



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	26 June 2024	<table border="1"><tr><td>Reg. Meas. ID:</td><td>449601</td></tr><tr><td>Place ID:</td><td>883796</td></tr><tr><td>WDID No.:</td><td>5A29CR00135</td></tr><tr><td>USACE No.:</td><td>SPK-2022-00589 NWP 3</td></tr></table>	Reg. Meas. ID:	449601	Place ID:	883796	WDID No.:	5A29CR00135	USACE No.:	SPK-2022-00589 NWP 3
Reg. Meas. ID:	449601									
Place ID:	883796									
WDID No.:	5A29CR00135									
USACE No.:	SPK-2022-00589 NWP 3									
Expiration Date:	25 June 2029									
Program Type:	Fill/Excavation									
Project Type:	Routine Channel and Flood Control Maintenance Activities by Local Agencies									
Project:	Lake Wildwood Sediment Removal Project (Project)									
Applicant:	Lake Wildwood Association									
Applicant Contact:	James North Lake Wildwood Association 11255 Cottontail Way Penn Valley, CA 95946 Phone: (530) 432-1170 Email: jimn@lwwa.org									
Applicant's Agent:	Holly Burger Stillwater Sciences 2855 Telegraph Ave Berkeley, CA 94705 Phone: (510) 848-8098 Email: burger@stillwatersci.com									
Water Board Staff:	Nicholas Savino Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4920 Email: Nicholas.Savino@waterboards.ca.gov									

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.

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

Table of Contents

I. Order 3

II. Public Notice..... 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location..... 4

VI. Project Impact and Receiving Waters Information..... 4

VII. Description of Direct Impacts to Waters of the State 5

VIII. Description of Indirect Impacts to Waters of the State..... 5

IX. Avoidance and Minimization 5

X. Compensatory Mitigation 10

XI. California Environmental Quality Act (CEQA)..... 10

XII. Petitions for Reconsideration..... 10

XIII. Fees Received..... 10

XIV. Conditions 10

XV. Water Quality Certification..... 25

Attachment A – Project MapsA-1

Attachment B – Receiving Waters, Impacts and Mitigation InformationB-1

Attachment C – CEQA Findings of Fact C-1

Attachment D – Reports and Notification Requirements D-1

Attachment E – Signatory Requirements.....E-1

Attachment F – Certification Deviation Procedures F-1

Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)..... G-1

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Lake Wildwood Association (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 3 May 2024. The application was deemed complete on 31 May 2024. Additionally, Central Valley Water Board Staff issued a Denial Without Prejudice on 9 December 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 10 May 2024 to 31 May 2024. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Lake Wildwood Sediment Removal Project is to remove sediment from various drainage inlets around Lake Wildwood and dispose of the excavated sediment on nearby rural parcels in order to maintain recreational use of the lake.

IV. Project Description

The Lake Wildwood Association (LWA) began dredging the lake approximately 40 years ago. LWA has historically performed dredging approximately every three years, removing an average of 20,000 to 50,000 cubic yards of sediment each time the lake has been dredged.

During sediment removal operations, the lake will be drawn down by approximately 10 to 12 feet, displacing roughly 3,000 acre-feet of water, by increasing water releases into lower Deer Creek from the outlet at the Anthony House Dam over a period of several weeks. Typically, the drawdown begins in September. The drawdown allows for the removal of accumulated sediment where equipment can operate in a relatively dry area outside of standing water, avoiding the release of turbid water to other parts of the lake. LWA will contract Sierra Streams Institute (SSI) to monitor salmonid activity in lower Deer Creek before, during, and after drawdowns.

Once the lakebed is exposed, sediment is usually excavated over a period of two to three weeks to avoid the start of the rainy season. While the exact duration of sediment removal operations depends on weather and the volume of accumulated sediment to be removed, sediment removal operations are timed to be completed before the onset of the first fall rains, which typically arrive by mid-November, to maintain a relatively dry excavation environment and prevent potential adverse environmental effects on other areas of the lake. A total footprint of approximately 900 square feet of drained sediment is temporarily stockpiled during excavation activities within the lakebed, below the lake's ordinary high-water mark and outside

the banks of the lake. Sediment is pushed into piles using two D6N-LGP Swamp Cats, and immediately loaded into 6-to-10-wheel dump trucks using either a 330C Cat Excavator or a Linkbelt 330LV Excavator. After material is excavated from the lakebed, it will be transported from the lake via existing private roads to an LWA owned property on Bosa Drive where the material would be deposited on 7.0 acres of a separate 68-acre parcel in an upland location. Excavated sediment will not be reused.

Following drawdowns, Lake Wildwood will be replenished by watershed runoff. Thus, sediment removal operations are often followed by a period where the lake cannot be maintained as a recreational resource. After the onset of fall rains, the lake normally refills to pre-drawdown levels by late November or early December, depending on rainfall.

Typically, sediment removal operations are undertaken every 3 to 4 years. LWA is anticipating a 15-year timeline for the project. During that time, 4 to 5 sediment removal operations totaling approximately 200,000 cubic yards of material would be conducted.

V. Project Location

Address: Lake Wildwood Drive

County: Nevada

Nearest City: Penn Valley

Sections 16, 17, 20, 21 Township 16 North, Range 7 East, MDB&M.

Latitude: 39.239559° and Longitude: -121.193886°

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, February 2019 (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/). 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 water 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

Temporary impacts will occur to Waters of the Sate when Lake Wildwood is drawn down by approximately 10 to 12 feet and sediment is excavated from the lakebed. The lake drawdown and sediment removal operations are considered temporary impacts and will not result in a loss of aquatic resources. Total Project excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	95	200,000	

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.

There is a potential for temporary changes to downstream flows in Deer Creek, a small tributary to the Yuba River, such as augmented flows and temporary increases in suspended or deposited sediment. Artificially elevated streamflow in lower Deer Creek produced by drawdown releases could attract adult Chinook salmon into lower Deer Creek, as has occurred during previous drawdowns. Lower Deer Creek contains suitable spawning habitat for Chinook salmon, and attraction into the creek alone would not constitute an adverse effect. However, a fish stranding event occurred in fall 2020 following a lake drawdown, therefore artificially elevated flows in lower Deer Creek have the potential to adversely affect Chinook salmon by contributing to pre-spawn mortality. Through the implementation of lake draw down mitigation measures, indirect impacts are expected to be avoided.

