Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	31 July 2026
Expiration Date:	30 July 2031
Program Type:	Fill/Excavation
Project Type:	Outdoor Recreation

Reg. Meas. ID:	464706
Place ID:	906147
WDID No.:	5A34CR00944
USACE No.:	SPK-2026-00184 NWP 14

Project: Laguna Creek Inter-Regional Trail Crossing at State Route 99 (WTL016) Project (Project)

Applicant: City of Elk Grove Public Works Department

Applicant Contact: Travis Kuhn
City of Elk Grove Public Works Department
8401 Laguna Palms Way
Elk Grove, CA 95758
Phone: (916) 627-3262
Email: TKuhn@elkgrove.gov

Applicant's Agent: Amy Dunay
City of Elk Grove Public Works Department
8401 Laguna Palms Way
Elk Grove, CA 95758
Phone: (916) 260-1857
Email: ADunay@elkgrove.gov

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.

Table of Contents

I. Order 3

II. Public Notice 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location 3

VI. Project Impact and Receiving Waters Information 4

VII. Description of Direct Impacts to Waters of the State 4

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

IX. Avoidance and Minimization 5

X. Compensatory Mitigation 12

XI. California Environmental Quality Act (CEQA) 12

XII. Petitions for Reconsideration 13

XIII. Fees 13

XIV. Conditions 13

XV. Water Quality Certification 30

Attachment A – Project Maps A-1

Attachment B – Receiving Waters, Impacts and Mitigation Information B-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 City of Elk Grove Public Works Department (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 1 April 2026. The application was deemed complete on 1 May 2026.

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

Date of Request for Supplemental Information: **1 May 2026**
Date all requested information was received: **9 July 2026**

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 3 April 2026 to 24 April 2026. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to construct the final segment of the City of Elk Grove's Laguna Creek Inter-Regional Trail (LCIRT). The final segment of the trail will include a pedestrian overcrossing spanning West Stockton Boulevard, State Route 99, and East Stockton Boulevard; a multi-use trail east of the pedestrian overcrossing; and a pedestrian bridge spanning Whitehouse Creek.

IV. Project Description

The 29.7 acre Project consists of constructing a bikeway that will connect to an existing segment of the LCIRT which currently terminates at West Stockton Boulevard. An approximately 760-foot-long concrete overcrossing will extend east, carrying the LCIRT over West Stockton Boulevard, State Route 99, and East Stockton Boulevard where it will parallel the northern bank of Laguna Creek for approximately 980 feet. A 50 foot long and 12 foot wide prefabricated truss bridge with a concrete deck will carry the LCIRT over Whitehouse Creek where it will connect with an approved and permitted segment of the LCIRT. The bridge abutments will be 20-ft long and 20-ft wide on a reinforced soil foundation with excavations up to 12-ft below original grade.

V. Project Location

County: Sacramento

Nearest City: Elk Grove

Section 26, Township 7 North, Range 5 East, MDB&M.

Latitude: 38.430973° and Longitude: -121.398708°

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/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

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

VII. Description of Direct Impacts to Waters of the State

The Project will temporarily impact approximately 0.08 acre of Laguna Creek and 0.08 acre of Whitehouse Creek to allow access for large construction equipment and personnel. Temporary impacts may include de-watering, installation of a temporary diversion system, excavation, and access. Up to 4 cubic yards of temporary fill, including clean dirt and gravel, may be placed in the de-watered area of Whitehouse Creek to allow equipment and personnel access. Additionally, 0.32 acre of emergent wetland that abuts Laguna Creek will be temporarily impacted from activities that may include de-watering, installation of a temporary diversion system, clearing and grubbing, soil compaction, and access. Wetland construction mats will be used to facilitate equipment access where feasible. Following the completion of construction, all materials and equipment will be removed from temporarily impacted areas.

Approximately 0.002 acres of Laguna Creek will be permanently impacted from the placement of Rock Slope Protection (RSP) on the north bank near the East Stockton Boulevard Bridge. RSP placed within Whitehouse Creek will result in 0.02 acres of permanent impacts. Approximately 0.29 acres of emergent wetland will be permanently impacted from the placement of RSP and engineered fill material. 0.01 acre of seasonal wetland habitat will be permanently filled by the multi-use path, and 0.04 acre will be impacted by construction access, which may include clearing,

grubbing, soil compaction, and disturbance of topsoil. Impacts to seasonal wetlands would permanently alter the hydrology, soils and vegetation that support a wetland community. The remaining portions of seasonal wetland habitat would no longer contain the same habitat value or function; therefore, the entire boundary of seasonal wetland habitat is considered permanently impacted.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[1]

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.16	4	300
Emergent Wetland	0.32	0	400

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.022	30	120
Emergent Wetland	0.29	763	290
Seasonal Wetland	0.05	45	

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The project may indirectly result in a potential influx of sediment to surface waters by adding additional impervious surfaces to surrounding areas and therefore reducing wetland size. This could also result in changes in the local hydrology and vegetation cover overtime. In addition, excavation occurring immediately adjacent to the wetland habitat during project implementation may increase the input of sediments or pollutants to the wetlands.

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

[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.

construction activities to avoid, reduce, and minimize impacts to waters of the state:

- **WQ-1:** The Project shall comply with the provisions of National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation, Order No. 2022-0033-DWQ, NPDES No. CAS000003 and any subsequent permits in effect at the time of construction.
- **WQ-2:** The construction contractor shall adhere to the State Water Board Order No. 2013-0001-DWQ as NPDES Permit pursuant to Section 402 of the Clean Water Act. The City is designated within the NPDES Phase II General Permit. This General Permit applies to the discharge of stormwater from small MS4s. Under this permit, stormwater discharges must not cause or contribute to an exceedance of water quality standards contained in the California Toxics Rule or the Water Quality Control Plan for the Sacramento and San Joaquin Basin.
- **WQ-3:** The Project shall comply with the provisions of the NPDES Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, NPDES No. CAS000002 and any subsequent permits in effect at the time of construction.
- **WQ-4:** The Project shall comply with the Construction General Permit by preparing and implementing a Storm Water Pollution Prevention Plan (SWPPP) or Water Pollution Control Program (WPCP) to address all construction-related activities, equipment, and materials that have the potential impact water quality for the appropriate Risk Level. The SWPPP or WPCP will identify the sources of pollutants that may affect the quality of stormwater and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-stormwater BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the Stormwater Quality Handbooks: Construction Site Best Management Practices Manual to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed. These include, but are not limited to temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-stormwater BMPs.
- **WQ-5:** Design Pollution Prevention BMPs will be implemented such as preservation of existing vegetation, slope/surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes, and swales, over side drains, flared end sections, and outlet protection/velocity dissipation devices.
- **BIO-1:** Every individual working on the Project must attend a biological awareness training session delivered by the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) approved Project biologist. This training program will include information regarding the sensitive habitats and special-status species that may occur within

the Project area, and the importance of avoiding impacts to these species and their habitat.

