feet of an active tricolored blackbird nesting colony (generally March 15 through July 31). Where a buffer distance of 1,300 feet is not practicable, CDFW will be consulted to develop a smaller buffer. The buffer may be reduced in areas with dense trees, buildings, or other habitat features between the activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance as determined by the biological monitor that is experienced with tricolored blackbird. If tricolored blackbirds colonize habitat adjacent to work areas after activities have been initiated, the contractor will reduce disturbance through establishment of buffers and/or sound curtains, as determined by the biological monitor.
- Investigations will avoid activities within at least 300 feet from occupied active tricolored blackbird roosting habitat. This minimum buffer may be reduced in areas with dense trees, buildings, or other habitat features between the work activities and the roost, or where there is sufficient topographic relief to protect the roosting site from excessive noise or visual disturbance, or where sound curtains are used, as determined by the biological monitor that is experienced with tricolored blackbird.

**MM Bio-14: Bank Swallow:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on bank swallow during investigations:

- Prior to beginning investigations within 500 feet of the Sacramento River during the bank swallow nesting season (April 1 through August 31), a pre-activity survey for bank swallow colonies will be conducted where bank swallow habitat is present within 500 feet of work areas. If no active nesting colonies are present, no further measures are required.
- If an active colony is found and work must occur during the nesting season (April 1 through August 31), the Authority will establish a no disturbance buffer (determined by the Authority in consultation with CDFW) around the colony during the breeding season. In addition, a qualified biologist will monitor any active colony within 500 feet of work areas to ensure that activities do not affect nest success.

**MM Bio-15: American Badger:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on American badger during investigations:

- A qualified biologist will survey for American badger in work areas, concurrent with the pre-activity survey for burrowing owl. If an active den is located, no investigations will occur within 50 feet of an active American badger den.
- A biological monitor will be present during all work within 50 to 100 feet of an active American badger den. The monitor will ensure that activities do not affect the den or substantially disrupt the badger's ability to move freely in and out its den.

**MM Bio-16: Special Status Plant Species:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on special-status plant species during investigations:

- Pre-activity surveys will be conducted for special-status plant species in all investigation and equipment staging areas, as well as areas within 250 feet of investigation and equipment staging areas. The purpose of these surveys will be to verify that the locations of special-status plants identified in previous record searches or surveys are extant, identify any new special-status plant occurrences, and cover any portions of the Proposed Action Area not previously surveyed. During pre-activity surveys, the biologist would also identify any host plants suitable for special-status

pollinators (e.g., milkweed, dusty maidens, lupines, medics, phacelias, sages, clarkias, poppies, and wild buck wheats).

- All surveys will be conducted by qualified biologists using the using Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018). To the extent feasible, surveys will be conducted during the blooming season, when special-status plant species would be most evident and identifiable. Locations of special- status plants in the Proposed Action Area will be recorded using a GPS unit and flagged.
- Where surveys determine that a special-status plant species is present in or adjacent to a proposed investigation area, direct and indirect impacts of the Proposed Action on the species will be avoided through the establishment of 250-foot activity exclusion zones surrounding the periphery of occurrences, within which no ground disturbing activities shall take place. Activity exclusion zones for special-status plant species will be established according to a 250-foot buffer surrounding the periphery of each special-status plant species occurrence, the boundaries of which will be clearly marked with standard orange plastic construction exclusion fencing or its equivalent. The establishment of activity exclusion zones will not be required if no activity-related disturbances will occur within 250 feet of the occurrence. The 250-foot buffer may be reduced based on the nature of the activities, the presence of a biological monitor, and/or other site-specific conditions that would allow work to occur closer.

