



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 10 January 2024

Expiration Date: 9 January 2029

Program Type: Fill/Excavation

Reg. Meas. ID:	454851
Place ID:	890994
WDID No.:	5A57CR00214
USACE No.:	SPK-2023-00751
	NWP 33

Project Type: Channel Construction and Maintenance

Project: Department of Water Resources Deferred Maintenance Site 545 (Unit 2: LM 4.29) and Site 549 (Unit 2: LM 5.40) Project (Project)

Applicant: California Department of Water Resources

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

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Water Resources (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 24 October 2023. The application was deemed complete on 12 December 2023. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application:	27 November 2023
Date all requested information was received:	11 December 2023

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 27 October 2023 to 17 November 2023. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to remove and replace two damaged pipes located on the bank of Willow Slough Bypass at levee miles 4.29 (Site 545) and 5.40 (Site 549).

IV. Project Description

The 1.13-acre Project includes pipe replacement activities at Sites 545 and 549 at Willow Slough Bypass in Yolo County.

Site 545

The Site 545 pipe replacement consists of removing an existing 24-inch corrugated metal pipe and replacing it with a 24-inch reinforced concrete pipe. The pipeline will be extended approximately 7 feet from the existing outlet (150 feet to 157 feet in length) to allow for the realignment of the waterside levee toe access dirt road. A new headwall with wingwalls will also be installed and an existing concrete splash pad at the base of the outlet will be removed. The new wingwalls will extend an additional 8 feet towards the discharge channel. The total Site 545 outlet works will extend an additional 15 feet into the discharge channel from the existing structure.

Site 549

The Site 549 pipe replacement consists of removing an existing 24-inch corrugated metal pipe and replacing it with a 24-inch reinforced concrete pipe. The pipeline will be extended approximately 15 feet from the existing outlet (161 feet to 176 feet in length) to allow for the realignment of the waterside levee toe access dirt road. The patrol road will be straightened to avoid damaging the levee toe. The existing headwall, wingwall, and splash pad will be replaced. The total Site 549 outlet works

will extend an additional 15 feet into the discharge channel from the existing outlet structures.

A new precast concrete riser with slide gate will be added. The inlet slide (sluice) gate attached to the headwall, outlet flap gate attached to the headwall, concrete splash pad, and wingwalls will be replaced. The outlet structure will be larger than the existing headwall to include slots for installation of 2-inch by 12-inch stop logs during maintenance and inspection of the pipe.

The existing pipe, headwall, wingwalls, and gates will be removed by excavating the levee and foundation. An excavator will trench down to the existing corrugated metal pipe at a 1-horizontal to 1-vertical slope to the top of the pipe. The width of the bottom of the excavation trench will be 14.5 feet. An additional excavation trench, approximately 4.5-feet by 4.5-feet, will be required to remove the pipe and install the new concrete pipe. The new pipe will be protected with a 1-foot thick controlled low-strength material (CLSM). CLSM is a self-consolidation cementing material and is required as proper backfill for levee foundation. New pipe joints will be encased with reinforced concrete. Additional concrete encasement will be required at exposed areas along the landside drainage ditch on the side of the levee.

The excavated levee soils will be stockpiled adjacent to site and reused. The old pipe, gates, and demolition concrete will be removed and disposed.

Seasonal water level fluctuation in Willow Slough Bypass will require an earthen berm/barrier covered in plastic sheeting and sandbags to be placed in the discharge channel connecting to the flowing bypass channel. Water from the dewatered outlet discharge channel will be pumped back into the bypass to remain dry until the end of construction. Water, flows, and riparian vegetation within Willow Slough Bypass will not be affected by construction activities.

V. Project Location

County: Yolo

Assessor's Parcel Number(s):

Site 545: 042130029, 042140007

Site 549: 042130012, 042130036, 042130012, 042140013

Nearest City: Davis

Sections 31 and 32, Township 9 North, Range 3 East, MDB&M.

Site 545 – Latitude: 38.58953° and Longitude: -121.68056°

Site 549 – Latitude: 38.58954° and Longitude: -121.66007°

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving 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

Direct impacts from construction activities include, but are not limited to, grading, excavation, dewatering, and brush clearing. The activities will be confined to the Project limits of disturbance and staging areas.

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 Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.014		60

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.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.009	1,557	45

VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order.

According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

The Permittee shall minimize impacts of the Project at Sites 545 and 549 by implementing the following Conservation Measures:

1. Submit in writing to the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) the name, qualifications, business address, and contact information of a biologist(s) (qualified biologist) and obtain approval of the biologist(s) before starting pipe replacement. The Permittee shall ensure that the qualified biologist is knowledgeable and experienced in the biology and natural history of the giant garter snake.
2. Use existing staging sites, maintenance toe roads, and levee crown roads to the extent practicable for staging and access to avoid affecting previously undisturbed areas. The Permittee should locate construction staging and other temporary work areas for covered activities in areas that shall ultimately be a part of the permanent project development footprint. If construction staging and other temporary work areas must be located outside of permanent project footprints, they shall be located either in areas that do not support habitat for covered species or are easily restored to prior or improved ecological functions (e.g., grassland and agricultural land).
3. Limit the number of access routes and the size of staging and work areas to the minimum necessary to conduct the activity.
4. Workers shall minimize the spread of dust from work sites to natural communities or covered species habitats on adjacent lands.
5. Where feasible and practicable (e.g., based on the size of the pipeline replacement area), clearly mark work area limits (e.g., with flagging or fencing), including access roads; staging and equipment storage areas; stockpile areas for spoil disposal, soil, and materials; fueling and concrete washout areas; and equipment exclusion zones. Work shall occur only within the marked limits. This measure is intended to apply to pipe replacement activities occurring in discrete areas as opposed to activities occurring over an extensive area where flagging work limits will be infeasible.
6. Inspect under all vehicles and heavy equipment for the presence of wildlife before the start of each workday when equipment is staged overnight.

Additionally, look for wildlife in all pipes, culverts, and similar structures that have been stored on-site for one or more nights before being buried, capped, or moved.

7. To prevent injury and mortality of giant garter snake and other wildlife, workers shall cover open trenches and holes associated with implementation of covered activities that affect habitat for these species or design the trenches and holes with escape ramps that can be used during non-working hours. The Permittee shall inspect open trenches and holes prior to filling and contact a qualified biologist to remove or release any trapped wildlife found in the trenches or holes.
8. Ensure that all project related trash items, such as wrappers, cans, bottles, and food scraps are collected in closed containers, removed from the sites each day, and disposed of at an appropriate off-site location to minimize attracting wildlife to work areas.
9. Keep the clearing of vegetation to the minimum necessary; especially minimize the clearing of native riparian vegetation and native oaks and grubbing for temporary vehicle access to the extent practicable.
10. The Permittee shall install erosion control materials that minimize soil or sediment from entering waterways and wetlands.
11. The amount of revetment and similar materials used for bank protection and other pipe replacement activities shall be limited to the amount necessary to ensure proper flood protection system integrity and function.
12. Remove temporary fill, construction debris, and refuse, and properly dispose of these materials following completion of any pipe replacement activities.
13. Habitats, including sensitive natural communities, shall be restored to pre-project conditions wherever feasible. Restoration could include recontouring by grading and disking, revegetating with native seeds and plants reflective of the target plant community, decompacting soil, and installing appropriate erosion control measures to return the disturbed on-site habitat to pre-activity conditions.
14. For invasive plant species removal, the Permittee shall implement measures to minimize the potential for invasive plants to be introduced or spread during activities. Measures shall be created for both sites as deemed necessary by a qualified biologist and shall be approved by a qualified biologist prior to implementation.
15. The Permittee shall provide USFWS with reasonable access to all pipe replacement sites and shall otherwise fully cooperate with the natural resource agencies' efforts to verify compliance with, or effectiveness of, conservation measures.
16. The qualified biologist shall be authorized to stop pipe replacement activities that, in the biologist's opinion, threaten to cause unanticipated and/or

unpermitted adverse effects on special-status wildlife. If pipe replacement activities are stopped, the qualified biologist shall consult with USFWS to determine appropriate measures that the Permittee shall implement to avoid adverse effects. Buffers shall be maintained until there is no longer a threat of disturbance to the sensitive biological resource, as determined by a qualified biologist.

17. The Permittee shall immediately notify the qualified biologist if a species is taken or injured by a Project-related activity, or if a species is otherwise found dead or injured within the vicinity of the Project. The qualified biologist shall provide initial notification to USFWS. The initial notification shall include information regarding the location, species, and number of animals taken or injured, and site number. Following initial notification, the Permittee shall send a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible, provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
18. Project proponents shall avoid and minimize effects on wetlands and waters and shall comply with stormwater management plans that regulate development as part of compliance with regulations under the National Pollutant Discharge Elimination System (NPDES) permit requirements. Activities that result in any fill of waters or wetlands shall also comply with the requirements under Section 404 of the Clean Water Act, State Water Resources Control Board (State Board), Fish and Game Code Section 1602, and Regional Board regulations.
19. No later than 45 days after completion of the pipe replacement, the Permittee shall provide the natural resources agencies with a Final Mitigation Report. The qualified biologist shall prepare the Final Mitigation Report which shall include, at a minimum: (1) notes showing when each of the mitigation measures was implemented; (2) all available information about Project-related incidental take of species; (3) information about other Project impacts on the species; (4) beginning and ending dates of the pipe replacement; (5) an assessment of the effectiveness of conservation measures in minimizing and fully mitigating Project impacts on the species; (6) recommendations on how mitigation measures may be changed to more effectively minimize take and mitigate the impacts of future projects on the species; and (7) any other pertinent information.
20. The Permittee shall ensure that a qualified biologist surveys areas of planned ground disturbance using USFWS-approved methods for burrows, soil cracks, and crevices that may be suitable for use by giant garter snakes when within suitable aquatic and terrestrial habitat. Surveys shall be completed no more than 3 days before conducting any ground-disturbing activities in terrestrial habitat potentially supporting giant garter snakes. Any identified burrows, soil cracks, crevices, or other habitat features shall be flagged or marked by the qualified biologist or otherwise identified as biologically

sensitive areas (BSAs). The Permittee shall avoid these BSAs to the maximum extent feasible. If activities temporarily stop for more than 14 days, surveys for soil cracks and similar features shall be repeated by a qualified biologist, as described above.

21. Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced because snakes are expected to move and avoid danger.
22. A qualified biologist shall be on site during all grading activities, vegetation removal activities, and trenching activities. A qualified biologist shall be onsite and monitor all locations where pipe replacements will alter giant garter snake hibernacula/refugia (rip rap, burrows, vegetation, etc.).
23. In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.
24. Provide environmental awareness training for construction personnel, as approved by the Yolo Habitat Conservancy (Conservancy). Training may consist of showing a video prepared by a qualified biologist, or an in-person presentation by a qualified biologist. In addition to the video or in-person presentation, training may be supplemented with the distribution of approved brochures and other materials that describe resources protected under the Yolo Habitat Conservation Plan (HCP)/Natural Community Conservation Planning (NCCP) and methods for avoiding effects.
25. A qualified biologist shall prepare a giant garter snake relocation plan which must be approved by the Conservancy prior to work in giant garter snake habitat. The qualified biologist shall base the relocation plan on criteria provided by CDFW or USFWS, through the Conservancy.
26. If giant garter snakes are observed in a repair area, the Permittee shall stop work in the immediate area until the snake is out of the repair area and shall notify the qualified biologist immediately. If possible, the snake will be allowed to leave on its own, and the biologist shall remain in the area until the biologist deems their presence no longer necessary to ensure that the snake is not harmed. If the snake does not leave the work area on its own volition, CDFW and USFWS shall be consulted to identify next steps. This may include the capture and relocation of the snake unharmed to suitable habitat at least 200 feet (but no more than one (1) mile) from the repair area by the qualified biologist with a CDFW and/or USFWS giant garter snake handling

permit. The Permittee shall notify CDFW and USFWS by telephone or email within 24 hours of a giant garter snake observation during work activities.

27. Employ the following management practices to minimize disturbances to habitat:
 - Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.
 - Maintain water quality and limit construction runoff into wetland areas using hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic, monofilament, jute, or similar erosion-control matting that could entangle snakes or other wildlife shall be permitted.
 28. Temporarily affected giant garter snake aquatic habitat shall be restored in accordance with criteria listed in the USFWS Mitigation Criteria for Restoration and/or Replacement of Giant Garter Snake Habitat (USFWS 1997), or the most current criteria provided by USFWS and/or CDFW.
 29. Conduct environmental awareness training to train the contractor on the proper use of best management practices (BMPs) and applicable permit requirements to protect receiving water quality.
 30. The Permittee shall install erosion control measures, such as use of straw bales, silt fences, fiber rolls, or equally effective measures, at repair areas adjacent to stream channels, drainage canals, and wetlands, as needed. Erosion control measures shall be monitored during and after each storm event for effectiveness. Modifications, repairs, and improvements to erosion control measures shall be made as needed to protect water quality.
 - i. No erosion control products shall be used with plastic monofilament or cross-joints in the netting that are bound/stitched (such as straw wattles, fiber rolls, or erosion control blankets), which could trap giant garter snake and other wildlife.
 31. Install turbidity curtains or similar methods during in-channel work to control silts and sediments, where needed for in-water work.
 32. The Permittee shall minimize ground and vegetation disturbance by establishing designated equipment staging areas, access routes, spoils and soil stockpile areas, and equipment exclusion zones prior to the commencement of activity.
 33. The Permittee shall prepare and implement a hazardous materials management and spill response plan. The Permittee shall ensure that any hazardous materials are stored at the staging areas with an impermeable membrane between the ground and hazardous material and that it is bermed to prevent the discharge of pollutants to groundwater and runoff water. The Permittee shall immediately stop and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified
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individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so, according to the spill response plan. The Permittee shall notify USFWS, and CDFW within 24 hours of any leaks or spills. The Permittee shall properly contain and dispose of any unused or leftover hazardous products off-site. The Permittee shall use and store hazardous materials, such as vehicle fuels and lubricants, in designated staging areas located away from stream channels and wetlands according to local, State, and federal regulations, as applicable.

34. Construction vehicles and equipment shall be checked daily for leaks and shall be properly maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease.

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

On 5 January 2018, the Department of Water Resources, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2015052035) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 January 2018. 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.

XI. 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.

XII. Fees Received

An application fee of \$2,985.00 was received on 17 November 2023. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

XIII. 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.

B. Reporting and Notification Requirements

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

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

centralvalleysacramento@waterboards.ca.gov.

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

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month** beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of February 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 Storm Water 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 Materials²:

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)

- Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).
 - ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
 - iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:**
- The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.
- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions:**
- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
 - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.
- d. Modifications to Project:**
- Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership:

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring**1. General:**

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

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

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions:

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

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
- c. Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.³ 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 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 XIII.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
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants ⁴	Observations	Visual Inspections	Continuous throughout the construction period

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

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

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity 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) 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 XIII.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIII.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present, the area must be dewatered prior to start of work.
- e. Dewatering will occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
- g. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water.

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 XIII.B.3.a and XIII.B.3.b.
- b. Wet concrete will be placed into stream channel habitat after the area has been completely dewatered or when the work area is naturally dry.
- c. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete waste.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

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

10. Sediment Control

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not

be placed where such materials could pass into surface water or surface water drainage courses.

- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

The following Special Status Species have the potential to occur within the Project: Giant garter snake, Monarch butterfly, Chinook salmon – Sacramento River winter-run, Chinook salmon – Central Valley spring-run, Green sturgeon – southern distinct population segments (DPS), Steelhead – Central Valley DPS, Delta smelt.

12. Stabilization/Erosion Control

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

13. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable

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

J. Mitigation for Temporary Impacts

- 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 as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within ninety days (90) of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed

collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).

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 ninety (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			0.014			

K. Compensatory Mitigation for Permanent Impacts:

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

1. Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with an email discussing the compensatory mitigation plan (Compensatory Mitigation Plan) dated 11 December 2023 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

3. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

4. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.009 acre of stream channel by purchasing 0.009 Aquatic Resource Credits in the Cache/Putah Rivers Watershed Service Area.
- 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
Stream Channel	In-Lieu Fee Credits	Acres						0.009

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.

XIV. Water Quality Certification

I hereby issue the Order for the Department of Water Resources Deferred Maintenance Site 545 (Unit 2: LM 4.29) and Site 549 (Unit 2: LM 5.40) Project, WDID # 5A57CR00214, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

Original Signed by Anne Walters for:

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

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

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Attachment A – Project Maps

Figure 1: Project Vicinity Map

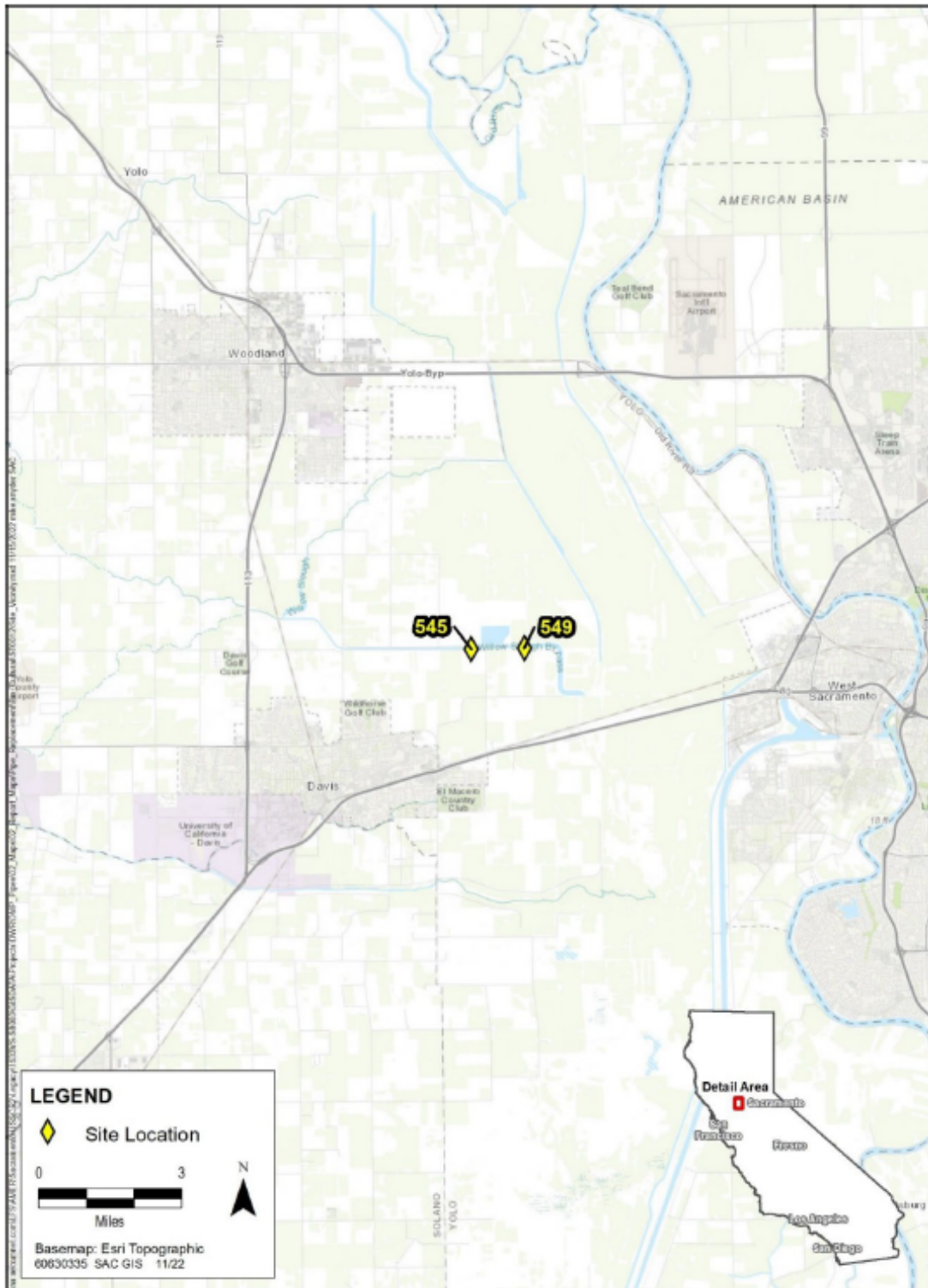


Figure 2: Map of Impacts at Site 545

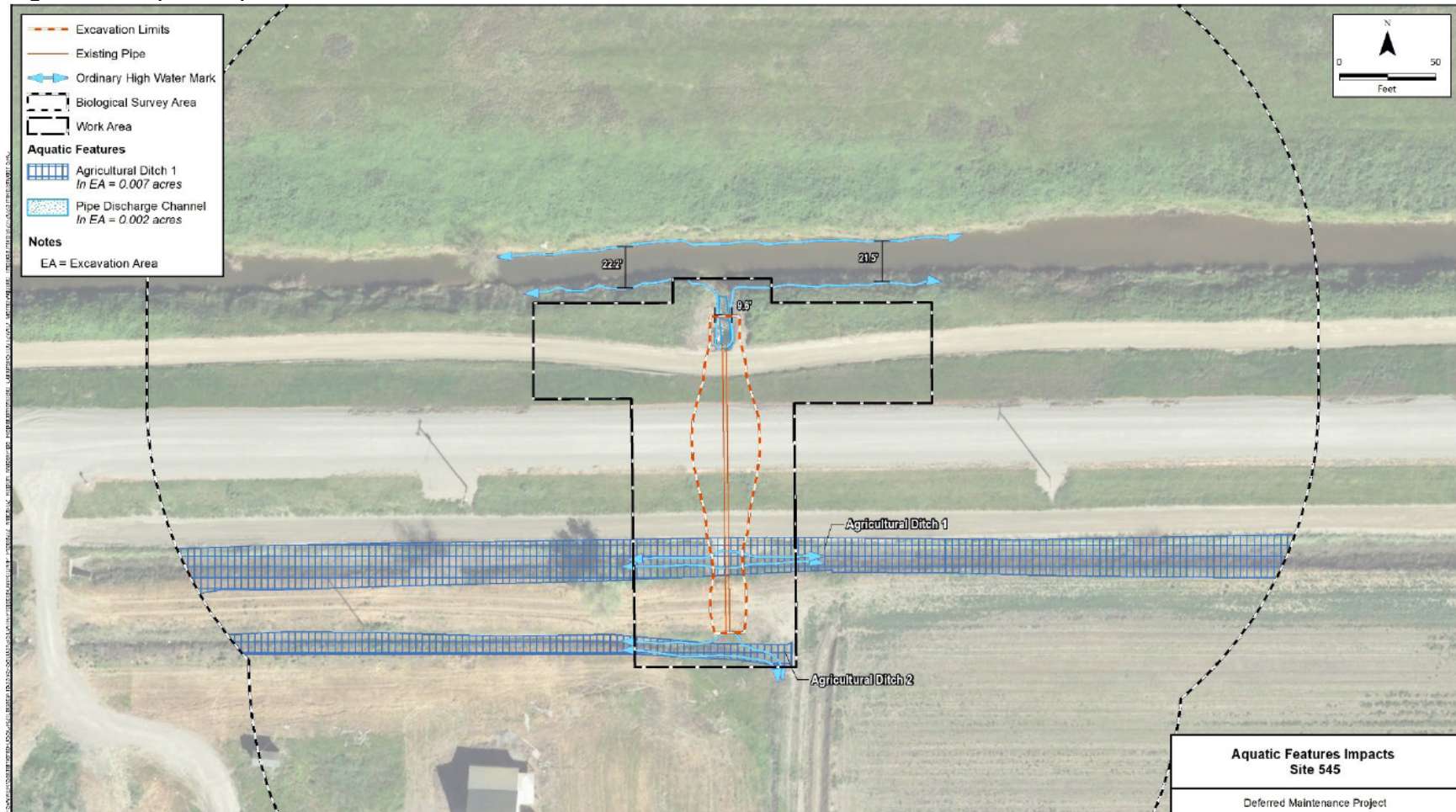
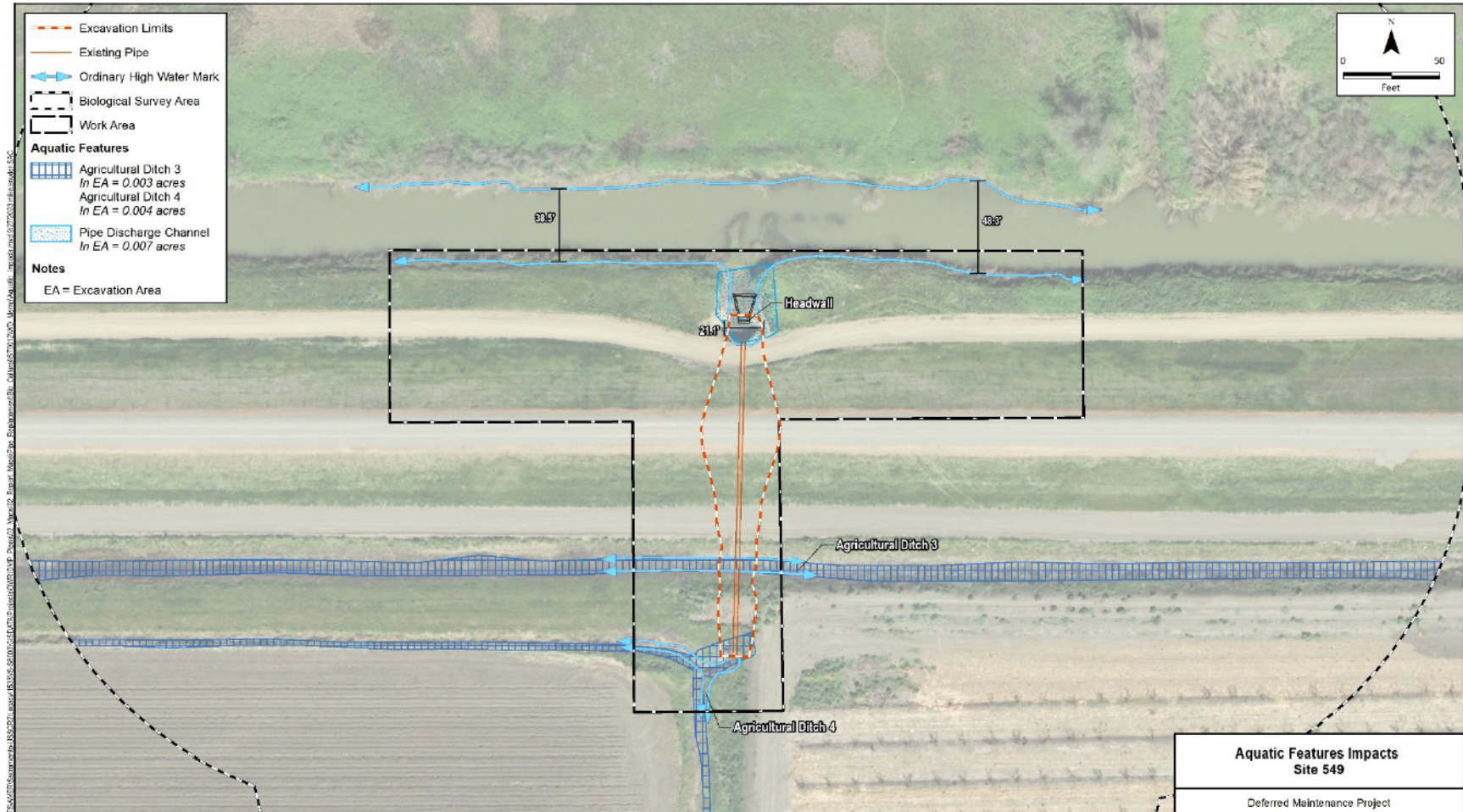