- **BIO-2:** Prior to the start of construction activities, the Project limits within environmentally sensitive areas (Laguna Creek, Whitehouse Creek, annual grasslands, emergent wetlands, seasonal wetland, and seasonal wetland swale), will be marked with temporary high visibility fencing or staking to ensure construction will not further encroach into sensitive resources. Environmentally sensitive areas will be marked on project plans.
- **BIO-3:** BMPs will be incorporated into Project construction to minimize impacts on the environment including erosion and the release of pollutants (e.g. oils, fuels):
    - Exposed soils and material stockpiles would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction;
    - Implementation of the Project shall require approval of a site-specific SWPPP or Water Pollution Control Program that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
    - All construction roadway areas would be properly protected to prevent excess erosion, sedimentation, and water pollution;
    - All vehicle and equipment fueling/maintenance would be conducted outside of any surface waters;
    - Equipment used in and around jurisdictional waters must be in good working order and free of dripping or leaking contaminants;
    - Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering jurisdictional waters;
    - All erosion control measures, and storm water control measures would be properly maintained until the site has returned to a pre-construction state;
    - All construction materials would be hauled off-site after completion of construction;
    - Upon completion of construction activities, any temporary barriers to surface water flow must be removed in a manner that would allow flow to resume with the least disturbance to the substrate.
- **BIO-4:** Vegetation removal will not exceed what is shown on the plans without prior approval from the Project biologist. If trees will be trimmed rather than

removed, trimming must comply with ANSI A300 pruning standards and must not:

- leave branch stubs
- make unnecessary heading cuts
- cut off the branch collar (not make a flush cut)
- top or lion's tail trees (stripping a branch from the inside leaving foliage just at the ends)
- remove more than 25 percent of the foliage of a single branch
- remove more than 25 percent of the total tree foliage in a single year
- damage other parts of the tree during pruning
- use wound paint
- climb the tree with climbing spikes

- **BIO-5:** Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of jurisdictional waters. Any necessary equipment washing must occur where the water cannot flow into water bodies.
- **BIO-6:** A chemical spill kit must be kept onsite and available for use in the event of a spill.
- **BIO-7:** The City of Elk Grove will fulfill all compensatory mitigation required by permitting agencies (CDFW, United States Army Corps of Engineers [USACE], Central Valley Water Board) as outlined in the final environmental permits acquired for the Project. Compensatory mitigation will be developed during the permitting phase and is anticipated to be required for all aquatic resources impacted by the Project including, Laguna Creek, Whitehouse Creek, seasonal wetland, seasonal wetland swale and emergent wetland. The mitigation may consist of credit purchases, in lieu fee payments, or on/offsite habitat enhancement or restoration. All temporary impacts will be mitigated at a minimum 1:1 ratio and all permanent impacts will be mitigated at a minimum of 2:1 ratio, or as determined by CDFW, USACE, and Central Valley Water Board.
- **BIO-8:** Following the completion of construction, soils that have been temporarily disturbed within sensitive upland/aquatic habitat (annual grasslands, emergent wetlands, seasonal wetland, and seasonal wetland swale) will be de-compacted and seeded with California native plant species. At least two seed mixes will be developed, one for upland habitats and one for wetland habitats. The upland seed mix will contain narrowleaf milkweed (*Asclepias fascicularis*). The native seed mix must be approved by the Project biologist and seeds must be sourced within 50 miles of the Project site. Seed mixes will be developed to kick start vegetation growth, stabilize soils, and reestablish plant diversity. The

final post-construction seed mix must be applied between October-February.

- **BIO-9:** A focused rare plant survey will be conducted within the Project area prior to the start of construction. Surveys will be conducted during the appropriate blooming period for the following species: alkali-sink goldfields, Boggs Lake hedge-hyssop, dwarf downingia, legenere, Sanford's arrowhead, and wooly rose-mallow. If rare plants are discovered during pre-construction surveys but can be reasonably avoided, ESA fence will be installed to protect the specimens in place.

  If a special-status plant specimen is present within the Project area and cannot be fully avoided, the Project biologist will relocate individual(s) and/or collect seeds to ensure the continued existence of the local population. Area of relocation or re-seeding will be at the discretion of the Project biologist but will be located within suitable habitat and within the same watershed of the Project, preferably at a location that is protected in perpetuity. If relocation or seed collection of Boggs Lake hedge-hyssop is required a CDFW 2081 Incidental Take Permit must first be obtained.

- **BIO-10:** No Project activity will be completed from 1 March through 31 August unless the Project biologist conducts Swainson's hawk nesting surveys within the work area and a half mile buffer, following survey methodology developed by the Swainson's Hawk Technical Advisory Committee prior to commencing Project activities. Should a nesting Swainson's hawk pair be found within a half mile of the Project, the Project biologist will provide a no-work buffer recommendation to CDFW, as well as a plan to avoid take of the species. Project activities will not proceed until the appropriate no-work buffer is established, and the appropriate take avoidance strategies are implemented, as determined by the Project biologist.

- **BIO-11:** Annual grassland habitat within the Project area is considered Swainson's hawk foraging habitat and is protected under Chapter 16.130 of the City Municipal Code, Swainson's Hawk Impact Mitigation Fees. The City will mitigate for the permanent loss of Swainson's hawk foraging habitat at a 1:1 ratio. Mitigation can be accomplished through participation in the City of Elk Grove Swainson's Hawk Impact Mitigation Fees Ordinance, other method acceptable to the California Department of Fish and Wildlife, or other method acceptable to the Elk Grove City Council pursuant to Section 16.130.110.

- **BIO-12:** Prior to the start of Project-related activities the Project biologist will conduct pre-construction surveys for burrowing owl within the Project area plus a 500-foot buffer. Surveys will follow CDFW's Staff Report on Burrowing Owl Mitigation, which includes four surveys at least 3 weeks apart prior to the start of Project activities. The final survey must not be conducted within 14 days prior to the start of Project activities. If burrowing owls are identified within the survey area the Project biologist will consult with CDFW to determine appropriate no-work buffer distances, avoidance strategies and/or mitigation for impacted nest sites.

- **BIO-13:** If vegetation removal or ground disturbance is planned to occur during the nesting season (1 February – 31 August), the Project biologist will conduct a pre-construction nesting bird survey within 7 days prior to vegetation removal or ground disturbance. Within 2 weeks of the nesting bird survey, all vegetation cleared by the Project biologist will be removed from the Project site.

  A minimum 100-foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300-foot no-disturbance buffer will be established around any nesting raptor species. Upon receiving notification of an active nest, the contractor will immediately stop work until the appropriate buffer is established. Work within the buffer zone will only proceed once the Project biologists has determined that the young have fledged. A reduced buffer may be considered at the discretion of the Project biologist and wildlife agencies.

  If tricolored blackbird is discovered nesting within the Project area during the pre-construction nesting bird survey, the Project biologists will notify CDFW, and no Project related activities will proceed until CDFW has issued an Incidental Take Permit for tricolored blackbird or has provided written approval to start work.