#### **MM Bio-17: Special Status Bat Species:**

The following measures will be implemented to avoid, minimize, and mitigate impacts on special-status bat species during investigations:

- Pre-activity surveys will be conducted for special-status bat species in all work areas, including staging areas. The biologist shall look for bats and bat sign, including existing roost sites and bat guano deposits, and will listen for roosting bats. If potential roost sites are identified, a project-specific avoidance and minimization plan shall be prepared by a qualified biologist to be reviewed and approved by CDFW prior to the start of Proposed Action investigations.
- If vegetation trimming is needed, the biologist will examine the trees to be trimmed to identify suitable bat roosting habitat. Trimming of trees with potentially suitable bat roosting habitat will be avoided during the maternity season (generally between April 1 and July 31) and the hibernation season (generally from November 1 to March 1).

- If a maternity roost is found, the roost will be protected until July 31 or until the qualified biologist has determined the maternity roost is no longer active. Appropriate no-work buffers around the roost will be established under direction of the qualified biologist. Buffer distances may vary depending on the species and activities being conducted. The establishment of buffers will be coordinated with CDFW through the preparation of the previously referenced project-specific avoidance and minimization plan.

#### **D. Determination**

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)

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## Attachment D – Reports and Notification Requirements

### I. 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; please retain for your records. If you need to obtain a copy of the Cover Sheet, you may download a copy of this Order as follows:

- A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)  
([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wqcerts/](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/))
- B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

### II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley 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.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
- Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Sara.Gevorgyan@waterboards.ca.gov](mailto:Sara.Gevorgyan@waterboards.ca.gov).
  - Include in the subject line of the email:  
ATTN: Sara Gevorgyan; Project Name; and WDID No. 5A06CR00075



### III. Definition of Reporting Terms

#### A. 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.

#### B. Request for Notice of Completion of Discharges Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period.

#### C. Request for Notice of Project Complete Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

#### D. 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 Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

#### E. Effective Date:

28 October 2022

### IV. Map/Photo Documentation Information

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

#### A. 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 (NAD83) 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.

**B. 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.

## V. Report and Notification Cover Sheet

**Project:** Sites Reservoir 2022-2024 Geotechnical Investigations Project  
**Permittee:** Sites Project Authority  
**WDID:** 5A06CR00075  
**Reg. Meas. ID:** 448328  
**Place ID:** 881962  
**Order Effective Date:** 28 October 2022  
**Order Expiration Date:** 27 October 2027

## VI. Report Type Submitted

### A. Part A – Project Reporting

Report Type 1  Monthly Report  
Report Type 2  Annual Report

### B. Part B – Project Status Notifications

Report Type 3  Commencement of Construction  
Report Type 4  Request for Notice of Completion of Discharges Letter  
Report Type 5  Request for Notice of Project Complete Letter

### C. Part C – Conditional Notifications and Reports

Report Type 6  Accidental Discharge of Hazardous Material Report  
Report Type 7  Violation of Compliance with Water Quality Standards Report  
Report Type 8  In-Water Work/Diversions Water Quality Monitoring Report  
Report Type 9  Modifications to Project Report  
Report Type 10  Transfer of Property Ownership Report  
Report Type 11  Transfer of Long-Term BMP Maintenance Report

“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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<b>Print Name<sup>1</sup></b>	<b>Affiliation and Job Title</b>
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<b>Signature</b>	<b>Date</b>
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**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

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

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<b>Permittee's Signature</b>	<b>Date</b>
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<b>*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.</b>
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## **A. Part A – Project Reporting**

### **1. Report Type 1 - Monthly Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

#### **c. Report Contents -**

##### **i. Construction Summary**

Describe 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). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.

##### **ii. Event Summary**

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

##### **iii. Photo Summary**

Provide photos of Project activities. For each photo, include a unique site 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.

##### **iv. Compliance Summary**

- List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
- List associated monitoring reports for the reporting period.
- Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
- Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

## 2. Report Type 2 - Annual Report

- a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of December. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. **Report Contents** - 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.

### During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

### During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

- i. Annual Report Topic 1 - Construction Summary

**When to Submit** - With the annual report during the Active Discharge Period.

**Report Contents** - 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.

1) Map showing general Project progress.