Figure 3: Map of Impacts at Site 549



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Site 545	Willow Slough Bypass	Stream Channel	511.20	Willow Slough Bypass	MUN, AGR, REC-1, REC-2, WARM, COLD SPWN, WILD	Boron, Chlorpyrifos, Diuron, Indicator Bacteria, Malathion, Selenium, Specific Conductivity, Toxicity	
Site 549	Willow Slough Bypass	Stream Channel	511.20	Willow Slough Bypass	MUN, AGR, REC-1, REC-2, WARM, COLD SPWN, WILD	Boron, Chlorpyrifos, Diuron, Indicator Bacteria, Malathion, Selenium, Specific Conductivity, 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	Linear Feet
Site 545	38.58953°	-121.68056°	No	0.007		25
Site 549	38.58954°	-121.66007°	No	0.007		35

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Site 545	38.58953°	-121.68056°	No	0.002	691	25
Site 549	38.58954°	-121.66007°	No	0.007	866	20

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	National Fish and Wildlife Foundation
Website:	National Fish and Wildlife Foundation (nfwf.org) (https://www.nfwf.org)
In-Lieu Fee Program Contact Name:	Tim DiCintio
Phone:	(202) 595-2466
Email:	Timothy.DiCintio@nfwf.org
In-Lieu Fee Program Location - County:	Cache/Putah Rivers Watershed Service Area

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel	0.009		TBD

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 5 January 2018, the Department of Water Resources, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2015052035) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 January 2018. 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 Department of Water Resources' certified 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 Department of Water Resources 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 Department of Water Resources 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 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, 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 FEIR which is incorporated herein by reference. The Project FEIR is available at: 3310 El Camino Avenue, Suite 140, Sacramento, CA 95821.

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, is incorporated herein by reference.

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

- (1) Findings regarding impacts that will be mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

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

a.i. Potential Significant Impact:

- 3.3-1: Maintenance activities could result in direct or indirect impacts to special-status wildlife species and their associated habitat.
- 3.3-2: Maintenance activities could result in the loss or modification of habitat for special-status plants.
- 3.3-3: Maintenance activities could result in the loss or modification of habitat for special-status fish.
- 3.3-4: Maintenance activities could result in interference with native resident or migratory fish or wildlife movement corridors or use of native wildlife nursery sites.
- 3.3-5: Maintenance activities could result in the loss or modification of riparian habitat, oak woodland, shaded riverine aquatic cover, and wetlands and Other Waters of the United States or State.
- 3.3-6: Maintenance activities could result in conflicts with the adopted provisions of a Habitat Conservation Plan, Natural Community Conservation Plan, or Other Conservation Plan.
- 3.3-7: Maintenance activities could result in the removal of Heritage Trees, Native Oaks, and other trees protected by local tree preservation ordinances or local policies.
- 3.3-8: Maintenance activities would contribute to cumulative temporary and permanent loss of sensitive habitats and impacts to special-status species.
- 3.5-1: Conducting maintenance activities could result in the release of increased amount of sediment or other water quality pollutants, which could adversely affect receiving water quality.
- 3.5-2: Conducting maintenance activities in combination with other projects being conducted in the project area has the potential to result in the cumulative degradation of water quality.

a.ii. Facts in Support of Finding:

- Measure 3.3-1a (All): The Permittee will minimize disturbance at maintenance areas by implementing the following measures:
 - Use existing staging sites, maintenance toe roads, and levee crown roads to the extent practicable for staging and access to avoid affecting previously undisturbed areas.

- Limit the number of access routes and the size of staging and work areas to the minimum necessary to conduct the activity.
- Where feasible and practicable (e.g., based on the size of the maintenance area and maintenance to be performed), clearly mark work area limits (e.g., with flagging or fencing), including access roads; staging and equipment storage areas; stockpile areas for spoil disposal, soil, and materials; fueling and concrete washout areas; and equipment exclusion zones. Work will occur only within the marked limits. This measure is intended to apply to maintenance activities occurring in discrete areas (e.g., bridge and culvert maintenance) as opposed to activities occurring over an extensive area (e.g., channel or levee vegetation management) where flagging work limits will be infeasible.
- Inspect under all vehicles and heavy equipment for the presence of wildlife before the start of each workday when equipment is staged overnight. Additionally look for wildlife in all pipes, culverts, and similar structures that have been stored on-site for one or more nights before being buried, capped, or moved.
- All excavated, steep-walled holes or trenches will be covered with appropriate covers (thick metal sheets or plywood) at the end of each workday. Covers will be placed to ensure that trench edges are fully sealed. Alternatively, such trenches may be furnished with one or more escape ramps constructed of earth fill or wooden planks to provide escape ramps for wildlife.
- Ensure that all project related trash items, such as wrappers, cans, bottles, and food scraps, are collected in closed containers, removed from maintenance sites each day, and disposed of at an appropriate off-site location to minimize attracting wildlife to work areas.
- Keep the clearing of vegetation and blading for temporary vehicle access to the minimum necessary; especially minimize the clearing of native riparian vegetation and native oaks to the extent practicable.
- Where feasible and consistent with maintenance requirements, avoid removal of native trees with a trunk > 4 inches diameter at breast height (dbh). Work will be done in a manner that ensures, to the extent feasible, that living native riparian vegetation within the vegetation-clearing zones is avoided and left undisturbed, where this can reasonably be accomplished without compromising maintenance requirements.

- Where feasible, a minimum of a 15-foot fringe of riparian habitat will be retained along both sides or on alternating sides of the low-flow channel and only necessary maintenance work will occur here.
 - If erosion control fabrics are used, products will not be used with plastic monofilament or cross-joints in the netting that are bound/stitched (such as straw wattles, fiber rolls, or erosion control blankets), which could trap giant garter snakes and other wildlife.
 - The amount of revetment and similar materials used for bank protection and other maintenance activities will be limited to the amount necessary to meet maintenance obligations and ensure proper flood protection system integrity and function.
 - Remove temporary fill, construction debris, and refuse, and properly dispose of these materials following completion of any maintenance activities.
 - Habitats, including sensitive natural communities, will be restored to pre-project conditions wherever feasible. On levees, restoration will follow the Levee Vegetation Management Strategy (LVMS), which focuses on managed recruitment of the lower waterside levee, where feasible. Restoration could include recontouring by grading and disking, revegetating with native seeds and plants reflective of the target plant community, decompacting soil, and installing appropriate erosion control measures to return the disturbed on-site habitat to pre-activity conditions.
- Measure 3.3-1b (All): The Permittee will provide annual environmental awareness training by a qualified biologist to all maintenance personnel and to new field-based personnel before engaging in maintenance activities. Environmental awareness training will include descriptions of all special-status wildlife species potentially occurring in the project area (or maintenance activity area for activity-specific training), their habitats, and methods of identification, including visual aids as appropriate. The training will inform staff on weed biology, identification, and invasive plant prevention. The training will also describe activity-specific measures that will be followed to avoid impacts. The measures will be provided to the Maintenance Yard Supervisor, crew leader, and any contractors participating in maintenance activities.
 - Measure 3.3-1c (All): To minimize the potential for invasive plants to be introduced or spread during maintenance activities, a qualified biologist will work with maintenance yard staff as needed to develop an invasive species management plan that will include invasive plant prevention

Best Management Practices (BMPs), based on Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers (Cal-IPC, 2012).

- Measure 3.3-1d (All): A qualified biologist will be available on an on-call basis during all project-related activities. If needed, a qualified biologist will be maintained on-site during maintenance activities to ensure the protection of special-status species as required.
- Measure 3.3-1e (levee maintenance (LM), channel maintenance (CM), flood control (FC)): If potentially suitable aquatic habitat for giant garter snakes has been identified in or within 200 feet of maintenance areas by a qualified biologist, the Permittee will establish a 200-foot buffer around the aquatic habitat. Buffers will be marked in the field with guidance from a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Maintenance activities will not occur within the buffer, and maintenance workers will avoid entering the buffer at all times. If avoidance buffers are observed, no other mitigation measures for impacts to giant garter snakes will be required. If work must occur within 200 feet of potentially suitable aquatic habitat, the Permittee will implement the following mitigation measures as determined to be necessary by a qualified biologist.
- Measure 3.3-1f (LM, CM, FC): If giant garter snakes are observed in a maintenance area, the Permittee will stop work until the snake is out of the area of maintenance activity and will notify a qualified biologist immediately (see Measure 3.3-1d). If possible, the snake will be allowed to leave on its own, and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the snake is not harmed. Alternatively, with prior CDFW and USFWS approval and appropriate handling permits, the qualified biologist may capture and relocate the snake unharmed to suitable habitat at least 200 feet from the maintenance area. The Permittee will notify CDFW and USFWS by telephone or email within 24 hours of a giant garter snake observation during maintenance activities. If the snake does not voluntarily leave the maintenance area and cannot be captured and relocated unharmed, maintenance activities within approximately 200 feet of the snake will stop to prevent harm to the snake, and CDFW and USFWS will be consulted to identify next steps. In that case, the Permittee will implement the measures recommended by CDFW and USFWS prior to resuming maintenance activities in the area.
- Measure 3.3-1g (CM, FC): Where feasible for collection canals and other channels that involve sediment removal in the wet, the Permittee will conduct maintenance activities in aquatic habitats potentially

supporting giant garter snakes between October 1 and April 30. During this time, giant garter snakes are more likely to be occupying upland burrows and are less likely to be in the aquatic habitat.