- **BIO-14:** To avoid impacts to western pond turtles, the Project biologist will conduct a pre-construction survey of the Laguna Creek, Whitehouse Creek, and adjacent banks and wetlands, and upland habitats within the Project area. Surveys will be conducted no more than 24 hours prior to onset of construction. In addition, the Project biologists will monitor initial in-water work and de-watering activities, including clearing/grubbing of aquatic vegetation.

  If a turtle is located within the construction area, the Project biologist will temporarily halt work in the vicinity of the discovery and capture the turtle(s) and relocate the species to appropriate aquatic habitat a safe distance from the construction site. The relocation site must be within the same water body found at the Project site (Laguna Creek or Whitehouse Creek).

- **BIO-15:** If water pumps are used to dewater the Project area, pump intakes will be screened and equipped with an energy dissipater to protect aquatic species. Intake pumps will include a mesh screen with openings that do not exceed 3.96 millimeters (5/32 inches) measured diagonally.

- **BIO-16:** Prior to ground disturbing activities or in-water work, animal exclusion fencing will be installed on the edge of the Project boundary within natural habitat communities. The fencing will consist of silt fencing, or a similar material such that turtles, snakes, or other wildlife cannot get through or become entangled in it and will be buried a minimum of 6 inches below ground and will extend 12-18 inches above the ground. At any access opening in the fence, the fence will be installed to turn 180 degrees away from the access point for a length of approximately 10 feet and at a minimum width of one foot from the original fence. The on-site personnel, provided the environmental awareness training by the Project biologist, will inspect the exclusion fencing daily to ensure

the fence is kept in good working order. The fence will be maintained and repaired as necessary throughout construction.

- **BIO-17**: No plastic or synthetic monofilament netting shall be used as erosion control or other BMP measures within the project area. All material will be comprised of natural fibers.
- **BIO-18:** To prevent the inadvertent entrapment of Northwestern Pond Turtle (NWPT), all excavated, steep-walled holes or trenches more than 3 inches wide and 1 foot deep will be inspected for NWPT then covered at the close of each working day by plywood or similar materials. If it is not feasible to cover an excavation, one or more escape ramps constructed of earthen fill or wood greater than or equal to 6 inches wide shall be installed. Before such holes or trenches are filled, they must be thoroughly inspected by the biologist for trapped NWPT. If at any time a trapped NWPT is detected, the biologist or monitor will relocate the NWPT to nearby suitable habitat well outside the work area.
- **BIO-19:** Any heavy equipment to be operated in or near water or suitable upland habitat will use non-toxic (e.g., vegetable oil-based) hydraulic fluids only. A spill management plan will be developed to ensure that all equipment will be free of oil and fuel leaks. Equipment refueling and maintenance will only occur at staging areas to avoid fuel, hydraulic fluids, and lubricants from entering the waterway or suitable upland habitat. Further, absorptive pads or impermeable pans should be placed under the vehicles to contain spills and leaks.
- **BIO-20:** The NWPT may overwinter in aquatic or muddy substrates or on land as far as 1,640 feet from aquatic habitat. NWPT that overwinter in upland habitat can begin movements as early as 25 August (peaking between September and October) through 30 November. NWPT will begin moving back to aquatic habitat between 1 February and 1 May. Monitoring of ground-disturbing activities in suitable upland habitat, within 1,640 feet from presumed occupied aquatic habitat, shall occur from 25 August to 1 December and from 31 January to 1 May. If an overwintering NWPT is excavated and unharmed, construction activities will cease within 50 feet of the turtle until the biologist or monitor can relocate the NWPT to a location specified in the relocation plan. If a NWPT is excavated and injured, the biologist will take the NWPT to a Service-approved rehabilitation center. If it is killed, the NWPT will be taken to a designated repository. If the biologist or monitor exercises this authority, the Service will be notified within 48 hours.
- **BIO-21:** Ground disturbing activities within suitable Giant Garter Snake (GGS) habitat (includes all aquatic habitat and upland habitat within 200 ft of aquatic habitat) will be conducted between 1 May and 1 October. This is the active period for giant garter snakes and the risk of direct mortality is lessened because snakes are expected to actively react and avoid danger. Ground disturbing activities may occur outside of this period if written approval is received by the USFWS Sacramento Office prior to starting any work.

- **BIO-22:** A USFWS and CDFW approved biologist will conduct a clearance survey for giant garter snake (GGS) within 24-hours prior to commencing any Project related activity within 200 feet GGS aquatic habitat. A clearance survey will be repeated if a lapse in construction activity of two weeks or greater has occurred. If individuals of the species are discovered during construction, work will stop in the area of discovery and coordination with the appropriate resource agencies will occur. The USFWS and Project biological monitor will be immediately notified if a snake is found during construction activities. The snake will be monitored by the biological monitor and allowed to leave the area on its own. Project activities will not be reinitiated until documentation for compliance with Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA) is obtained.
- **BIO-23:** On site monitoring during all ground disturbance activities of the project will be conducted using a USFWS and CDFW approved biologist.
- **BIO-24:** Any dewatered habitat shall remain dry for at least 15 consecutive days after April 15 and prior to excavating or filling of the dewatered habitat.
- **BIO-25:** Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.
- **BIO-26:** All food-related trash must be disposed into closed containers and must be removed from the Project area daily. Construction personnel must not feed or otherwise attract wildlife to the Project area.
- **BIO-27:** The contractor must not apply rodenticide or herbicide within the Project area.
- **BIO-28:** If any wildlife is encountered during the course of construction, said wildlife will be allowed to leave the construction area unharmed.
- **BIO-29:** The Project area contains narrowleaf milkweed, which may provide suitable habitat for native insects (e.g., Monarch butterfly [*Danaus plexippus*]). Prior to construction the Project biologist will inspect milkweed plants for signs of any life stage of Monarch butterfly. If eggs/larvae of Monarch butterfly are discovered on any plants within the Project area they will be flagged and protected in place until fully hatched/emerged. The appropriate avoidance buffer will be determined by the Project biologist.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for permanent impacts, described in section XIV.K, for permanent impacts.

XI. California Environmental Quality Act (CEQA)

On 14 May 2025, the City of Elk Grove, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No.

2025020580) for the Project and filed a Notice of Determination (NOD) at the SCH on 27 May 2025. 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

A. An application fee of $31,537.00 was received on 9 April 2026. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

B. Annual Fees: This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.[2]

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Certification are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the State Water Board's Water Quality Fees website (https://www.waterboards.ca.gov/resources/fees/water_quality/) under Water Quality Certification (WQC) Program Fees.

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 Tables 1 through 2.

[2] Annual invoices are issued for projects active for any amount of time in the current fiscal year (July 1 – June 30).

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 provided through an electronic data-sharing platform.