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:

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

Mitigation Measure 4B: Sediment Testing: Sediment to be removed will be tested for solid phase metals (e.g., California Administrative Manual [CAM] 17 metals and hexavalent chromium) for comparison to California Department of Toxic Substances Control (DTSC) and EPA Regional screening levels, with further testing and appropriate disposal as required for any soils exceeding the corresponding Total Threshold Limit Concentrations (TTLCs) for designation as hazardous waste. This requirement shall appear on all grading plans.

Mitigation Measure 4C: Upland Disposal: All sediment removed from Lake Wildwood would be disposed of at an acceptable upland location and not placed within, or where it can enter into, waters of the United States/waters of the State. All disposal areas must be shown on the grading plans.

Mitigation Measure 4D: Limit Equipment and Vehicles: The following note must appear on all grading plans: Heavy equipment and vehicular movement will be limited to the Project Area, existing access roads and predetermined staging areas.

Mitigation Measure 4E: Water Quality Best Management Practices: The following measures include Best Management Practices that would be implemented during and after sediment removal to minimize potential direct or indirect adverse effects to water quality and adjacent waters of the United States and must appear on all building/grading plans:

1. To prevent sediment material from entering any watercourse, a shallow canal shall be cut into the lakebed to divert water from the Deer Creek inlet away from the excavation site.
2. Access points shall be on stabilized ground to minimize the tracking of sediment onto roads. If sediment were tracked onto a roadway, the sediment would be removed by shoveling and then transporting it to the sediment disposal area.
3. The color and quality of the lake water shall be monitored daily by the release valve operator during dewatering to ensure no visibly turbid water is released from the lake. LWA would discontinue the release into Deer Creek if lake water becomes turbid due to rain or for any other reason.
4. All pollutants that occur on site during construction shall be handled and disposed of in a manner that does not cause contamination of surface water (or ground runoff).
5. Spill prevention measures (i.e., the use of drip pans) shall be implemented when equipment or machinery is staged below the high-water mark.
6. Vehicles and construction equipment shall be inspected daily for fuel and/or hydraulic fluid leaks; if a leak is identified, use of the vehicle/equipment would be discontinued until repairs are completed and the leak is stopped.
7. Maintenance and repair of equipment or machinery—or other activities that

may result in discharge or spillage of pollutants to the ground or surface water—would be conducted in upland areas using spill prevention measures.

8. Contaminated surfaces would be cleaned immediately following any discharge or spill incident.

Mitigation Measure 4F: Drawdown Approach: LWA shall obtain a California Department of Fish and Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSA) prior to the onset of the drawdown. LWA shall implement a drawdown approach that has been developed in coordination with CDFW and the terms of the LSA to avoid or minimize adverse effects on special-status salmonids, as follows:

The general progression of the drawdown shall involve a gradual ramp-up from baseflow in lower Deer Creek to peak discharge, followed by a gradual recession and return to baseflow over the course of approximately 20–25 days. The approach shall produce a peak discharge of no more than 40 cubic feet per second (cfs) which will be maintained for 24 hours. Release adjustments shall be made in stepwise fashion, so that discharge measured at the Smartsville Gage will remain stable for a period of at least 24 hours after each adjustment. Streamflow magnitudes and ramping rates incorporated into this approach will be within the range of values produced by seasonal storms in the Deer Creek watershed.

The stepwise drawdown will be initiated in September. The proposed drawdown approach would produce a maximum 5-foot drop in lake levels before October 15 and a maximum 12-foot drop in lake water levels after October 15. The flow rates at any time may be adjusted based on feedback from the adaptive monitoring system, provided rates remain within the parameters defined by the LSA.

Mitigation Measure 4G: Monitoring and Adaptive Management Program: At the onset of lake drawdown, LWA shall implement a monitoring and adaptive management program, incorporated into the CDFW Lake and Streambed Alteration Agreement, to identify potential Project-related effects on special-status salmonids in lower Deer Creek and implement appropriate corrective actions, if necessary.

LWA shall contract Sierra Streams Institute (SSI) to monitor salmonid activity in lower Deer Creek before, during, and after drawdowns. Monitoring will occur at the parcel adjacent to the anadromous reach of lower Deer Creek.

Monitoring samples shall be collected immediately prior to water release for baseline data, and 30 minutes after the arrival of initial surges of water, at each sampling location after the valve is opened. Temperature monitoring shall be done in the Yuba River above and below the confluence within Deer Creek using thermographs. Monitoring components shall include in situ measurements of water temperature, dissolved oxygen (DO), pH, turbidity, and conductivity, as well as redd counts, carcass counts, and visual assessments of potential

stranding risk.

If SSI identifies potential effects on special-status salmonids during a drawdown (i.e., increased stranding risk or exceedance of a relevant water quality threshold), LWA shall collaborate with CDFW to implement corrective actions (e.g., extending the release period to allow fish to move downstream and out of pools).

A report summarizing monitoring results would be prepared and submitted to CDFW and the Nevada County Planning Department before the end of the calendar year in which monitoring occurred. Information gathered during each drawdown shall be used to inform the drawdown approach for subsequent sediment removal operations as needed.

Mitigation Measure 4H: Worker Environmental Awareness Training: Prior to the start of construction, the applicant shall hire a Qualified Biologist who shall be responsible for providing all Worker Environmental Awareness training. All individuals employed or otherwise working on the project site shall be trained by the Qualified Biologist prior to performing any work on-site. Training shall consist of an in-person presentation from the Qualified Biologist that includes a discussion of the biology of the habitats and species identified in the IS/MND and present at the dredging and disposal sites. The Qualified Biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations and project-specific protective measures. Interpretation shall be provided for non-English speaking personnel (if present). Training for the dredging site shall include the potential for western pond turtles to be present, and measures to avoid injury. Training for the disposal site shall include all protected species and habitats, including Sierra foothills brodiaea, Humboldt lily, landmark oak groves, and nesting birds, and measures to avoid injury. Copies of documentation provided and written confirmation of the date of distribution shall be provided to the Planning Department prior to final inspection of the grading/building permit.

Mitigation Measure 4N: Avoid Spillage of Oils and Other Contaminants: The following note shall be placed on all construction plans prior to issuance of permits: "The contractor shall exercise every reasonable precaution to protect the project site from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil and washwater shall be prevented from discharging into adjacent ditches and shall instead be collected and removed from the site."

Mitigation Measure 10A: No clearing and grubbing: The following notes shall appear on all plans and drawings: No vegetation shall be removed or otherwise affected by the sediment removal. All equipment and machinery shall enter/exit at pre-established routes preventing any adverse effects to the lake bank or associated vegetation. When possible, all construction vehicles, equipment and

machinery shall enter and exit along one route.