- Measure 3.3-1h (CM, FC): The Permittee will dewater maintenance areas potentially providing aquatic habitat for giant garter snakes to the extent feasible. Any dewatered aquatic habitat will be kept dry for at least 15 consecutive days before conducting maintenance activities. If 15 consecutive days is not feasible then the Permittee will consult with both the USFWS and CDFW to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (i.e., fish and tadpoles) will be removed so that giant garter snakes and other wildlife are not attracted to the maintenance area.
- Measure 3.3-1i (CM): If channel maintenance activities cannot be completed during periods as described for Measure 3.3-1g and maintenance areas cannot be dewatered as described for Measure 3.3-1h, the Permittee staff will lightly brush maintenance equipment (e.g., excavator bucket) across the water surface and any associated aquatic vegetation (prior to lowering the excavator bucket into the channel) in an effort to encourage giant garter snakes to leave the area. The equipment will then be slowly lowered into the aquatic habitat until the bottom of the aquatic habitat is encountered and raised vertically and slowly so that the canal banks and bank vegetation are not disturbed to the maximum extent possible, consistent with the intended purpose of the maintenance activity.
- Measure 3.3-1j (LM, CM, FC): Staff trained in the identification of giant garter snakes will monitor all maintenance activities occurring in aquatic habitat during the active season. When ground disturbance will occur in areas of suitable giant garter snake habitat, a qualified biologist will monitor the work. As work is conducted, the Permittee staff and the qualified biologist will visually scan work areas, equipment, and materials (e.g., excavated sediment and associated aquatic vegetation) for giant garter snakes. If any snake and/or giant garter snakes are observed, the Permittee will halt all work and follow the requirements of Measure 3.3-1f.
- Measure 3.3-1k (LM, CM, FC): When possible, the Permittee will complete maintenance activities in terrestrial habitats that are potentially supporting giant garter snakes between May 1 and October 1. Work in giant garter snake upland habitat may also occur between October 2 and November 1 or April 1 through April 30 provided ambient air temperatures exceed approximately 75°F during work and maximum daily air temperatures have exceeded approximately 75°F for at least 3 consecutive days immediately preceding work. During

these periods, giant garter snakes are more likely to be active in aquatic habitats and less likely to be found in upland habitats.

- Measure 3.3-1l (LM, CM, FC): For work areas with a discrete footprint smaller than 0.25 acre, the Permittee will install giant garter snake exclusion fencing entirely around planned maintenance areas during periods when giant garter snakes are active as described for Measure 3.3-1k. Exclusionary fencing will be constructed 5 days prior to beginning maintenance activities, and constructed consistent with USFWS and CDFW guidance. Full exclusionary fencing will be inspected and maintained daily by the Permittee staff and a qualified biologist while maintenance activities are being conducted to verify the condition and function of the fence and to verify that giant garter snakes do not get trapped in the excluded area.
- Measure 3.3-1m (LM, CM, FC): The Permittee will ensure that a qualified biologist surveys areas of planned ground disturbance for burrows, soil cracks, and crevices that may be suitable for use by giant garter snakes when within suitable terrestrial habitat. Surveys will be completed no more than 3 days before conducting any ground-disturbing maintenance activities in terrestrial habitat potentially supporting giant garter snakes. Any identified burrows, soil cracks, crevices, or other habitat features will be flagged or marked by the qualified biologist or otherwise identified as biologically sensitive areas (BSAs). The Permittee will avoid these BSAs during subsequent maintenance activities to the maximum extent feasible. If maintenance activities temporarily stop for more than 14 days, surveys for soil cracks and similar features will be repeated by a qualified biologist, as described above, prior to resuming maintenance.
- If feasible and accepted by CDFW and USFWS, the Permittee will also use other survey techniques (e.g., scent-detection dogs) as an alternative or a supplement to surveys conducted by a qualified biologist. Such surveys will be used to identify cracks and burrows to help determine giant garter snake occupancy, and these burrows will be flagged as BSAs to be avoided during subsequent work as described above.
- Measure 3.3-1n (LM, CM, FC): If implementing Measure 3.3-1l is not feasible, or if maintenance activities that could result in direct, adverse effects on giant garter snakes (e.g., burrow collapse, crushing) would occur during periods when giant garter snakes have a higher probability of occurring in terrestrial habitats (i.e., between October 1 and May 1 or outside this period in mornings, evenings, overnight, or when ambient air temperatures are less than approximately 75°F or greater than approximately 90°F), the Permittee will ensure that a qualified biologist is present to conduct activities described in Measure

3.3-1f, and on call during maintenance activities. The qualified biologist will follow the requirements specified in Measure 3.3-1f to ensure that giant garter snakes are protected to the maximum extent feasible during maintenance activities.

- Measure 3.3-1o (LM, CM, FC): Before maintenance activities occur in potentially suitable terrestrial giant garter snake habitat during periods when snakes are active (between May 1 and October 1 when ambient air temperatures exceed 75°F), the Permittee will mow areas of herbaceous vegetation surrounding planned work areas to a height of no less than 6 inches where and when feasible in order to increase visibility and the probability of giant garter snake detection during surveys as described for Measures 3.3-1m and 3.3-1n.
- Measure 3.3-1p (LM, CM, FC): Temporarily affected giant garter snake aquatic habitat will be restored in accordance with criteria listed in the USFWS Mitigation Criteria for Restoration and/or Replacement of Giant Garter Snake Habitat (Appendix A to Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, and Yolo Counties, California [USFWS, 1997]), or the most current criteria provided by USFWS and/or CDFW.
- Measure 3.3-1q (CM): When feasible, the Permittee maintenance staff members will deposit spoils in areas that do not provide suitable giant garter snake upland habitat. Such areas include compacted or gravel roadbeds, orchards, and recently disked farm fields. If spoils disposal cannot occur as described for this measure, Measure 3.3-1r will be implemented instead.
- Measure 3.3-1r (CM): If BSAs exist in planned maintenance areas, excavated spoils will be placed to avoid these BSAs. A qualified biologist trained in giant garter snake identification will monitor all spoils disposal.
- Measure 3.3-1s (CM): Immediately preceding grading deposited spoils piles, a qualified biologist will survey planned work areas for giant garter snake and burrows. Additionally, a qualified biologist trained to identify garter snakes will monitor all work as it occurs. Grading of deposited spoils piles will only occur during periods when giant garter snakes are likely to be active in aquatic habitat. If giant garter snakes are observed prior to or during work, the measures described in Measure 3.3-1f will be followed.
- Measure 3.3-1t (LM, CM, FC): The Permittee will obtain incidental take authorization under the Federal Endangered Species Act (FESA), and an incidental take permit(s) from CDFW to cover those areas and

activities where there is the potential incidental take of the giant garter snake. Incidental take permits from CDFW require the Permittee to fully mitigate for impacts. The Permittee would implement measures associated with the authorization and permit(s).

- Measure 3.3-1u (LM, CM): Prior to any ground disturbance activity (e.g., grading, disking, road construction, or similar activities that could entomb or excavate spadefoot in terrestrial habitat), a qualified biologist will evaluate the work area and vicinity (within 1,200 feet of the work area) for the presence of suitable western spadefoot breeding habitat. Suitable breeding habitat consists of ephemeral aquatic habitat (streams, vernal pools, stock ponds, etc.) that pond water for more than 3 weeks and with an absence of predators such as fish, bullfrogs, and crayfish. If no suitable aquatic habitat is present within 1,200 feet of the work area, no further action is needed to avoid western spadefoot.

If the Permittee will be required to conduct ground disturbance (e.g., grading, disking, road construction or similar activities) where activities could entomb or excavate spadefoot in potential spadefoot breeding habitat and in terrestrial habitat within 1,200 feet of potentially suitable western spadefoot breeding habitat, as determined by a qualified biologist, the qualified biologist will survey the maintenance area prior to the onset of work. The qualified biologist would also identify burrows suitable for western spadefoot habitat and mark a 50-foot non-disturbance buffer around these burrows. Ground disturbance in these buffer areas will be avoided, if feasible. If ground disturbance would be required within the 50-foot buffer activities will be monitored by a qualified biologist, who will be either on-call or on site, as appropriate to reduce impacts.

The qualified biologist will inform maintenance yard staff to stop maintenance activities if a western spadefoot is observed or if, in the biologist's opinion, maintenance activities threaten to cause adverse effects to western spadefoot. If it is determined that western spadefoot will be potentially harmed by ongoing maintenance, a qualified biologist may relocate animals to suitable habitats outside the maintenance area in consultation with CDFW.