2) If applicable:

a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).

b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

- ii. 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 -**

- 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.
- 2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
- iii. 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 - \*If not applicable report N/A.**

**1) Part A. Permittee Responsible**

- a) Planned date of initiation of compensatory mitigation site installation.
- b) If installation is in progress, a map of what has been completed to date.
- c) 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.

**2) Part B. Mitigation Bank or In-Lieu Fee**

- a) Status or proof of purchase of credit types and quantities.
- b) Include the name of bank/ILF Program and contact information.
- c) If ILF, location of project and type if known.

**B. Part B – Project Status Notifications**

**1. Report Type 3 - Commencement of Construction**

- a. **Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. **Report Contents** -
  - i. Date of commencement of construction.
  - ii. Anticipated date when discharges to waters of the state will occur.
  - iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

## **2. Report Type 4 - Request for Notice of Completion of Discharges Letter**

- a. Report Purpose** - Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
- c. Report Contents** -
  - i. Status of storm water Notice of Termination(s), if applicable.
  - ii. Status of post-construction storm water BMP installation.
  - iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.
  - iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.
  - v. 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.

## **3. Report Type 5 - Request for Notice of Project Complete Letter**

- a. Report Purpose** - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
- c. Report Contents** -
  - i. Part A: Mitigation for Temporary Impacts
    - 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.



- ii. Part B: Permittee Responsible Compensatory Mitigation
  - 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).
- iii. Part C: Post-Construction Storm Water BMPs
  - 1) Date of storm water Notice of Termination(s), if applicable.
  - 2) Report status and functionality of all post-construction BMPs.
  - 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

**C. Part C – Conditional Notifications and Reports**

**1. Report Type 6 - Accidental Discharge of Hazardous Material Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. **When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
- c. **Report Contents** -
  - i. 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.
  - ii. 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.
  - iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

**2. Report Type 7 - Violation of Compliance with Water Quality Standards Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

- b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
- c. **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; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

### 3. **Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
- b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
- c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

### 4. **Report Type 9 - Modifications to Project Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, 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.
- b. **When to Submit** - 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.
- c. **Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

### 5. **Report Type 10 - Transfer of Property Ownership Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

**b. When to Submit** - At least 10 working days prior to the transfer of ownership.

**c. Report Contents** -

- i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
  - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
  - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
- ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

## **6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report**

**a. Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

**b. When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.

**c. Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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### **Attachment E – Signatory Requirements**

All documents submitted in compliance with this Order shall meet the following signatory requirements:

- A.** All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - 1.** For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - 2.** For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - 3.** For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
  
- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
  - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
  
- C.** 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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## **Attachment F – Certification Deviation Procedures**

### **I. Introduction**

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. 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 Certification Deviation, as defined in Section XIV.L of the Order, may be requested by the Permittee as set forth below:

### **II. Process Steps**

#### **A. Who may apply:**

The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

#### **B. How to apply:**

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

#### **C. Certification Deviation Request:**

The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification 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;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification 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 Central Valley Water Board staff to determine whether the Project change or modification necessitates additional

environmental review. (California Code of Regulations, Title 14, sections 15061, 15162-15164.)

**D. Post-Discharge Certification Deviation Reporting:**

1. Within 30 calendar days of completing the approved Certification 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. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

**E. 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 Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s);
  - b. Date(s) of Certification Deviation approval;
  - c. Location(s) of authorized activities;
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order;
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies);
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards; and
  - g. Mitigation to be provided (approved mitigation ratio and amount).