Mitigation Measure 10B: Grading and sediment removal guidelines: The following notes shall appear on all plans and drawings: Grading and sediment removal shall adhere to the following guidelines:

1. Heavy equipment and vehicular movement shall be limited to the Project Area, existing access roads and predetermined staging areas.
2. All equipment and machinery shall enter/exit at pre-established points preventing any adverse effects to the lake bank or associated vegetation. When possible, all construction vehicles, equipment and machinery shall enter and exit along one route.
3. Access points shall be on stabilized ground with a stabilized construction entrance/exit to minimize the tracking of sediment onto roads. If sediment is tracked onto a roadway, the sediment shall be removed by shoveling and then transporting it to the sediment disposal area.
4. To prevent sediment material from entering any watercourse, a shallow canal shall be cut into the lakebed to divert water from the Deer Creek inlet away from any of the grading and/or excavation areas.
5. Spill prevention and control measures shall be implemented when equipment or machinery are staged below the normal water elevation (1,200.0 feet).
6. All pollutants that occur during the grading operation shall be handled and disposed of in a manner that does not cause contamination of surface water (or ground runoff).
7. Vehicles and construction equipment shall be inspected daily for fuel and/or hydraulic fluid leaks; if a leak is identified, use of the vehicle/equipment shall be discontinued until repairs are completed and the leak is stopped.
8. Maintenance and repair of equipment or machinery—or other activities that may result in discharge or spillage of pollutants to the ground or surface water shall be conducted in upland areas using spill prevention measures as noted above.
9. Contaminated surfaces shall be cleaned immediately following any discharge or spill incident.

Mitigation Measure 10C: Cut and Fill Slope Grading: The following notes shall appear on all plans and drawings: No cut or fill slope grading shall take place proposed within the floodplain or 100-foot setback area to the floodplain.

Mitigation Measure 10D: Erosion Control during Construction: The following notes shall appear on all plans and drawings:

1. No vegetation removal is anticipated and all existing vegetation shall be preserved to the extent practicable.

2. Best Management Practices (BMPs) shall be implemented for erosion and sediment control. Typical BMPs, such as seeding, mulch, straw with tackifiers, fiber rolls silt fences and sediment traps, should be used during and after construction as needed to reduce erosion and retain sediment within the construction area. Fiber rolls or silt fencing shall be added below the leach line trenches for the sewage disposal system.
3. The contractor shall provide labor, materials, and equipment to maintain and protect any exposed soil from wind and water erosion. The contractor shall provide siltation control and management during any construction activities. All existing surface drainage facilities shall be kept free of soil and debris during construction. No trenching or grading shall take place if there is a 50% chance or greater of rain within 48 hours.

X. Compensatory Mitigation

No compensatory mitigation was required. All impacts from excavation are considered temporary and will not result in a loss of aquatic resources.

XI. California Environmental Quality Act (CEQA)

On 11 April 2024, the Nevada County Planning Commission, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2024010788) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 April 2024. 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 \$2,985.00 was received on 20 May 2024. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category B - Dredging Discharges (fee code 86) with the dredge and fill fee calculator.

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.

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** – Not Applicable

b. **Annual Reporting:** The Permittee shall submit an Annual Report each year after excavation takes place on the 31st of December. 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 lake drawdown 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 Materials²:

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](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).

² "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.)

- 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 and lake drawdowns;
- 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:

A water quality monitoring plan shall be submitted to Central Valley Water Board staff for acceptance at least 30 days in advance of lake drawdowns. Water quality monitoring shall be conducted in accordance with the approved plan.

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, at a minimum, conform to the following water quality standards as outlined in an approved water quality monitoring plan:

- 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 dissolved oxygen to be reduced below 5.0 mg/L for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.
- c. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses.
- c. 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.

Exceptions to the above limits will be considered when a dredging operation may cause an increase in turbidity. In those cases, an allowable zone of dilution within which turbidity in excess of the limits may be tolerated.

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

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter. 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.

³ 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.

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 ⁴	Observations	Visual Inspections	Continuous throughout the construction period
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
Temperature	°F (or as °C)	Grab	Every 4 hours

4. Post-Construction:

Visually inspect the Project site during the rainy season for one year following completion of excavation 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, 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

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

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 Endangered 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.
6. **Lake or Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary

culverts/pipes or pumped around the work site with the use of hoses.

- d. If water is present, the area must be dewatered prior to start of work.
- e. Dewatering will occur within the Project area.
- f. 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.
- g. 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

Dredging operations will be conducted between September and December each dredging season, or as authorized by the California Department of Fish and Wildlife. Dredging will occur after lake drawdowns, when no water is present within the work area. If water is present during dredging activities, the Permittee shall contact Central Valley Water Board staff prior to in-water work to confirm applicable monitoring requirements.

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 habitat.

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 have the potential to occur within the project area: Western Pond turtle, Common loon, White-tailed kite, Bald eagle, Yellow warbler.

The following special status species have the potential to occur within Deer Creek: Central Valley spring-run Chinook salmon, Central Valley fall-/late fall-run Chinook salmon, Central Valley steelhead, Foothill yellow-legged frog.

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)**

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads (TMDL) is an action plan to restore clean water that has been contaminated by mercury and has experienced or has the potential to produce methylmercury within waters of the state. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine specific water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. A copy of the Sacramento-San Joaquin Delta Methylmercury TMDL is located on the Central Valley Water Board website at: [Sacramento-San Joaquin Delta Methylmercury TMDL - TMDL Projects | Central Valley Regional Water Quality Control Board \(ca.gov\)](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/) (https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/).