- Measure 3.3-1v (LM, CM, FC): The Permittee will avoid ground disturbance (e.g., grading, disking, road construction or similar activities that could disturb or crush western pond turtles and their nests) within 200 feet of potentially suitable western pond turtle aquatic habitat, as determined by a qualified biologist. Potential suitable aquatic habitat has suitable basking sites (such as logs, rocks, mats of floating vegetation, or open mud banks) and underwater refugia (such as rocks or submerged vegetation) (Hays et al., 1999; Spinks et al.,

2003). The Permittee will observe this buffer during western pond turtle breeding periods (May 1 to November 1), when nests and hatchlings may be present. This 200-foot buffer, or another buffer approved in consultation with CDFW, will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Maintenance activities that could result in ground disturbance will not occur within the buffer to the extent feasible. If such maintenance activities must occur in buffers, a buffer of reduced width will be established (in consultation with CDFW) by a qualified biologist, marked, and avoided during maintenance activities in that location. All ground-disturbing maintenance activities occurring within the original buffer distance will be monitored by a qualified biologist who will be either on-call or on-site, as appropriate to reduce impacts.

- Measure 3.3-1w (LM, CM, FC): Where feasible, the Permittee will conduct maintenance activities in aquatic habitats that are potentially supporting western pond turtles between May 1 and November 1. During this time, western pond turtles are more likely to be active in aquatic habitats and can actively move to avoid maintenance activities in aquatic habitat.
- Measure 3.3-1x (LM, CM, FC): If western pond turtles are observed in a maintenance area, the Permittee will stop work within approximately 200 feet of the turtle, and a qualified biologist (see Measure 3.3-1d) will be notified immediately. If possible, the turtle will be allowed to leave on its own and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the turtle is not harmed. Alternatively, the qualified biologist may capture and relocate the turtle, unharmed and with prior CDFW approval, to suitable downstream habitat at least 200 feet. If the turtle does not voluntarily leave the maintenance area and cannot be captured and relocated unharmed, maintenance activities within approximately 200 feet of the turtle will stop to prevent harm to the turtle, and CDFW will be consulted to identify the next steps, if needed.
- Measure 3.3-1y (LM, CM, FC): All suitable elderberry shrubs (i.e., shrubs with stem diameters of at least 1 inch when measured at ground level) will be avoided. Shrubs will be flagged or temporarily fenced, as needed, with guidance from a qualified biologist and designated as BSAs where feasible. These areas will be avoided by all maintenance personnel and maintenance activities. When feasible, fencing will be placed at least 5 feet from the dripline of each shrub, unless otherwise approved by USFWS.
- Measure 3.3-1z (LM, CM, FC): The Permittee will not use insecticides, herbicides, or other chemicals that might harm the beetle or its host

plant within established buffers (20 feet) around elderberry shrubs. Inside established shrub buffers, the Permittee may mow grasses and ground cover from July to April to reduce fire hazard. Mowing will not occur within 5 feet of any suitable elderberry stem (i.e., a stem 1 inch in diameter or greater). Removal of vegetation within 5 feet of any suitable elderberry shrub (i.e., a shrub with stems 1 inch in diameter or greater) will be completed by hand only.

- Measure 3.3-1aa (LM, CM, FC): If suitable elderberry shrubs cannot be avoided during maintenance activities and will be trimmed or removed during maintenance, a qualified biologist will survey these shrubs for the presence of valley elderberry longhorn beetle (VELB) according to USFWS protocols (USFWS, 1999b).
- Measure 3.3-1bb (LM, CM, FC): If it is determined that any project maintenance activity would potentially result in the incidental take of VELB, despite implementation of the mitigation measures above, the Permittee will obtain take authorization under the FESA. All measures developed through consultation with USFWS will be implemented by the Permittee to mitigate for authorized incidental take. Take would consist of removal of stems greater than 1 inch in diameter, or shrubs with stems 1 inch in diameter or greater.
- Measure 3.3-1cc (LM, CM): Before maintenance activities that could adversely affect federally listed vernal pool crustaceans are conducted in the wet season (November 1 to March 31), a qualified biologist shall survey maintenance areas, including a 250-foot buffer around maintenance area(s) (to the extent that access is reasonably available), for the presence of seasonal wetlands capable of supporting federally listed vernal pool crustaceans. If potentially suitable habitat for these species is identified by a qualified biologist, the Permittee will establish a 250-foot buffer around the habitat. A smaller buffer may be established if biologically justified and in consultation with USFWS in advance. If deemed necessary to protect vernal pool crustaceans, buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Signs indicating the presence of sensitive species and their habitats will be posted, and access to these areas during maintenance activities areas will be prohibited. No maintenance activities that could adversely affect vernal pool crustaceans will be permitted within the buffer.

Before the Permittee conducts maintenance activities in the dry season (April 1 to October 31) a qualified biologist will determine if vernal pools or vernal swales that provide potential habitat for special-status crustaceans are present in the work areas. Such habitat and a 20-foot buffer will be clearly marked using temporary fencing, high-visibility

flagging, or other means that is equally effective in clearly delineating the buffer. The Permittee will avoid driving vehicles or equipment through these areas. If avoidance of the buffer would prevent conducting necessary maintenance activities, the Permittee will consult with USFWS and implement agreed upon alternative mitigation with USFWS, the Permittee may obtain take authorization under FESA which may include purchasing mitigation credits at a USFWS-approved mitigation bank.

- Measure 3.3-1dd (LM, CM): If it is determined that any maintenance activity would potentially result in the incidental take of federally listed vernal pool invertebrates, despite implementation of Mitigation Measure 3.3-1z, the Permittee will obtain take authorization from USFWS under the FESA. All measures developed through consultation with USFWS will be implemented by the Permittee to mitigate for authorized incidental take.
- Measure 3.3-1ee (LM, CM, FC): Wherever feasible, the Permittee will conduct maintenance activities that could potentially affect special-status nesting birds, common nesting birds, and bats at those times of the year when adverse effects on these species will be avoided. If maintenance activities are completed outside of the nesting seasons specified in Table 3.3-8, no additional mitigation is required to mitigate for adverse effects on nesting birds or bats.
- Measure 3.3-1ff (LM, CM, FC): If maintenance activities that could affect suitable habitat for nesting birds and occupied bat roosts cannot be conducted outside of the nesting seasons listed in Table 3.3-8, the Permittee will complete pre-activity surveys for nesting birds (including raptor and passerine nest surveys and heron and egret rookeries) and bats. Surveys will be conducted by a qualified biologist. Surveys will be conducted within suitable nesting habitat that could be affected by maintenance activities (e.g., staging areas, spoils areas, access routes) and will include a 500-foot buffer area (or larger area if required by established survey protocol) surrounding these areas. Where appropriate, pre-activity surveys will follow established survey protocols or guidelines. These protocols include:
 - *Bald Eagle Nesting Territory Survey Form and Instructions* (CDFG, 2010b)
 - *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015* (CDFW, 2015b)
 - *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee [SHTAC], 2000)

- *A Natural History Summary and Survey Protocol for the Western Yellow-billed Cuckoo Population* (Halterman et al., 2015)
- *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012)
- *Least Bell's Vireo Survey Guidelines* (USFWS, 2001b)

If no established survey protocol exists, the qualified biologist will complete surveys within 1 week of the start of the activity, or within 2 weeks of restart of the activity after the activity has lapsed. If no nesting birds and/or roosting bats are detected during pre-activity surveys, no additional mitigation measures are required.

- Measure 3.3-1gg (LM, CM, FC): If nesting birds or bats have been identified by a qualified biologist in or adjacent to a maintenance area, the Permittee will establish an avoidance buffer as indicated in Table 3.3-9 for maintenance activities that would potentially affect the nesting birds or bats. Alternatively, a qualified biologist may determine that a buffer is not required to avoid adverse effects on nesting birds and bats, based on the specific maintenance activities to be conducted and species present.

If required, buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Maintenance activities will not occur within the buffer. If maintenance activities must occur in buffers, a buffer of reduced width will be established in consultation with USFWS and/or CDFW, depending on the listing status of the species by a qualified biologist, marked, and avoided during maintenance activities in that location. Maintenance activities that may impact special-status nesting birds or bats occurring within the avoidance buffer indicated in Table 3.3-9 will be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist will be empowered to stop maintenance activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on special-status wildlife (e.g., nest abandonment). If maintenance activities are stopped, the qualified biologist will consult with CDFW (and USFWS if appropriate) to determine appropriate measures that the Permittee will implement to avoid adverse effects. Buffers will be maintained until there is no longer a threat of disturbance to the sensitive biological resource (e.g., young have fledged, individuals have moved out of the area), as determined by a qualified biologist.

- Measure 3.3-1hh (LM, CM, FC): If it is determined that any maintenance activity would potentially result in the incidental take of any bird protected under the FESA, California Endangered Species Act

(CESA) (e.g., western yellow-billed cuckoo, bank swallow, least Bell's vireo, Swainson's hawk), despite implementation of Mitigation Measures 3.3-1dd through 3.3-1gg, the Permittee will obtain take authorization from USFWS and/or CDFW (as appropriate). All measures developed through consultation with USFWS and/or CDFW will be implemented by the Permittee to mitigate for authorized take. Take of a California Fully Protected species (e.g., white-tailed kite and California black rail) is not authorized.