1. Project Reporting

a. Monthly Reporting: NOT APPLICABLE

b. Annual Reporting: The Permittee shall submit an Annual Report each year on the 1st day of August beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

a. Commencement of Construction: The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).

b. Request for Notice of Completion of Discharges Letter: The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.

c. Request for Notice of Project Complete Letter: The Permittee shall submit a Request for Notice of Project Complete Letter when construction

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

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials[3]:

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).

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

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

verifiable means.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards:

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

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

c. In-Water Work and Diversions:

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project:

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership:

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

i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written

request to the Central Valley Water Board to be named as the permittee in a revised order.

ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

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

a. when performing any in-water work;

b. during the entire duration of temporary surface water diversions;

c. in the event that the Project activities result in any materials reaching surface waters; or

d. when any activities result in the creation of a visible plume in surface waters.

2. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. In-Water Work or Diversions

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

a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

b. Activities shall not cause turbidity increases in surface water to exceed:

i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;

v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[4] The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

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 every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling

[4] 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.

locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

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

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[5]	Observations	Visual Inspections	Continuous throughout the construction period

4. Post-Construction:

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

D. Standard

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

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

pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent

limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-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 submitted to the Central Valley Water Board staff.

   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 may 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.

2. Directional Drilling – NOT APPLICABLE

3. Dredging – NOT APPLICABLE

4. Fugitive Dust

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

5. Good Site Management "Housekeeping"

a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils,

hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

b. No wet concrete will be placed into aquatic resources 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

a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:

i. Minimize the amount of impervious surface;

ii. Reduce peak runoff flows;

iii. Provide treatment BMPs to reduce pollutants in runoff;

iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;

v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;

vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads,

highways, and bridges);

vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and

ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:

i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or

iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads

a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

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

10. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

The following Special Status Species have the potential to occur near or within the Project area: burrowing owl, song sparrow, Swainson’s hawk, tricolored blackbird, white-tailed kite, yellow headed blackbird, northwestern pond turtle, giant garter snake, monarch butterfly.

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/).

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Restoration plan dated June 2026 and incorporated herein by reference.

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment

(Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres		0.16				
Wetland	Permittee Responsible	Acres		0.32				

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

1. Compensatory Mitigation Plan

a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.

b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 230.94(c).

c. Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Total Require Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.022 acre of stream channel, 0.29 acre of emergent wetland, and 0.05 acre of seasonal wetland.

b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Emergent Wetland	TBD	Acres						0.29
Seasonal Wetland	TBD	Acres						0.05
Stream Channel	TBD	Acres						0.022

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 Laguna Creek Inter-Regional Trail Crossing at State Route 99 Project (WTL016), WDID #5A34CR00944, 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

(This page intentionally left blank)

Attachment A – Project Maps

Figure 1: Project Location

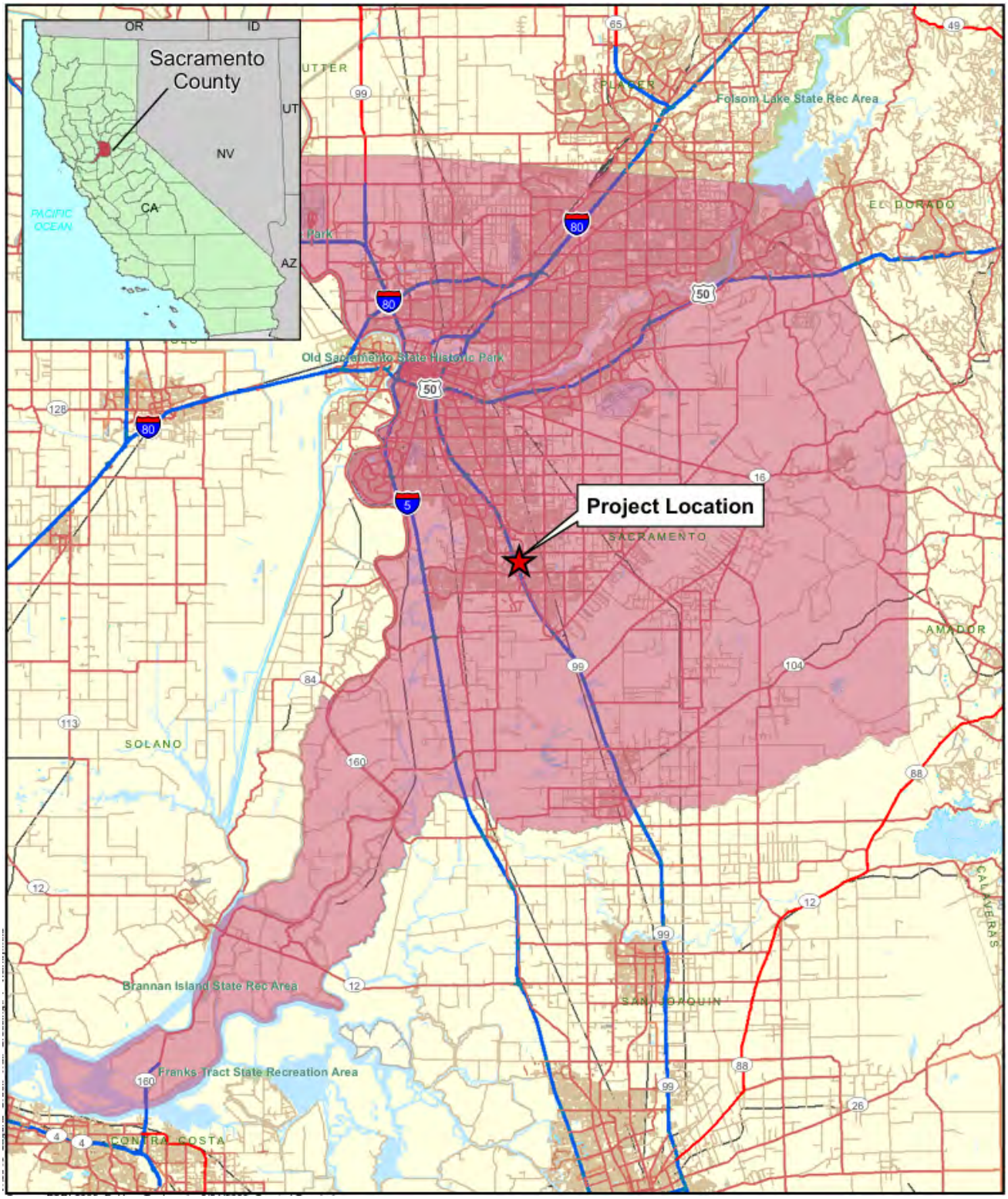
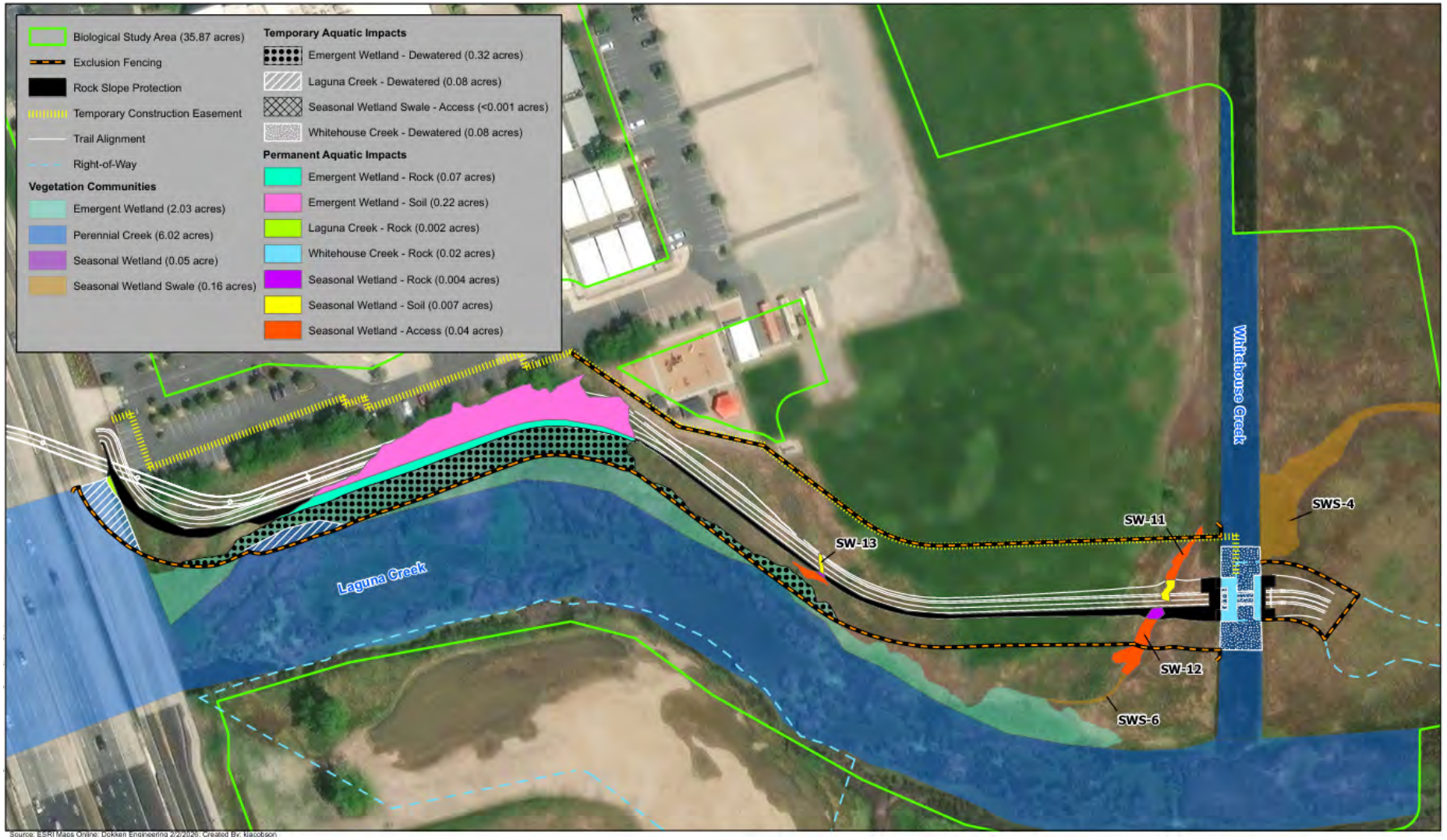