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 water quality. 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 water quality 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 impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Lake Wildwood Sediment Removal Project, WDID # 5A29CR00135, 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).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

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 Anne Walters 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

(This page intentionally left blank)

Attachment A – Project Maps

Figure 1: Project Location

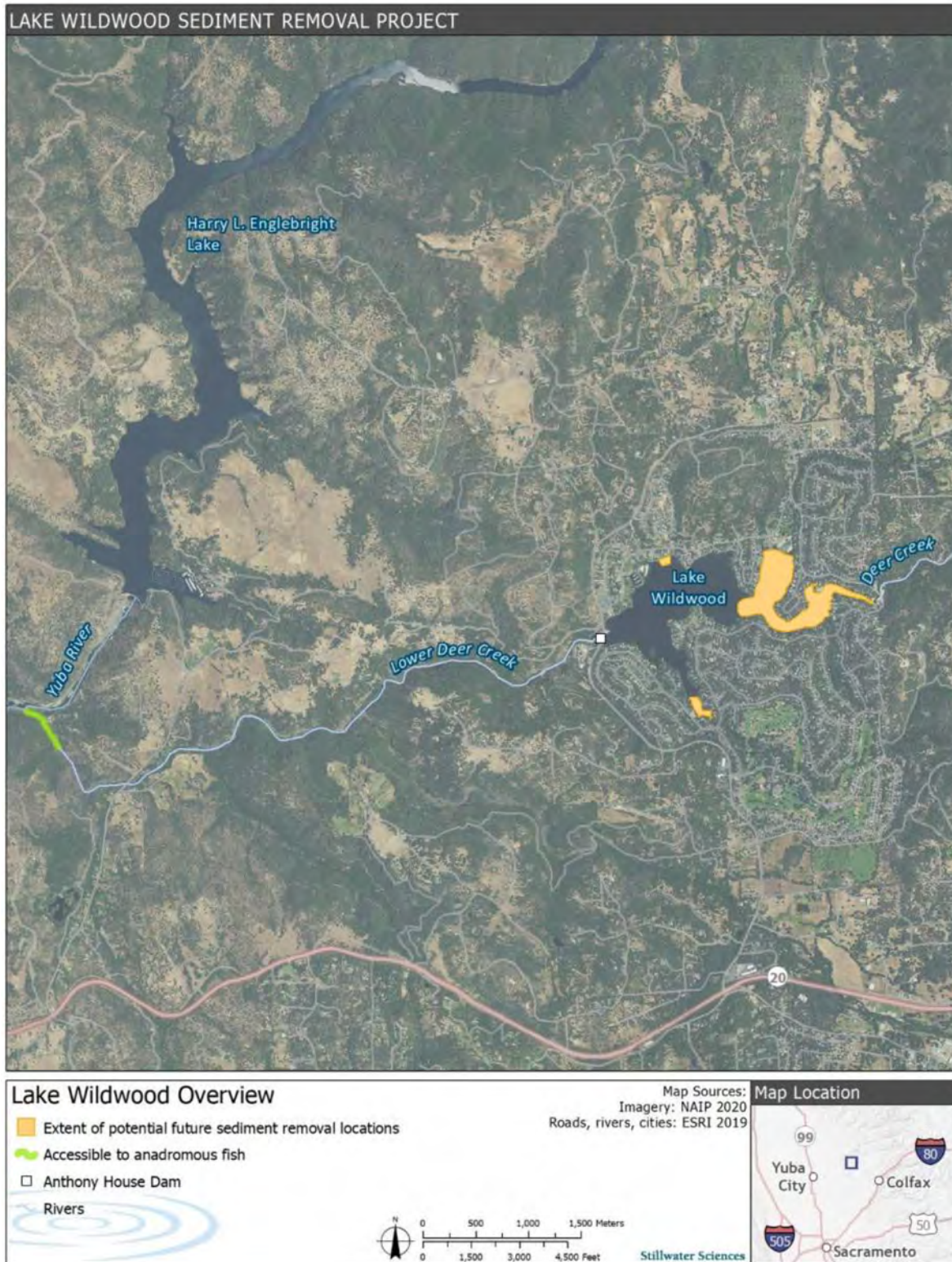


Figure 2: Lake Wildwood and Disposal Sites

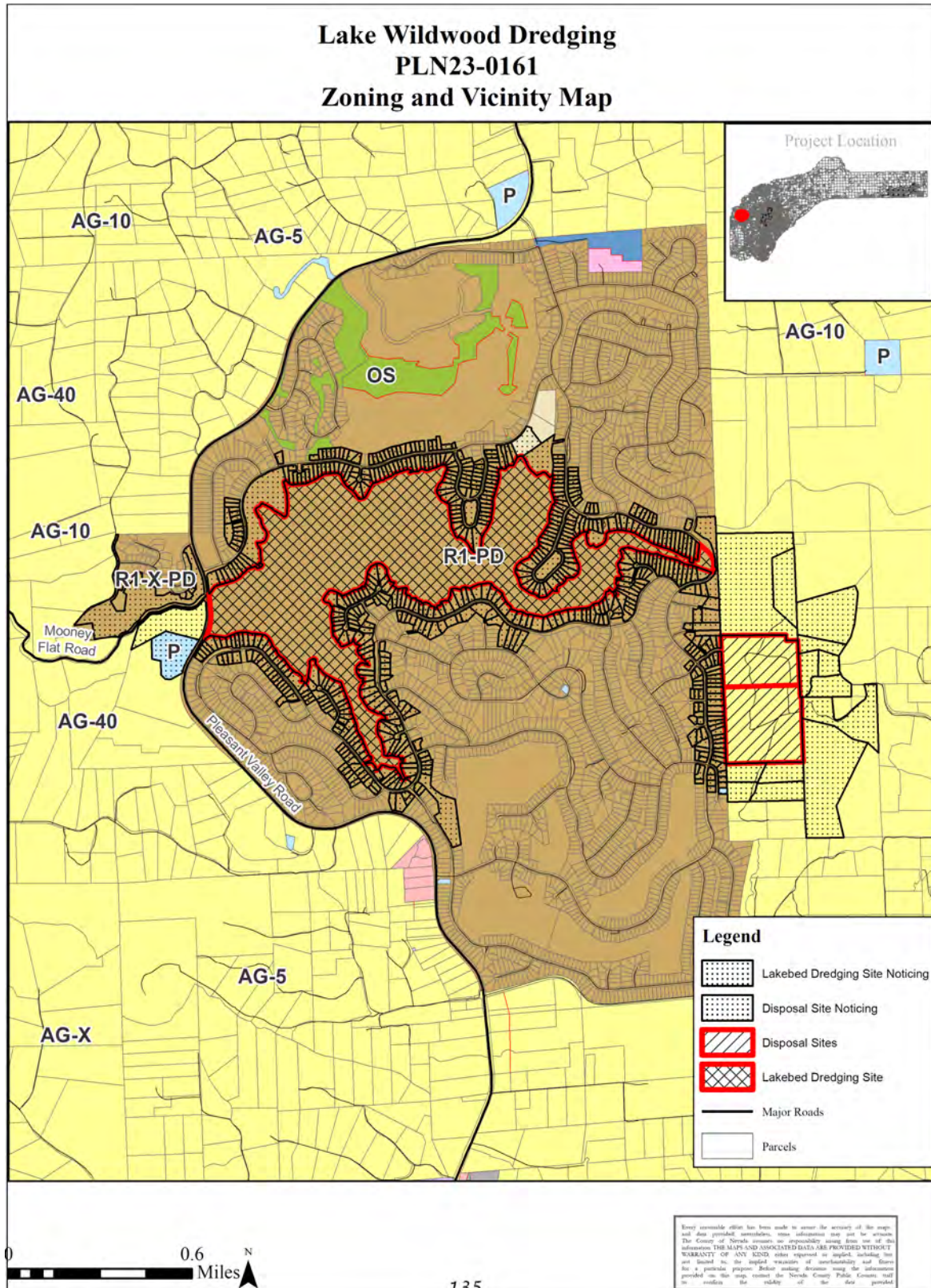
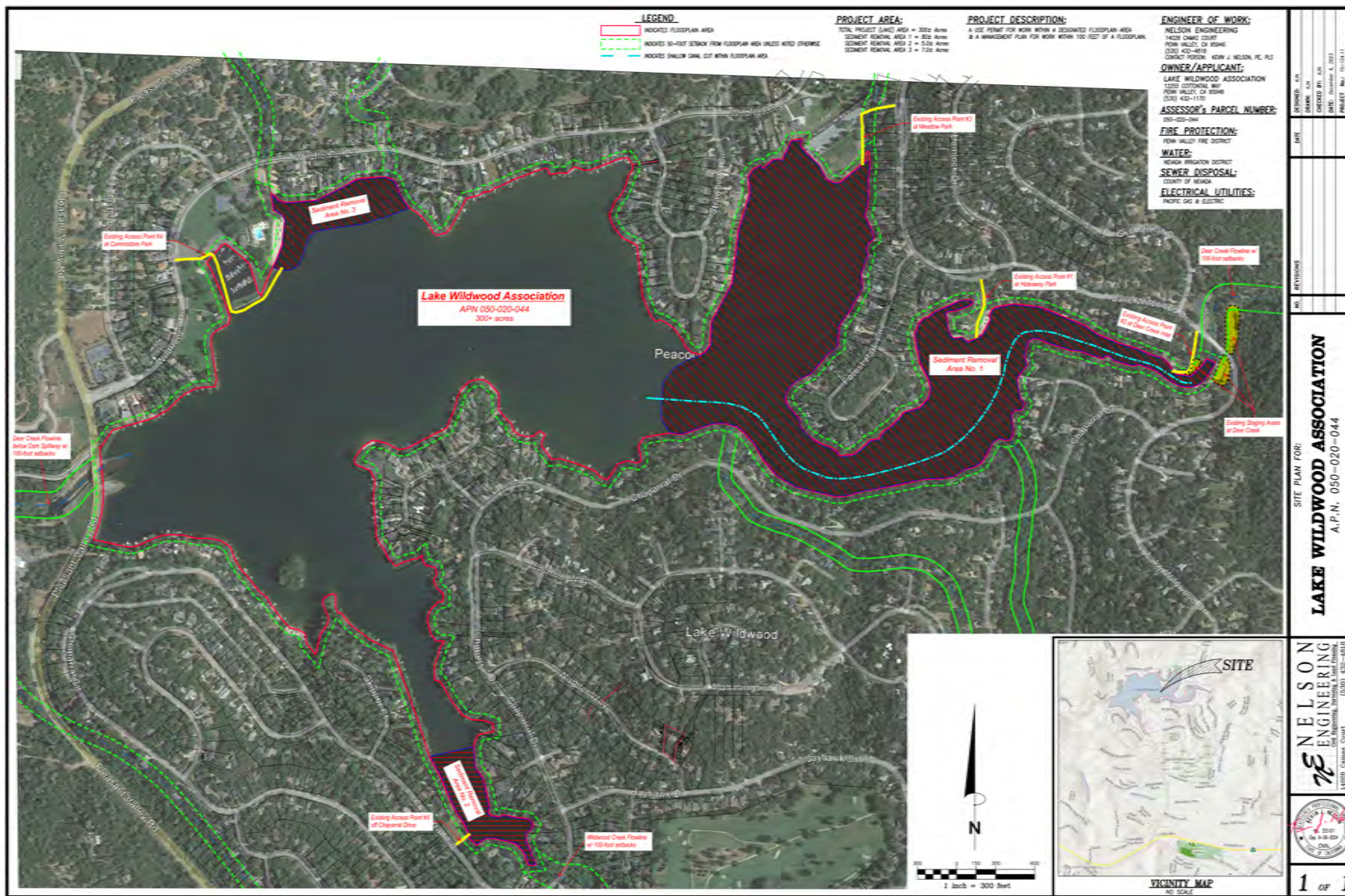


Figure 3: Project Area



(This page intentionally left blank)

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	Lake Wildwood	Lake Wildwood	Lake	517.20	Yuba River	AGR, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Copper, Mercury	

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
Lake Wildwood	39.239559°	-121.193886°	No	95	200,000	

(This page is intentionally left blank)

Attachment C – CEQA Findings of Fact

A. Environmental Review

On 11 April 2024, the Nevada County Planning Commission, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024010788) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 April 2024. 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 Nevada County Planning Commission'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 Nevada County Planning Commission 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 Nevada County Planning Commission 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: The Nevada county Planning Department, 950 Madu Avenue, Suite 170, Nevada City, CA 95959 and online at: [-Lake-Wildwood-Dredging-Project-Notice-of-Availability-and-Initial-Study-PLN23-0161-CUP23-0011-MGT23-0039-MGT23-0040-MGT24-0002-EIS23-0006](https://www.nevadacountyca.gov/DocumentCenter/View/52259/-Lake-Wildwood-Dredging-Project-Notice-of-Availability-and-Initial-Study-PLN23-0161-CUP23-0011-MGT23-0039-MGT23-0040-MGT24-0002-EIS23-0006) ([nevadacountyca.gov](https://www.nevadacountyca.gov))

(<https://www.nevadacountyca.gov/DocumentCenter/View/52259/-Lake-Wildwood-Dredging-Project-Notice-of-Availability-and-Initial-Study-PLN23-0161-CUP23-0011-MGT23-0039-MGT23-0040-MGT24-0002-EIS23-0006>).

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.