- Measure 3.3-1ii (LM, CM, FC): If burrowing owls or active burrows are observed in maintenance areas, the Permittee will establish a buffer based on the activity dates and the level of disturbance in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) and described in Table 3.3-10. Activities that involve heavy equipment will be expected to constitute medium to high levels of disturbance for the species. Buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers. Maintenance activities will not occur within the established buffer and workers will avoid entering the area.
- Measure 3.3-1jj (LM, CM, FC): If active burrows cannot be avoided with the minimum buffers indicated in Table 3.3-10, the Permittee will consult with CDFW to determine the best approach to avoid and minimize potential impacts. Such measures will conform to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) and may include modified buffers or passive relocation of owls during the non-breeding season. Passive relocation of owls will be conducted in accordance with an exclusion and relocation plan developed in coordination with and approved by CDFW. The relocation plan will describe methods for passive relocation of the owls, destruction of suitable burrows, and how the site will be maintained to prevent owl reoccupation.
- Measure 3.3-1kk (LM, CM, FC): The Permittee will protect, to the extent reasonably feasible, existing areas of potential bank swallow breeding habitat documented as occurring within 500 feet of maintenance areas (see Measure 3.3-1gg). Suitable breeding habitat is generally defined by the habitat suitability index model developed to evaluate habitat for bank swallow breeding colonies within the continental United States (Garrison, 1989). On the basis of that model, it is assumed that a bank suitable for a nesting colony has the attributes as described below.
 - A bank at least 5 meters (16.7 feet) long; that suitable foraging habitat occurs within 10 kilometers (6 miles) of the colony,
 - Insect prey are not limited,
 - Optimal colony locations are in:

- vertical banks,
- greater than 1 meter (3.3 feet) tall and 25 meters (83 feet) long, and
- consist of suitable soft soils (i.e., sand, loamy sand, sandy loam, loam, and silt loam) in strata greater than 0.25 meter (0.8 foot) wide.

Suitable nesting habitat may vary from this description. It should be determined by a pre-construction survey by a qualified biologist in consultation with CDFW. Suitable banks will be identified during pre-activity surveys and avoided during maintenance activities, consistent with the recommendations in the Bank Swallow Conservation Strategy for the Sacramento River Watershed (CDFG, 1992; BANS-TAC, 2013). Surveys from the waterside may be necessary. Maintenance activities that could potentially result in impacts to bank swallows may be authorized following consultation with CDFW. The Permittee will implement additional site protection measures deemed necessary by CDFW to protect bank swallows prior to initiating maintenance activities that could potentially impact this species.

- Measure 3.3-1II (LM, CM, FC): If an active nest is detected in a maintenance area during the surveys discussed in Mitigation Measure 3.3-1ff, the Permittee will contact CDFW and a 300-foot no-disturbance buffer shall be established around the nesting colony. No work shall occur within the 300-foot buffer until the nest is determined to have fledged or failed. The buffer will be expanded if the birds are exhibiting agitated behavior. Reductions in the standard buffer size shall be discussed with and may be approved by CDFW. A qualified biologist shall be on-site to monitor known nests to ensure that maintenance activities do not affect nest success. The Permittee will use the UC Davis Tricolored blackbird portal, as well as additional data sources, to gather information on known nesting colonies prior to the pre-activity survey (as described in Mitigation Measure 3.3-1ff).
- Measure 3.3-2a (All): Implement Mitigation Measures 3.3-1a through 3.3-1d.
- Measure 3.3-2b (All): Maintenance activities that would potentially impact special-status plants are described in the previous section and identified in Table 3.3-11. For maintenance activities that have the potential to impact special-status plants, areas of suitable habitat should be surveyed, quantified, avoided (whenever possible), or mitigated when avoidance is not possible, according to the following:
 - Before commencing the maintenance activity, a qualified botanist will survey suitable habitat (if present) within the disturbance footprint of the activity, during the appropriate

identification period for the targeted special-status plant species. If no special-status plants are observed during appropriately timed surveys by a qualified botanist, it is assumed that the maintenance activity will have no impact on special-status plants and no further action is required.

- If special-status plants are identified within the planned maintenance area, the individuals or populations will be mapped and quantified and reported to the California Natural Diversity Database (CNDDDB), and the project manager will be notified so that potential impacts to these known occurrences will be avoided, when feasible. Coordination with CDFW and/or USFWS staff may also be necessary for developing appropriate avoidance and minimization measures if the species is federally or State listed. Avoidance and minimization measures may include:
 - No-disturbance buffers.
 - Work windows for low impact activities such as mowing, grazing, or burning of channel vegetation that are compatible with the dormant phase of a special-status plant life cycle but that may kill living plants or severely alter their ability to reproduce.
 - Silt fencing or construction fencing to prevent vehicles, equipment, and personnel from accessing the occupied habitat.
 - Erosion control BMPs such as straw wattles made of rice straw, erosion control blankets, or hydroseeding with a native plant seed mix to prevent sedimentation from upslope maintenance activities.
 - Before the maintenance activity commences, special-status plant occurrences will be marked with pin flags in the field, and all maintenance personnel will be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.
 - If needed a qualified biologist will be present or on-call during maintenance activities to provide guidance on avoiding special-status plants, ensure that other avoidance measures (buffers, fencing, etc.) are observed, and to document the total impact of the maintenance activity, particularly if it is greater or less than anticipated.

- In consultation with CDFW or USFWS, a qualified biologist may collect and spread seeds or relocate plants to appropriate locations.
- If work is required in areas where special-status plant populations are present and cannot be avoided, the Permittee will coordinate with CDFW or USFWS staff to develop appropriate minimization measures.
- Measure 3.3-3a (LM, CM, FC): Implement Mitigation Measures 3.3-1a through 3.3-1d and 3.3-5c.
- Measure 3.3-3b (LM, CM, FC): Implement Mitigation Measure 3.5-1.
- Measure 3.3-3c (LM, CM, FC): Whenever possible, in water work will be conducted between July 1 and November 30 to minimize adverse impacts on fish and their habitat, at locations where there is habitat potentially supporting special-status fish. Work during this period will avoid the seasons in which special-status migratory fish (e.g., salmonids, green sturgeon, Clear Lake hitch) are more likely to be found in the project area. Work on dry land may occur before or after this period. Additionally, work may occur outside this period when channels remain dry.
- Measure 3.3-3d (LM, CM, FC): The Permittee will reduce the impacts to shaded riverine aquatic habitat by implementing the following measures:
 - An inventory of SRA habitat will be conducted before construction activities begin. Any shaded riverine aquatic habitat that is removed will be replaced, with replacement to occur on site when feasible. This includes IWM and other instream structures, overhead shade, and shallow-water habitat.
 - Mitigation credits may be purchased from a public or private mitigation bank approved by CDFW, USFWS, and/or NMFS as determined by the permit conditions with the appropriate incidental take authorization under FESA and CESA or Streambed Alteration Agreement. The final number of credits to be purchased will be determined by agency staff.
 - A mitigation and monitoring plan will be developed and implemented to ensure that the proposed bank treatments and any off-site mitigation treatments fully compensate for losses of SRA cover as determined by the permit conditions with the appropriate incidental take authorization under FESA and CESA or Streambed Alteration Agreement.
- Measure 3.3-3e (FC, data collection (DC)): Before conducting maintenance that requires dewatering the channel and potentially

stranding special-status fishes, a specific fish rescue plan will be developed and CDFW and/or NMFS will be consulted prior to the start of the project. The plan will reference and implement adapted fish relocation measures defined in current technical guidance documents and/or established in previous agency-reviewed Permittee fish rescue plans. The general procedure will include establishing a “cofferdam” (cofferdam may be composed of stop blocks, portable cofferdam, etc.), the lowering of water within the coffer dammed area, catching fish within the area by seining or dip netting, and relocating them outside of the dammed area within the same waterbody. The intakes of water pumps needed for the activity will be screened to NMFS salmonid-screening specifications to prevent entraining fish in the pump. Whenever possible, lowflow pumps with appropriately screened intakes will be used during dewatering. Fish entrapped within the cofferdam will be rescued before the cofferdam is completely drained. As safety allows, qualified biologists will capture and relocate fish as specified in the fish rescue plan.

- Measure 3.3-4a (All): Implement Mitigation Measures 3.3-1a, 3.3-1b and 3.3-5d.
- Measure 3.3-4b (All): Habitat connectivity and the structural integrity of riparian forest and riparian scrub habitat will be retained wherever possible to preserve fish and wildlife migratory and corridor habitat values in the project area. The Permittee will maintain the connectivity of riparian scrub or riparian forest during vegetation management activities affecting riparian habitat (Table 3.3-15) by leaving swaths of riparian vegetation intact along channels wherever feasible. If it is necessary to modify the structure or connectivity of riparian habitat to facilitate flood flow conveyance, The Permittee will stagger or alternate swaths of managed vegetation to minimize the distance between potentially isolated habitat patches. In addition, buffers of vegetation between the low-flow channel and managed riparian habitat will be maintained wherever feasible.
- Measure 3.3-5a (All): Implement Mitigation Measures 3.3-1a through 3.3-1d.
- Measure 3.3-5b (All): Prior to initiation of maintenance activities a qualified biologist will identify potential riparian habitat, wetlands, waters of the United States or State, SRA cover, and native oaks. Where feasible, the Permittee will mark the boundaries of these areas using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the boundaries. When feasible, maintenance activities will be excluded from these areas. Where feasible, maintenance activities will be sited to avoid areas with sensitive resources. In many situations, equipment can be operated to

avoid disturbing isolated riparian trees or low-height riparian scrub habitat. Furthermore, the Permittee will implement the following avoidance and minimization measures:

- Avoid removal and trimming of riparian vegetation to the extent practicable by avoiding areas of dense riparian vegetation;
 - Avoid removal of riparian vegetation along the banks of canals and streams to the extent practicable to maintain riparian vegetation along the banks and to protect the banks from erosion;
 - Keep the clearing and blading of vegetation, especially native riparian vegetation and native oaks, to the minimum necessary to facilitate temporary vehicle access for maintenance requirements, to the extent practicable.
 - Limit trimming and removal of California native trees to those with dbh less than 4 inches. Avoid removal of native trees with a trunk dbh greater than 4 inches, where feasible.
- Measure 3.3-5c (All): Where native woody riparian vegetation cannot be feasibly avoided and needs to be removed, the Permittee will implement one of the following measures:
 - Enhance riparian habitat elsewhere within the area of responsibility of the maintenance yard involved, by removing invasive nonnative riparian vegetation, according to a plan developed in coordination with CDFW; or
 - Restore riparian habitat at an adjacent offsite or onsite location by planting native tree and shrub species, according to a plan developed in coordination with CDFW; or
 - Secure native riparian habitat credits or acres at a mitigation bank approved by CDFW for impacts at the project area.