Figure 2: Project Impacts



(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
No	Laguna Creek	Unnamed Tributary to Sacramento San Joaquin Delta	Stream Channel	519.11	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT, Diazinon, Group A Pesticides, Invasive Species, Mercury, Toxicity
No	Whitehouse Creek	Unnamed Tributary to Sacramento San Joaquin Delta	Stream Channel	519.11	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT, Diazinon, Group A Pesticides, Invasive Species, Mercury, Toxicity
No	Emergent Wetland	Unnamed Tributary to Sacramento San Joaquin Delta	Wetland	519.11	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT, Diazinon, Group A Pesticides, Invasive Species, Mercury, Toxicity

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
No	Seasonal Wetland	Unnamed Tributary to Sacramento San Joaquin Delta	Wetland	519.11	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT, Diazinon, Group A Pesticides, Invasive Species, Mercury, Toxicity

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
Laguna Creek	38.430973°	-121.398708°	No	0.08	0
Whitehouse Creek	38.430973°	-121.398708°	No	0.08	4
Emergent Wetland	38.430973°	-121.398708°	No	0.32	0

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards
Laguna Creek	38.430973°	-121.398708°	No	0.002	7
Whitehouse Creek	38.430973°	-121.398708°	No	0.02	23
Emergent Wetland	38.430973°	-121.398708°	No	0.29	763

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards
Seasonal Wetland	38.430973°	-121.398708°	No	0.05	45

Compensatory Mitigation Information

The following table(s) show individual compensatory mitigation information and locations.

Mitigation Bank Compensatory Mitigation Site Information

Table 4: Mitigation Bank

Mitigation Bank Name:	Johnson Cosumnes Mitigation Bank
Website:	Johnson Cosumnes Mitigation Bank - Westervelt Ecological Services (https://wesmitigation.com/projects/johnson-consumes-mitigation-bank-johnson-consumes-mitigation-bank/)
Mitigation Bank Contact Name:	Allegra Bukojemsky
Phone:	(916) 646-3644
Email:	ABukojemsky@westervelt.com
Mitigation Location - County:	Sacramento
Latitude:	38.287462
Longitude:	-121.380384

Table 5: Mitigation Type Information

Aquatic Resource Credit Types	Acres	Linear Feet	Number of Credits Purchased
TBD	TBD		TBD

(This page is intentionally left blank)

Attachment C – CEQA Findings of Fact

A. Environmental Review

On 14 May 2025, the City of Elk Grove, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2025020580) for the Project and filed a Notice of Determination (NOD) at the SCH on 27 May 2025. 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 City of Elk Grove'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 City of Elk Grove 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 City of Elk Grove 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: SCH Number 2025020580 (https://ceqanet.lci.ca.gov/Project/2025020580).

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 describes the potential significant environmental effects to water resources that were mitigated in the IS/MND.

Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

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

a.i. Potential Significant Impact:

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 CDFW or USFWS.

a.ii. Facts in Support of Finding:

Through the implementation of the following mitigation measures, the impacts will be reduced to a less than significant level:

BIO-1: Every individual working on the Project must attend a biological awareness training session delivered by the USFWS and/or CDFW approved Project biologist. This training program will include information regarding the sensitive habitats and special-status species that may occur within the Project area, and the importance of avoiding impacts to these species and their habitat.

BIO-2: Prior to the start of construction activities, the Project limits within environmentally sensitive areas (Laguna Creek, Whitehouse Creek, annual grasslands, emergent wetlands, seasonal wetland, and seasonal wetland swale), will be marked with temporary high visibility fencing or staking to ensure construction will not further encroach into sensitive resources. Environmentally sensitive areas will be marked on project plans.