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:

The Project may 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 Game or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

Special-status fish and wildlife species: Chinook Salmon. Artificially elevated streamflow in lower Deer Creek produced by drawdown releases could attract adult Chinook salmon into lower Deer Creek, as has occurred during previous drawdowns (SSI 2016, 2017, 2020). Lower Deer Creek contains suitable spawning habitat for Chinook salmon, and attraction into the creek alone would not constitute an adverse effect. However, a fish stranding event occurred in fall 2020 following a drawdown of Lake Wildwood where some Chinook salmon were not able to exit Deer Creek and were presumed to have perished without spawning. Thus, under certain circumstances, artificially elevated flows in lower Deer Creek have the potential to adversely affect Chinook salmon by contributing to pre-spawn mortality.

By gradually and incrementally adjusting releases over days or weeks and monitoring the resultant streamflow changes in real time as described in **Mitigation Measure 4F**, the valve operator would avoid drastic fluctuations such as those produced by the 2020 drawdown. The proposed drawdown approach would produce stream flows in lower Deer Creek that do not appreciably differ from those to which Central Valley salmonids are adapted. The gradual ramp-up to peak flow—which would remain within the range of magnitudes characteristic of Deer Creek’s natural fall flow regime—would avoid or minimize redd scour, and the gradual, extended flow recession would provide adult Chinook salmon with ample opportunity to exit drying pools as they would during the recession of a natural flow pulse. Implementation of mitigation measure **Mitigation Measure 4F** would reduce potentially significant effects on adult Central Valley spring-run or fall-/late fall-run Chinook salmon to less than significant with mitigation. Furthermore, access has been granted to Sierra Streams Institute to monitor in situ water quality and salmonid activity before, during, and after drawdowns as described in **Mitigation Measure 4G**, which would make it possible for LWA to fine-tune appropriate corrective measures in coordination with resource management agencies.

Mitigation Measure 4F: Drawdown Approach: LWA shall obtain a California Department of Fish and Wildlife (CDFW) Lake and Streambed

Alteration Agreement (LSA) prior to the onset of the drawdown. LWA shall implement a drawdown approach that has been developed in coordination with CDFW and the terms of the LSA to avoid or minimize adverse effects on special-status salmonids, as follows:

The general progression of the drawdown shall involve a gradual ramp-up from baseflow in lower Deer Creek to peak discharge, followed by a gradual recession and return to baseflow over the course of approximately 20–25 days. The approach shall produce a peak discharge of no more than 40 cubic feet per second (cfs) which will be maintained for 24 hours. Release adjustments shall be made in stepwise fashion, so that discharge measured at the Smartsville Gage will remain stable for a period of at least 24 hours after each adjustment. Streamflow magnitudes and ramping rates incorporated into this approach will be within the range of values produced by seasonal storms in the Deer Creek watershed.

The stepwise drawdown will be initiated in September. The proposed drawdown approach would produce a maximum 5-foot drop in lake levels before October 15 and a maximum 12-foot drop in lake water levels after October 15. The flow rates at any time may be adjusted based on feedback from the adaptive monitoring system, provided rates remain within the parameters defined by the LSA.

Mitigation Measure 4G: Monitoring and Adaptive Management

Program: At the onset of lake drawdown, LWA shall implement a monitoring and adaptive management program, incorporated into the CDFW Lake and Streambed Alteration Agreement, to identify potential Project-related effects on special-status salmonids in lower Deer Creek and implement appropriate corrective actions, if necessary.

LWA shall contract Sierra Streams Institute (SSI) to monitor salmonid activity in lower Deer Creek before, during, and after drawdowns. Monitoring will occur at the parcel adjacent to the anadromous reach of lower Deer Creek.

Monitoring samples shall be collected immediately prior to water release for baseline data, and 30 minutes after the arrival of initial surges of water, at each sampling location after the valve is opened. Temperature monitoring shall be done in the Yuba River above and below the confluence within Deer Creek using thermographs. Monitoring components shall include in situ measurements of water temperature, dissolved oxygen (DO), pH, turbidity, and conductivity, as well as redd counts, carcass counts, and visual assessments of potential stranding risk.

If SSI identifies potential effects on special-status salmonids during a drawdown (i.e., increased stranding risk or exceedance of a relevant water quality threshold), LWA shall collaborate with CDFW to implement corrective actions (e.g., extending the release period to allow fish to move

downstream and out of pools).

A report summarizing monitoring results would be prepared and submitted to CDFW and the Nevada County Planning Department before the end of the calendar year in which monitoring occurred. Information gathered during each drawdown shall be used to inform the drawdown approach for subsequent sediment removal operations as needed.

b.i. Potential Significant Impact:

The Project may have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service.

b.ii. Facts in Support of Finding:

While a riparian corridor exists along lower Deer Creek downstream of the Project Area, there would be no effect on this habitat from Project implementation. While the lake drawdown would temporarily alter streamflow in lower Deer Creek (potentially changing the saturation of adjacent soils/subsurface area) the alterations would be well within those produced by natural storm events and would not adversely affect overlying riparian vegetation.

Sediment removal operations would be entirely within the lakebed and away from the shoreline, and heavy equipment will not be used for removing sediment near the shoreline or any associated vegetation. Access routes are planned in areas devoid or nearly devoid of ruderal vegetation. The Project would not involve any ground disturbance or vegetation removal as described in **Mitigation Measure 4A**. Therefore, there would be less than significant effect with mitigation on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

There is a riparian corridor present on the southern disposal site surrounding Wildwood Creek. The proposed work would take place approximately 170 feet from the riparian ditch area and is not anticipated to affect the riparian corridor. **Mitigation Measure 4N** requires avoidance of spillage and other contaminants which will also protect the quality of the riparian corridor on the site. Therefore, there would be less than significant effect with mitigation on riparian habitat.

Mitigation Measure 4A: No vegetation removal. The following note must appear on all grading plans: No vegetation will be removed or otherwise affected by the sediment removal or dewatering activities at the lakebed site. All equipment and machinery will enter/exit at pre-established routes preventing any adverse effects to the lake bank or associated vegetation. When possible, all construction vehicles,

equipment and machinery will enter and exit along one route.