The mitigation measures will provide appropriate mitigation to offset the loss of functions and values based on the relative quality of riparian habitat being removed, as determined by a qualified biologist in coordination with CDFW.

- Measure 3.3-5d (All): Implement Measure 3.5-1. Best management practices (BMPs) will be implemented to avoid and minimize impacts on water quality.
- Measure 3.3-5e (All): If wetland vegetation cannot be feasibly avoided and needs to be removed, then the Permittee will implement one of the following measures:
 - Enhance wetland habitat elsewhere within the area of responsibility of the maintenance yard involved, by removing

- invasive nonnative aquatic and/or wetland vegetation, according to a plan developed in coordination with CDFW or United States Army Corps of Engineers (USACE) (as appropriate); or
- Pay in-lieu fees for wetland impacts authorized by the USACE through the in-lieu fee program of the Sacramento District of the USACE and administered by the National Fish and Wildlife Foundation; or
- Restore wetland habitat at an adjacent offsite or onsite location by planting native wetland plant species, according to a plan developed in coordination with CDFW or USACE (as appropriate); or
- Secure wetland habitat credits at a CDFW- or USACE-approved mitigation bank (as appropriate) for impacts at the maintenance area.

The mitigation measures will provide appropriate mitigation to offset the loss of functions and values based on the relative quality of wetland habitat being removed, as determined by a qualified biologist in coordination with CDFW or USACE (as appropriate).

If maintenance activities would result in direct impacts on wetlands and other waters of the United States or State, compliance with permit conditions under Sections 404 and 401 of Clean Water Act may be required, as well as compliance with the Porter-Cologne Water Quality Control Act. If these permits are required, all measures developed in consultation with the respective regulatory agencies (USACE and Regional Water Quality Control Board (RWQCB)) through these processes will be implemented to mitigate adverse effects.

- Measure 3.3-7a (All): Implement Mitigation Measures 3.3-1a, 3.3-1b and 3.3-5b.
- Measure 3.3-7b (All): To the extent feasible, the Permittee will comply with applicable adopted city and county ordinances protecting native and heritage trees. If native or heritage trees need to be removed for public safety, or to meet other objectives, the Permittee, to the extent feasible, will implement the mitigation measures required by the ordinance that applies to the affected tree.
- Measure 3.3-8 (All): Implement Mitigation Measures 3.3-1 through 3.3-7.
- Measure 3.5-1 (All): Prior to conducting maintenance activities that could have a potential significant impact to water quality, when appropriate and required based on site conditions and activities being conducted, the Permittee will install appropriate BMPs. BMPs will include, but are not limited to, one or more of the following standard

practices, or equally effective measures, that are commonly used during the maintenance activities and post-maintenance activities and will be in compliance with any permits and TMDL requirements to protect receiving water quality. All BMPs will be monitored for effectiveness and maintained by the Permittee.

- Conduct environmental awareness training to train the Permittee maintenance staff on the proper use of BMPs and applicable permit requirements to protect receiving water quality.
 - Schedule non-emergency soil disturbing activities adjacent to stream channels and wetlands during the dry season to minimize sediment loading to the maximum extent practical.
 - Install erosion control measures, such as use of straw bales, silt fences, fiber rolls, or equally effective measures, at maintenance activity locations adjacent to stream channels, drainage canals and wetlands.
 - Install turbidity curtains or similar methods during in channel work to control silts and sediments.
 - Minimize ground and vegetation disturbance by establishing designated equipment staging areas, access routes, spoils and soil stockpile areas, and equipment exclusion zones prior to the commencement of any activity.
 - Use and store hazardous materials, such as vehicle fuels and lubricants, in designated staging areas located away from stream channels and wetlands according to local, State, and federal regulations, as applicable.
 - Maintenance vehicles and equipment will be checked daily for leaks and will be properly maintained to prevent contamination of soil or water from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease.
 - Herbicide applications would abide by the laws, requirements, and guidelines established by the California Department of Pesticide Regulation (CDPR) and under enforcement review of the county agriculture commissioners. A licensed Pest Control Advisor (PCA) will be available to provide written recommendations for all applications and will hold himself/herself as authority. Applications will be done by or under the supervision of a Qualified Certified Applicator. All PCA recommendations will be followed as written.
- Measure 3.5-2 (All): Implement Mitigation Measure 3.5-1.

D. Statement of Overriding Considerations

The Department of Water Resources FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subd (b); California Code of Regulations, title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Department of Water Resources Deferred Maintenance Site 545 (Unit 2: LM 4.29) and Site 549 (Unit 2: LM 5.40) Project are disclosed in the Department of Water Resources FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. There are no unavoidable impacts to water resources under the purview of the Central Valley Water Board. Significant and unavoidable impacts are identified for impacts to cultural resources.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the Department of Water Resources and has reached its own conclusion to approve this Project. 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.)

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**

- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
- **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
- **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Jenna.Yang@waterboards.ca.gov.
- Include in the subject line of the email:
ATTN: Jenna Yang; Project Name; and WDID No. 5A57CR00214.

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:

10 January 2024

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS Digital Raster Graphics (DRG) or Digital Orthophoto Quarter Quads (DOQQ)). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. Photo-Documentation:

Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

V. Report and Notification Cover Sheet

Project: Department of Water Resources Deferred Maintenance
Site 545 (Unit 2: LM 4.29) and Site 549 (Unit 2: LM 5.40)
Project

Permittee: California Department of Water Resources

WDID: 5A57CR00214

Reg. Meas. ID: 454851

Place ID: 890994

Order Effective Date: 10 January 2024

Order Expiration Date: 9 January 2029

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print Name¹	Affiliation and Job Title
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Signature	Date
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¹STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

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

Permittee's Signature	Date
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*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

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

c. Report Contents -

i. Construction Summary

Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.

ii. Event Summary

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

iii. Photo Summary

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

iv. Compliance Summary

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

2. Report Type 2 - Annual Report

- a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of February 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. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

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

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

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

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

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

- a. Report Purpose** - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
- c. Report Contents** -
 - i. Part A: Mitigation for Temporary Impacts
 - 1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
 - 2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

- ii. Part B: Permittee Responsible Compensatory Mitigation
 - 1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
 - 2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.
 - 3) Pre- and post-photo documentation of all compensatory mitigation sites.
 - 4) Final maps of all compensatory mitigation areas (including buffers).
- iii. Part C: Post-Construction Storm Water BMPs
 - 1) Date of storm water Notice of Termination(s), if applicable.
 - 2) Report status and functionality of all post-construction BMPs.

C. Part C – Conditional Notifications and Reports

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. **When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
- c. **Report Contents** -
 - i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.
 - ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.
 - iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
- b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.

- c. **Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

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

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

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
- b. **When to Submit** - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
- c. **Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
- b. **When to Submit** - At least 10 working days prior to the transfer of ownership.
- c. **Report Contents** -

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

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
- b. **When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.
- c. **Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

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

- A.** All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
 - 1.** For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - 2.** For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - 3.** For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
 - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

- C.** Any person signing a document under this section shall make the following certification:

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

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Attachment F – Certification Deviation Procedures

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIII.L of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

A. Who may apply:

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

B. How to apply:

By letter or email to the Water Quality Certification staff designated as the contact for this Order.

C. Certification Deviation Request:

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

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
 - a. Activity description and purpose;
 - b. Activity location, start date, and completion date;
 - c. Erosion control and pollution prevention measures applied;
 - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
 - e. Mitigation plan, if applicable; and,
 - f. Map of activity location and boundaries; post-construction photos.

E. Annual Summary Deviation Report:

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

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

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

I. General Justification for Section XIII Conditions

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

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

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

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

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

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

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

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

3. The Permittee shall grant Central Valley Water Board staff

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

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

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

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

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

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

6. Lake or Streambed Alteration Agreement

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

1. Dewatering

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

Conditions related to water rights permits are required pursuant to California Code of Regs, title 23, section 3856(e), which requires complete copies of any final and signed federal, state, or local licenses, permits, and agreements

(or copies of drafts if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity.

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

2. Directional Drilling – Not Applicable

3. Dredging - Not Applicable

4. Fugitive Dust

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

5. Good Site Management “Housekeeping”

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

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

10. Sediment Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the

Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific – Not Applicable

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

J. Mitigation for Temporary Impacts

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).