BIO-4: Vegetation removal will not exceed what is shown on the plans without prior approval from the Project biologist. If trees will be trimmed rather than removed, trimming must comply with ANSI A300 pruning standards and must not:

- leave branch stubs
- make unnecessary heading cuts
- cut off the branch collar (do not make a flush cut)
- top or lion’s tail trees (stripping a branch from the inside leaving foliage just at the ends)
- remove more than 25 percent of the foliage of a single branch
- remove more than 25 percent of the total tree foliage in a single year
- damage other parts of the tree during pruning
- use wound paint
- climb the tree with climbing spikes

BIO-7: The City of Elk Grove will fulfill all compensatory mitigation required by permitting agencies (CDFW, USACE, Central Valley Water Board) as outlined in the final environmental permits acquired for the Project. Compensatory mitigation will be developed during the permitting phase and is anticipated to be required for all aquatic resources impacted by the Project including, Laguna Creek, Whitehouse Creek, seasonal wetland, seasonal wetland swale and emergent wetland. The mitigation may consist of credit purchases, in lieu fee payments, or on/offsite habitat enhancement or restoration. All temporary impacts will be mitigated at a minimum 1:1 ratio and all permanent impacts will be mitigated at a minimum of 2:1 ratio, or as determined by CDFW, USACE, and Central Valley Water Board.

BIO-8: Following the completion of construction, soils that have been temporarily disturbed within sensitive upland/aquatic habitat (annual grasslands, emergent wetlands, seasonal wetland, and seasonal wetland swale) will be de-compacted and seeded with California native plant species. At least two seed mixes will be developed, one for upland habitats and one for wetland habitats. The upland seed mix will contain narrowleaf milkweed (Asclepias fascicularis). The native seed mix must be approved by the Project biologist and seeds must be sourced within 50 miles of the Project site. Seed mixes will be developed to kick start vegetation growth, stabilize soils, and reestablish plant diversity. The final post construction seed mix must be applied between October-February.

BIO-9: A focused rare plant survey will be conducted within the Project area prior to the start of construction. Surveys will be conducted during the appropriate blooming period for the following species: alkali-sink goldfields, Boggs Lake hedge hyssop, dwarf downingia, legenere, Sanford's arrowhead, and wooly rose mallow. If rare plants are discovered during pre-construction surveys but can be reasonably avoided, ESA fence will be installed to protect the specimens in place.

If a special-status plant specimen is present within the Project area and cannot be fully avoided, the Project biologist will relocate individual(s) and/or collect seeds to ensure the continued existence of the local population. Area of relocation or re-seeding will be at the discretion of the Project biologist but will be located within suitable habitat and within the same watershed of the Project, preferably at a location that is protected in perpetuity. If relocation or seed collection of Boggs Lake hedge-hyssop is required a CDFW 2081 Incidental Take Permit must first be obtained.

BIO-10: No Project activity will be completed from 1 March through 31 August unless the Project biologist conducts Swainson's hawk nesting surveys within the work area and a 0.5 mile buffer, following survey methodology developed by the Swainson's Hawk Technical Advisory Committee prior to commencing Project activities. Should a nesting

Swainson's hawk pair be found within 0.5 mile of the Project, the Project biologist will provide a no-work buffer recommendation to CDFW, as well as a plan to avoid take of the species. Project activities will not proceed until the appropriate no-work buffer is established, and the appropriate take avoidance strategies are implemented, as determined by the Project biologist.

BIO-11: Annual grassland habitat within the Project area is considered Swainson's hawk foraging habitat and is protected under Chapter 16.130 of the City Municipal Code, Swainson's Hawk Impact Mitigation Fees. The City will mitigate for the permanent loss of Swainson's hawk foraging habitat at a 1:1 ratio. Mitigation can be accomplished through participation in the City of Elk Grove Swainson's Hawk Impact Mitigation Fees Ordinance, other method acceptable to the California Department of Fish and Wildlife, or other method acceptable to the Elk Grove City Council pursuant to Section 16.130.110.

BIO-12: Prior to the start of Project-related activities the Project biologist will conduct pre-construction surveys for burrowing owl within the Project area plus a 500 foot buffer. Surveys will follow CDFW's Staff Report on Burrowing Owl Mitigation, which includes four surveys at least 3 weeks apart prior to the start of Project activities. The final survey must not be conducted within 14 days prior to the start of Project activities. If burrowing owls are identified within the survey area the Project biologist will consult with CDFW to determine appropriate no-work buffer distances, avoidance strategies and/or mitigation for impacted nest sites.

BIO-13: If vegetation removal or ground disturbance is planned to occur during the nesting season (1 February – 31 August), the Project biologist will conduct a pre-construction nesting bird survey within 7 days prior to vegetation removal or ground disturbance. Within 2 weeks of the nesting bird survey, all vegetation cleared by the Project biologist will be removed from the Project site.

A minimum 100-foot no-disturbance buffer will be established around any active nest of migratory birds and a minimum 300-foot no-disturbance buffer will be established around any nesting raptor species. Upon receiving notification of an active nest, the contractor will immediately stop work until the appropriate buffer is established. Work within the buffer zone will only proceed once the Project biologists has determined that the young have fledged. A reduced buffer may be considered at the discretion of the Project biologist and wildlife agencies.

If tricolored blackbird is discovered nesting within the Project area during the pre-construction nesting bird survey, the Project biologists will notify CDFW, and no Project related activities will proceed until CDFW has issued an Incidental Take Permit for tricolored blackbird or has provided

written approval to start work.

BIO-14: To avoid impacts to NWPT, the Project biologist will conduct a pre-construction survey of the Laguna Creek, Whitehouse Creek, and adjacent banks and wetlands, and upland habitats within the Project area. Surveys will be conducted no more than 24 hours prior to onset of construction. In addition, the Project biologists will monitor initial in-water work and de-watering activities, including clearing/grubbing of aquatic vegetation.

If a turtle is located within the construction area, the Project biologist will temporarily halt work in the vicinity of the discovery and capture the turtle(s) and relocate the species to appropriate aquatic habitat a safe distance from the construction site. The relocation site must be within the same water body found at the Project site (Laguna Creek or Whitehouse Creek).

BIO-15: If water pumps are used to dewater the Project area, pump intakes will be screened and equipped with an energy dissipater to protect aquatic species. Intake pumps will include a mesh screen with openings that do not exceed 3.96 millimeters (5/32 inches) measured diagonally.

BIO-16: Prior to ground disturbing activities or in-water work, animal exclusion fencing will be installed on the edge of the Project boundary within natural habitat communities. The fencing will consist of silt fencing, or a similar material such that turtles, snakes, or other wildlife cannot get through or become entangled in it and will be buried a minimum of 6 inches below ground and will extend 12-18 inches above the ground. At any access opening in the fence, the fence will be installed to turn 180 degrees away from the access point for a length of approximately 10 feet and at a minimum width of one foot from the original fence. The on-site personnel, provided the environmental awareness training by the Project biologist, will inspect the exclusion fencing daily to ensure the fence is kept in good working order. The fence will be maintained and repaired as necessary throughout construction.