Mitigation Measure 4N: Avoid Spillage of Oils and Other

Contaminants: The following note shall be placed on all construction plans prior to issuance of permits: "The contractor shall exercise every reasonable precaution to protect the project site from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil and wash water shall be prevented from discharging into adjacent ditches and shall instead be collected and removed from the site."

c.i. Potential Significant Impact:

The Project may 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.

c.ii. Facts in Support of Finding:

Artificially elevated streamflow's in lower Deer Creek produced by drawdown releases could attract Central Valley spring-run or Central Valley fall-/late fall-run Chinook salmon into the reach just above the confluence with the lower Yuba River. Under baseflow conditions, movement between certain pools within this reach may be restricted. Thus, movement of individual fish present in lower Deer Creek during the drawdown could be restricted upon return to baseflow conditions. However, the drawdown approach described in **Mitigation Measure 4F** is designed to facilitate the volitional movement out of these pools by any fish that may be present, by making release adjustments in lower Deer Creek in stepwise fashion so that discharge would remain stable for a period of at least 24 hours after each adjustment. Furthermore, monitoring conducted by a contracted fish biologist during and after drawdowns as described in **Mitigation Measure 4G** would allow LWA to identify any potential effects on native fish movement in lower Deer Creek and implement appropriate protective measures in coordination with resource management agencies.

d.i. Potential Significant Impact:

The Project has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

d.ii. Facts in Support of Finding:

The sediment removed from Lake Wildwood as part of the dredging project may contain levels of metals and/or hexavalent chromium that may exceed California Department of Toxic Substances Control (DTSC) and EPA Regional screening levels. **Mitigation Measure 4B** requires testing of all

sediment for metals and hexavalent chromium to ensure the materials are disposed of properly. Any material deemed hazardous waste will go to an appropriate disposal facility and not be deposited at the dredge disposal sites where they could be a hazard to the environment.

Mitigation Measure 4B: Sediment Testing. Sediment to be removed will be tested for solid phase metals (e.g., California Administrative Manual [CAM] 17 metals and hexavalent chromium) for comparison to California Department of Toxic Substances Control (DTSC) and EPA Regional screening levels, with further testing and appropriate disposal as required for any soils exceeding the corresponding Total Threshold Limit Concentrations (TTLCs) for designation as hazardous waste. This requirement shall appear on all grading plans.

e.i. Potential Significant Impact:

The Project has the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

e.ii. Facts in Support of Finding:

Small quantities of hazardous materials would be used and handled during construction of the project. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g. gasoline, oils, lubricants, and solvents) used to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazardous through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. In addition, **Mitigation Measure 4E** requires careful management of all potential pollutants from this source including spill prevention measures (i.e. use of drip pans), daily inspections for leaks, and immediate cleaning should a spill occur. These risks are only pertinent for the 2-3 weeks of the dredging operations every 2-4 years. Therefore, the impacts related to hazardous materials is less than significant with mitigation.

Mitigation Measure 4E: Water Quality Best Management Practices:

The following measures include Best Management Practices that would be implemented during and after sediment removal to minimize potential direct or indirect adverse effects to water quality and adjacent waters of the United States and must appear on all building/grading plans:

1. To prevent sediment material from entering any watercourse, a shallow canal shall be cut into the lakebed to divert water from the Deer Creek inlet away from the excavation site.
2. Access points shall be on stabilized ground to minimize the tracking of

sediment onto roads. If sediment were tracked onto a roadway, the sediment would be removed by shoveling and then transporting it to the sediment disposal area.

3. The color and quality of the lake water shall be monitored daily by the release valve operator during dewatering to ensure no visibly turbid water is released from the lake. LWA would discontinue the release into Deer Creek if lake water becomes turbid due to rain or for any other reason.
4. All pollutants that occur on site during construction shall be handled and disposed of in a manner that does not cause contamination of surface water (or ground runoff).
5. Spill prevention measures (i.e., the use of drip pans) shall be implemented when equipment or machinery is staged below the high-water mark.
6. Vehicles and construction equipment shall be inspected daily for fuel and/or hydraulic fluid leaks; if a leak is identified, use of the vehicle/equipment would be discontinued until repairs are completed and the leak is stopped.
7. Maintenance and repair of equipment or machinery—or other activities that may result in discharge or spillage of pollutants to the ground or surface water—would be conducted in upland areas using spill prevention measures.
8. Contaminated surfaces would be cleaned immediately following any discharge or spill incident.

f.i. Potential Significant Impact:

The Project has the potential to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

f.ii. Facts in Support of Finding:

The project proposes to temporarily drain and dredge Lake Wildwood periodically over the course of 15 years and deposit dredge spoils on nearby rural parcels to maintain the lake as a recreational resource. The project will receive a Regional Water Quality Control Board 401 Permit to ensure compliance with water quality standards. **Mitigation Measure 10E** requires a copy of this permit to be submitted to the Planning Department prior to issuance of grading permits. Therefore, the impacts to water quality standards or control plans will be less than significant with mitigation.

Mitigation Measure 10E: Regional Water Quality Control Board (RWQCB) Permit. Prior to issuance of any grading permits, a copy of an approved permit as required by section 401 of the Clean Water Act and

issued by the RWQCB will be submitted to the Planning Department.

g.i. Potential Significant Impact:

The Project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i) Result in substantial erosion or siltation on- or off-site;
- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site;
- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv) Impede or redirect flood flows.

g.ii. Facts in Support of Finding:

Though no new impervious surfaces are included in this project, the project will temporarily alter the existing drainage pattern of the site by altering the way that water flows through Lake Wildwood during the draining and dredging of the lake. **Mitigation Measure 10B** details guidelines for this scope of work including the cutting of a shallow canal through the lakebed to ensure that the waterflow from Deer Creek can continue without picking up excess sediment and depositing it downstream. **Mitigation Measure 10D** ensures erosion best management practices and covering of exposed soil that may occur during the dredging and/or grading so that no excess erosion takes place. No increase in surface runoff is anticipated at either the lake or the disposal sites. **Mitigation Measure 10B** also includes direction for all vehicles and construction equipment to be inspected daily for leaks that could cause polluted runoff, and be repaired or discontinued if leaks are found, which protects from polluted runoff. **Mitigation Measure 10C** prohibits cut and fill in the floodplain so that flood flows will not be impeded or redirected. The dredging itself helps maintain the capacity of Lake Wildwood to hold water, reducing the risk of damage from flooding. Preserving the existing vegetation, as required by **Mitigation Measure 10A**, will help prevent erosion from loose soils. Water flows from Lake Wildwood into Deer Creek will be increased during the drawdown period, which could increase erosion and sediment in the creek bed. To ensure this impact is less than significant, **Mitigation Measure 4F** requires a regulated drawdown approach that limits the flow of water. **Mitigation Measure 4C** also requires upland disposal of dredge materials to ensure they do not flow off and impact watercourses. Therefore, the impacts related to altering the existing drainage pattern of the site or area are less than significant with mitigation.