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**Attachment G - Compliance with Code of Federal Regulations,  
Title 40, Section 121.7, Subdivision (d)**

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7

**I. General Justification for Section XIV Conditions**

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Central Valley Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality controls boards for projects within the executive officer’s region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

## **II. Specific Justification for Section XIV Conditions**

### **A. Authorization**

Authorization under the Order is granted based on the application submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

### **B. Reporting and Notification Requirements**

#### **1. Project Reporting**

#### **2. Project Status Notifications**

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

### **3. Conditional Notifications and Reports**

#### **a. Accidental Discharges of Hazardous Materials**

Conditions under Section B.3.a related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. "Hazardous materials" is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

#### **b. Violation of Compliance with Water Quality Standards**

#### **c. In-Water work and Diversions**

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**d. Modifications to Project**

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

**e. Transfer of Property Ownership**

**f. Transfer of Long-Term BMP Maintenance**

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

**C. Water Quality Monitoring**

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the

quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

#### **D. Standard**

**1. This Order is subject to modification or revocation . . . .**

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

**2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility . . . .**

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification’s application.

**3. This Order is conditioned upon total payment of any fee . . . .**

This is a standard condition that “shall be included as conditions of all water quality certification actions” pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

#### **E. General Compliance**

**1. Failure to comply with any condition of this Order . . . .**

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

**2. Permitted actions must not cause a violation of any applicable water quality standards . . . .**

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board’s Basin Plan. The Basin Plan’s water quality

standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

**3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require . . . .**

Conditions under Section E.3 related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports . . . .**

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

**5. This Order and all of its conditions herein continue to have full force and effect . . . .**

This condition ensures continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

**6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program . . . .**

This condition ensures mitigation measures required to lessen the significance of impacts to water quality identified pursuant to California Environmental Quality Act review are implemented and enforceable. Pursuant to California Code of Regulations, title 14, section 15097, subdivision (a), a public agency shall adopt a program for monitoring and reporting on mitigation measures imposed to mitigate or avoid significant environmental effects to ensure implementation.

**7. Construction General Permit Requirement**

Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)



**F. Administrative**

**1. Signatory requirements for all document submittals . . . .**

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

**2. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species . . . .**

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et seq.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of “any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included.”

**3. The Permittee shall grant Central Valley Water Board staff . . . .**

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board’s authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that “the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with.” Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors . . . .**

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees’ agents are unaware of applicable requirements. These

conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

**5. A copy of this Order must be available at the Project site(s) during construction . . .**

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

**G. Construction**

**1. Dewatering**

Conditions related to dewatering and diversions ensure protection of beneficial uses during construction activities. Work in waters of the state and temporary diversions must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality consistent with the Basin Plan and Antidegradation Policy. Further and consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. Finally, dewatering activities may require a Clean Water Act section 402 permit or separate Waste Discharge Requirements under Water Code section 13263 for dewatering activities that result in discharges to land.

Conditions related to water rights permits are required pursuant to California Code of Regs, title 23, section 3856(e), which requires complete copies of any final and signed federal, state, or local licenses, permits, and agreements (or copies of drafts if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity.

Conditions related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging,

or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**2. Directional Drilling – Not Applicable**

**3. Dredging – Not Applicable**

**4. Fugitive Dust**

This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.) Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

**5. Good Site Management “Housekeeping”**

Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

**6. Hazardous Materials**

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan’s pH water quality objective. (Basin Plan, Section 3.1.11.)

## **7. Invasive Species and Soil Borne Pathogens**

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **8. Post-Construction Storm Water Management – Not Applicable**

## **9. Roads**

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19, 3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **10. Sediment Control**

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **11. Special Status Species**

See F.2 above.

## **12. Stabilization/Erosion Control**

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **13. Storm Water**

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

### **H. Site Specific – Not Applicable**

### **I. Total Maximum Daily Load (TMDL) – Not Applicable**

### **J. Mitigation for Temporary Impacts – Not Applicable**

### **K. Compensatory Mitigation for Permanent Impacts – Not Applicable**

### **L. Certification Deviation**

#### **1. Minor modifications of Project locations or predicted impacts . . . .**

#### **2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates . . . .**

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the

discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).