BIO-17: No plastic or synthetic monofilament netting shall be used as erosion control or other BMP measures within the project area. All material will be comprised of natural fibers.

BIO-18: To prevent the inadvertent entrapment of NWPT, all excavated, steep-walled holes or trenches more than 3 inches wide and 1 foot deep will be inspected for NWPT then covered at the close of each working day by plywood or similar materials. If it is not feasible to cover an excavation, one or more escape ramps constructed of earthen fill or wood ≥ 6 inches wide shall be installed. Before such holes or trenches are filled, they must be thoroughly inspected by the biologist for trapped NWPT. If at any time a trapped NWPT is detected, the biologist or monitor will relocate the

NWPT to nearby suitable habitat well outside the work area.

BIO-19: Any heavy equipment to be operated in or near water or suitable upland habitat will use non-toxic (e.g., vegetable oil-based) hydraulic fluids only. A spill management plan will be developed to ensure that all equipment will be free of oil and fuel leaks. Equipment refueling and maintenance will only occur at staging areas to avoid fuel, hydraulic fluids, and lubricants from entering the waterway or suitable upland habitat. Further, absorptive pads or impermeable pans should be placed under the vehicles to contain spills and leaks.

BIO-20: The NWPT may overwinter in aquatic or muddy substrates or on land as far as 1640 feet from aquatic habitat. NWPT that overwinter in upland habitat can begin movements as early as 25 August (peaking between September and October) through 30 November. NWPT will begin moving back to aquatic habitat between 1 February and 1 May. Monitoring of ground-disturbing activities in suitable upland habitat, within 1640 feet from presumed occupied aquatic habitat, shall occur from 25 August to 1 December and from 31 January to 1 May. If an overwintering NWPT is excavated and unharmed, construction activities will cease within 50 feet of the turtle until the biologist or monitor can relocate the NWPT to a location specified in the relocation plan. If a NWPT is excavated and injured, the biologist will take the NWPT to a Service-approved rehabilitation center. If it is killed, the NWPT will be taken to a designated repository. If the biologist or monitor exercises this authority, the Service will be notified within 48 hours.

BIO-21: BIO-22: Ground disturbing activities within suitable GGS habitat (includes all aquatic habitat and upland habitat within 200 ft of aquatic habitat) will be conducted between 1 May and 1 October. This is the active period for giant garter snakes and the risk of direct mortality is lessened because snakes are expected to actively react and avoid danger. Ground disturbing activities may occur outside of this period if written approval is received by the U.S. Fish and Wildlife Service Sacramento Office prior to starting any work. A USFWS and CDFW approved biologist will conduct a clearance survey for giant garter snake within 24-hours prior to commencing any Project related activity within 200 feet GGS aquatic habitat. A clearance survey will be repeated if a lapse in construction activity of two weeks or greater has occurred. If individuals of the species are discovered during construction, work will stop in the area of discovery and coordination with the appropriate resource agencies will occur. The USFWS and Project biological monitor will be immediately notified if a snake is found during construction activities. The snake will be monitored by the biological monitor and allowed to leave the area on its own. Project activities will not be reinitiated until documentation for compliance with FESA and CESA is obtained.

BIO-23: On site monitoring during all ground disturbance activities of the Project will be conducted using a USFWS and CDFW approved biologist. BIO-24: Any dewatered habitat shall remain dry for at least 15 consecutive days after 15 April and prior to excavating or filling of the dewatered habitat.

BIO-25: Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds.

BIO-26: All food-related trash must be disposed into closed containers and must be removed from the Project area daily. Construction personnel must not feed or otherwise attract wildlife to the Project area.

BIO-27: The contractor must not apply rodenticide or herbicide within the Project area.

BIO-28: If any wildlife is encountered during the course of construction, said wildlife will be allowed to leave the construction area unharmed.

BIO-29: The Project area contains narrowleaf milkweed, which may provide suitable habitat for native insects (e.g., Monarch butterfly [Danaus plexippus]). Prior to construction the Project biologist will inspect milkweed plants for signs of any life stage of Monarch butterfly. If eggs/larvae of Monarch butterfly are discovered on any plants within the Project area they will be flagged and protected in place until fully hatched/emerged. The appropriate avoidance buffer will be determined by the Project biologist.

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:

Through the implementation measures of BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, BIO-7, and BIO-29, impacts will be reduced to a less than significant number.

BIO-3: BMPs will be incorporated into Project construction to minimize impacts on the environment including erosion and the release of pollutants (e.g. oils, fuels):

- Exposed soils and material stockpiles would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction;
- Implementation of the Project shall require approval of a site-

specific SWPPP or Water Pollution Control Program that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;

- All construction roadway areas would be properly protected to prevent excess erosion, sedimentation, and water pollution;
- All vehicle and equipment fueling/maintenance would be conducted outside of any surface waters;
- Equipment used in and around jurisdictional waters must be in good working order and free of dripping or leaking contaminants;
- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering jurisdictional waters;
- All erosion control measures, and storm water control measures would be properly maintained until the site has returned to a pre-construction state;
- All construction materials would be hauled off-site after completion of construction;
- Upon completion of construction activities, any temporary barriers to surface water flow must be removed in a manner that would allow flow to resume with the least disturbance to the substrate.

BIO-5: Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of jurisdictional waters. Any necessary equipment washing must occur where the water cannot flow into water bodies.

BIO-6: A chemical spill kit must be kept onsite and available for use in the event of a spill.

c.i. Potential Significant Impact:

The Project may have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

c.ii. Facts in Support of Finding:

Through the implementation of mitigation measures BIO-1, BIO-2, BIO-3, BIO-4, BIO-5, BIO-6, and BIO-7, impacts will be reduced to a less that significant level.

d.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.

d.ii. Facts in Support of Finding:

Through the implementation of mitigation measures BIO-8 and BIO-29, impacts will be reduced to a less than significant level.

e.i. Potential Significant Impact:

The Project may conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

e.ii. Facts in Support of Finding:

Implementation of mitigation BIO-11 will reduce the impact to a less than significant level.

f.i. Potential Significant Impact:

The Project may result in substantial soil erosion or the loss of topsoil.

f.ii. Facts in Support of Finding:

Implementation of mitigation measures WQ-1 and WQ-4 will reduce impacts to a less than significant level.

WQ-1: The Project shall comply with the provisions of NPDES Permit and WDRs for the State of California, Department of Transportation, Order No. 2022-0033 DWQ, NPDES No. CAS000003 and any subsequent permits in effect at the time of construction.