Mitigation Measure 10A: No clearing and grubbing: The following notes shall appear on all plans and drawings: No vegetation shall be removed or otherwise affected by the sediment removal. All equipment and machinery shall enter/exit at pre-established routes preventing any adverse effects to the lake bank or associated vegetation. When possible, all construction vehicles, equipment and machinery shall enter and exit along one route.

Mitigation Measure 10B: Grading and sediment removal guidelines: The following notes shall appear on all plans and drawings: Grading and sediment removal shall adhere to the following guidelines:

1. Heavy equipment and vehicular movement shall be limited to the Project Area, existing access roads and predetermined staging areas.
2. All equipment and machinery shall enter/exit at pre-established points preventing any adverse effects to the lake bank or associated vegetation. When possible, all construction vehicles, equipment and machinery shall enter and exit along one route.
3. Access points shall be on stabilized ground with a stabilized construction entrance/exit to minimize the tracking of sediment onto roads. If sediment is tracked onto a roadway, the sediment shall be removed by shoveling and then transporting it to the sediment disposal area.
4. To prevent sediment material from entering any watercourse, a shallow canal shall be cut into the lakebed to divert water from the Deer Creek inlet away from any of the grading and/or excavation areas.
5. Spill prevention and control measures shall be implemented when equipment or machinery are staged below the normal water elevation (1,200.0 feet).
6. All pollutants that occur during the grading operation shall be handled and disposed of in a manner that does not cause contamination of surface water (or ground runoff).
7. Vehicles and construction equipment shall be inspected daily for fuel and/or hydraulic fluid leaks; if a leak is identified, use of the vehicle/equipment shall be discontinued until repairs are completed and the leak is stopped.
8. Maintenance and repair of equipment or machinery—or other activities that may result in discharge or spillage of pollutants to the ground or surface water shall be conducted in upland areas using spill prevention measures as noted above.
9. Contaminated surfaces shall be cleaned immediately following any discharge or spill incident.

Mitigation Measure 10C: Cut and Fill Slope Grading: The following notes shall appear on all plans and drawings: No cut or fill slope grading shall take place proposed within the floodplain or 100-foot setback area to the floodplain.

Mitigation Measure 10D: Erosion Control during Construction: The following notes shall appear on all plans and drawings:

1. No vegetation removal is anticipated and all existing vegetation shall be preserved to the extent practicable.
2. Best Management Practices (BMPs) shall be implemented for erosion and sediment control. Typical BMPs, such as seeding, mulch, straw with tackifiers, fiber rolls silt fences and sediment traps, should be used during and after construction as needed to reduce erosion and retain sediment within the construction area. Fiber rolls or silt fencing shall be added below the leach line trenches for the sewage disposal system.
3. The contractor shall provide labor, materials, and equipment to maintain and protect any exposed soil from wind and water erosion. The contractor shall provide siltation control and management during any construction activities. All existing surface drainage facilities shall be kept free of soil and debris during construction. No trenching or grading shall take place if there is a 50% chance or greater of rain within 48 hours.

Mitigation Measure 4C: Upland Disposal. All sediment removed from Lake Wildwood would be disposed of at an acceptable upland location and not placed within, or where it can enter into, waters of the United States/waters of the State. All disposal areas must be shown on the grading plans.

i.i. Potential Significant Impact:

The Project may risk the release of pollutants due to project inundation in a flood hazard zone.

i.ii. Facts in Support of Finding:

The project is not located in a tsunami or seiche zone, but the lakebed is located within a special flood hazard area with a 1% annual chance of flooding. Some additional pollutants will be on site during the dredging efforts due to the presence of heavy equipment and vehicles. However, the equipment will be stored outside of the floodplain when not in use. Additionally, **Mitigation Measure 10D** prohibits trenching or grading if there is a 50% change or greater of rain within 48 hours, so that no equipment would be present in the floodplain if flood-causing rain were in the forecast. Therefore, the risk of release of pollutants due to project inundation is less than significant with mitigation.

j.i. Potential Significant Impact:

The Project may conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

j.ii. Facts in Support of Finding:

The project proposes to temporarily drain and dredge Lake Wildwood periodically over the course of 15 years and deposit dredge spoils on nearby rural parcels to maintain the lake as a recreational resource. The project will receive a Regional Water Quality Control Board 401 Permit to ensure compliance with water quality standards. **Mitigation Measure 10E** requires a copy of this permit to be submitted to the Planning Department prior to issuance of grading permits. Therefore, the impacts to water quality standards or control plans will be less than significant with mitigation.

The project proposes interference with surface water by draining Lake Wildwood but does not propose any scope of work that would alter the groundwater resources such as drilling, excavation, or wells. This area is not part of a sustainable groundwater management plan. Therefore, there is no impact to groundwater resources.

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).)

(This page intentionally left blank)

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/)
- 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 and cc: Nicholas.Savino@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Nicholas Savino; Project Name; and WDID No. 5A29CR00135.

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:

26 June 2024

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: Lake Wildwood Sediment Removal Project
Permittee: Lake Wildwood Association
WDID: 5A29CR00135
Reg. Meas. ID: 449601
Place ID: 883796
Order Effective Date: 26 June 2024
Order Expiration Date: 25 June 2029

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report – Not Applicable
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.”

Print Name¹	Affiliation and Job Title
-------------------------------	----------------------------------

Signature	Date
------------------	-------------

¹STATEMENT 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.

Permittee's Signature	Date
------------------------------	-------------

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report – NOT APPLICABLE

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 after excavation activities take place on the 31st 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.

(This page intentionally left blank)

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.”

(This page intentionally left blank)

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 Water Quality Certification 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 verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 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).

(This page is intentionally left blank)

**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, February 2019 (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.

6. Lake or Streambed Alteration Agreement

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which 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."

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

Conditions relating to dredging activities are necessary ensure protection of beneficial uses and water quality during dredging operations and placement of dredged materials. Authorized placement of materials ensures that no adverse impacts to ground or surface water will occur. This condition is required to assure that dredging operations will comply with water quality objectives established for surface waters, including turbidity and the reintroduction and resuspension of harmful metal or organic materials. (Basin Plan, Sections 3.1.17, 3.1.21, 4.1.9.) These conditions are necessary to ensure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur and the highest water quality is maintained. (Dredge or Fill Procedures, Section IV.B.1.)

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)

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. 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.

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).