WQ-4: The Project shall comply with the Construction General Permit by preparing and implementing a SWPPP or WPCP to address all construction-related activities, equipment, and materials that have the potential impact water quality for the appropriate Risk Level. The SWPPP or WPCP will identify the sources of pollutants that may affect the quality of stormwater and include BMPs to control the pollutants, such as sediment control, catch basin inlet protection, construction materials management and non-stormwater BMPs. All work must conform to the Construction Site BMP requirements specified in the latest edition of the Stormwater Quality Handbooks: Construction Site Best Management Practices Manual to control and minimize the impacts of construction and construction related activities, material and pollutants on the watershed. These include, but are not limited to temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-stormwater BMPs.

g.i. Potential Significant Impact:

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

g.ii. Facts in Support of Finding:

Through the implementation of mitigation measure HAZ-1, impacts will be reduced to a less than significant level:

> **HAZ-1:** The contractor shall prepare a Spill Prevention, Control, and Countermeasure Program (SPCCP) prior to the commencement of construction activities. The SPCCP shall include information on the nature of all hazardous materials that shall be used on-site. The SPCCP shall also include information regarding proper handling of hazardous materials, and clean-up procedures in the event of an accidental release. The phone number of the agency overseeing hazardous materials and toxic clean-up shall be provided in the SPCCP.

h.i. Potential Significant Impact:

The Project may 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.

h.ii. Facts in Support of Finding:

Through the implementation of mitigation measure HAZ-1, impacts will be reduced to a less than significant level.

i.i. Potential Significant Impact:

The Project may violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

i.ii. Facts in Support of Finding:

Through the implementation of mitigation measures WQ-1 through WQ-11, impacts will be reduced to a less than significant level:

> **WQ-2:** The construction contractor shall adhere to the State Water Board Order No. 2013-0001 DWQ as NPDES Permit pursuant to Section 402 of the CWA. The City is designated within the NPDES Phase II General Permit. This General Permit applies to the discharge of stormwater from small Municipal Separate Storm Sewer Systems (MS4s). Under this permit, stormwater discharges must not cause or contribute to an exceedance of water quality standards contained in the California Toxics Rule or the Water Quality Control Plan for the Sacramento and San Joaquin Basin.
>
> **WQ-3:** The Project shall comply with the provisions of the NPDES

Construction General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, NPDES No. CAS000002 and any subsequent permits in effect at the time of construction.

WQ-5: Design Pollution Prevention BMPs will be implemented such as preservation of existing vegetation, slope/surface protection systems (permanent soil stabilization), concentrated flow conveyance systems such as ditches, berms, dikes, and swales, over side drains, flared end sections, and outlet protection/velocity dissipation devices.

WQ-6: BMPs will be incorporated into Project construction to minimize impacts on the environment including erosion and the release of pollutants (e.g. oils, fuels):

- Exposed soils and material stockpiles would be stabilized, through watering or other measures, to prevent the movement of dust at the Project site caused by wind and construction;
- Implementation of the Project shall require approval of a site-specific SWPPP or WPCP that would implement effective measures to protect water quality, which may include a hazardous spill prevention plan and additional erosion prevention techniques;
- All construction roadway areas would be properly protected to prevent excess erosion, sedimentation, and water pollution;
- All vehicle and equipment fueling/maintenance would be conducted outside of any surface waters;
- Equipment used in and around jurisdictional waters must be in good working order and free of dripping or leaking contaminants;
- Raw cement, concrete or concrete washings, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to aquatic life shall be prevented from contaminating the soil or entering jurisdictional waters;
- All erosion control measures, and storm water control measures would be properly maintained until the site has returned to a pre-construction state;
- All construction materials would be hauled off-site after completion of construction;
- Upon completion of construction activities, any temporary barriers to surface water flow must be removed in a manner that would allow flow to resume with the least disturbance to the substrate.

WQ-7: Prior to the start of construction activities, the Project limits within

environmentally sensitive areas (Laguna Creek, Whitehouse Creek, annual grasslands, emergent wetlands, seasonal wetland, and seasonal wetland swale), will be marked with temporary high visibility fencing or staking to ensure construction will not further encroach into sensitive resources. (same as BIO 2)

WQ-8: Vehicle maintenance, staging and storing equipment, materials, fuels, lubricants, solvents, and other possible contaminants must remain outside of jurisdictional waters. Any necessary equipment washing must occur where the water cannot flow into water bodies. (same as BIO-5)

WQ-9: A chemical spill kit must be kept onsite and available for use in the event of a spill. (same as BIO-6)

WQ-10: Prior to arrival at the Project site and prior to leaving the Project site, construction equipment that may contain invasive plants and/or seeds will be cleaned to reduce the spreading of noxious weeds. (same as BIO-25)

WQ-11: The contractor must not apply rodenticide or herbicide within the Project area. (same as BIO-27).

k.i. Potential Significant Impact:

The Project may 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:

- result in substantial erosion or siltation on- or off-site;
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
- 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;
- impede or redirect flood flows.

k.ii. Facts in Support of Finding:

Implementation of mitigation measures WQ-1 through WQ-11 will reduce impacts to a less than significant level.

l.i. Potential Significant Impact:

The Project may risk the release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

l.ii. Facts in Support of Finding:

Implementation of mitigation measures WQ-1 through WQ-11 will reduce impacts to a less than significant level.

m.i. Potential Significant Impact:

Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan

m.ii. Facts in Support of Finding:

Implementation of mitigation measures WQ-1 through WQ-11 will reduce impacts to a less than significant level.

D. Determination

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

(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/)

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 (Annual Reports):** This report will be submitted monthly 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. 5A34CR00944.

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:

31 July 2026

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. <u>Photo-Documentation:</u>

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:	Laguna Creek Inter-Regional Trail Crossing at State Route 99 Project (WTL016)
Permittee:	City of Elk Grove Public Works Department
WDID:	5A34CR00944
Reg. Meas. ID:	464706
Place ID:	906147
Order Effective Date:	31 July 2026
Order Expiration Date:	30 July 2031

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 Name[1]	**Affiliation and Job Title**
Signature	**Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

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

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 on the 1st day of August beginning one year after the effective date of the Order. 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. <u>Part B – Project Status Notifications</u>

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. <u>Part C – Conditional Notifications and Reports</u>

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 A.1 through A.3 above may sign documents if:

1. The authorization is made in writing by a person described in items A.1 through A.3 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 A 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. <u>Post-Discharge Certification Deviation Reporting:</u>

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. <u>Annual Summary Deviation Report:</u>

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 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 Stormwater Discharges Associated with Construction and Land Disturbance Activities

(Order No. 2022-0057-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 set.), 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** – NOT APPLICABLE
4. **Fugitive Dust**

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

5. Good Site Management "Housekeeping"

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

Conditions related to post-construction stormwater management are required to comply with the Basin Plan and to assure that the discharge complies with applicable water quality objectives. 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 conditions

will assure compliance with water quality objectives including for floating material, sediment, turbidity, temperature, suspended material, and settleable material. (Basin Plan, Sections 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 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.

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

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

K. Compensatory Mitigation for Permanent Impacts

The conditions under Section K regarding compensatory mitigation for permanent impacts ensure permanent physical loss and permanent ecological degradation of waters of the state are adequately mitigated. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California's "No Net Loss" Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

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).