



Central Valley Regional Water Quality Control Board

WATER QUALITY ORDER NO. R5-2021-00XX WASTE DISCHARGE REQUIREMENTS

Effective Date:	XX August 2023	Reg. Meas. ID:	450641
Expiration Date:	XX August 2028	Place ID:	885134
Program Type:	Fill/Excavation	WDID No.:	5A31CR00588
Project Type:	Residential Development		
Project:	College Park, Site A (Project)		
Applicant:	Evergreen Sierra East, LLC		
Applicant Contact:	Robert Cole Evergreen Sierra East, LLC 2484 Natomas Park Drive, Suite 101 Sacramento, CA 95833		
Applicant's Agent:	Sarah VonderOhe Madrone Ecological Consulting 8421 Auburn Boulevard, Suite 248 Citrus Heights, CA 95610 Email: svonderohe@madroneeco.com		
Water Board Staff:	Stephanie Tadlock Senior Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4644 Email: stephanie.tadlock@waterboards.ca.gov		

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

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FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds the following:

I. Permit Application

This Order for Water Code section 13263 Waste Discharge Requirements (Order) is issued at the request of Evergreen Sierra East, LLC (Permittee) for the Project. This Order is for the purpose described in the application and all supplemental materials submitted by the Permittee.

II. Public Notice and Hearing

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 30 December 2022 to 20 January 2023. Additionally, the Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5 from 14 June 2023 to 14 July 2023.

At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

III. Project Description

The approximately 59-acre Project consists of mass grading for future development, including:

- 40.4 acres of developed area for the construction of:
 - 326 single family homes,
 - 99 multi-family units,
 - Community Clubhouse,
- 8.9 acres of open space, and
- 6.3 acres of parks.

Activities associated with the Project include developing additional access points to the Project site and constructing storm water and utility facilities.

Project development will result in 0.412 acre of permanent impacts to aquatic resources (0.082-acre riparian wetland, 0.087-acre seasonal wetland, 0.089-acre seasonal wetland swale, 0.119-acre seep, and 0.035-acre ephemeral drainage).

Approximately 1,989 cubic yards of clean fill will be placed into 0.412 acre of wetland, seep, and ephemeral drainage.

IV. Project Location

County: Placer

Section 21, Township 12 North, Range 7 East, MDB&M.

Latitude: 38.792946° and Longitude: -121.20331°

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

V. 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.

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.

VI. Description of Direct Impacts to Waters of the State

Dewatering and pouring of wet concrete into waters of the state will not occur within the Project area. Total Project fill/excavation quantities for permanent impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in physical loss in an area and those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	0.412	1,989	456

VII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts to aquatic resources may reduce the functions of remaining wetlands. Additionally, increased impervious surfaces may reduce water quality of receiving waters. Indirect impacts are included in established mitigation ratios and potential adverse effects may be offset by beneficial indirect effects of required mitigation.

VIII. Avoidance and Minimization

Best management practices (BMPs) to prevent soil erosion and to control sediment will be implemented within the Project area. In addition, construction materials will be properly disposed of once the Project is completed. If construction activity for this Project involves land disturbances greater than or equal to one acre, or this Project disturbs less than one acre but is part of a larger common plan of development that

in total disturbs more than one acre, coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ is required. Construction activity subject to this permit includes clearing, grading, grubbing, or any other activity that results in a land disturbance such as stockpiling or excavation.

The Project will comply with the NPDES Construction General Permit and will utilize appropriate scheduling, erosion control, sediment control during construction. BMPs may include fiber rolls, silt fencing, hydroseed, straw mulch, soil binders, and will be outlined in the Stormwater Pollution Prevention Plan (SWPPP). Minimization and avoidance for the overall Project were addressed with the U.S. Army Corps of Engineers (USACE) and the Project will implement these measures as prescribed. The SWPPP will be prepared prior to initiation of grading activities and will provide site specific measures for the project. Initial measures typically include stabilized construction entrances, tackified mulch, 3-step hydroseeding, spray-on soil stabilizers, and anchored blankets. Sediment controls could include rock bags to protect storm drain inlets, staked or weighted straw wattles/fiber rolls, and silt fences.

IX. Compensatory Mitigation

The Permittee is required to provide compensatory mitigation for the permanent direct and indirect impacts described in section VI.

X. Liability for Noncompliance

Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and/or Clean Water Act. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268, 13350 and/or 13385. The Central Valley Water Board reserves the right to take any enforcement actions authorized by law.

XI. Regulatory Considerations

A. California Environmental Quality Act (CEQA). On 27 September 2022, the City of Rocklin, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2019012056) for the College Park Project and filed a Notice of Determination (NOD) at the SCH on 07 December 2022. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

B. Waste Discharge Requirements and Water Quality Certification Authority. This Order is adopted pursuant to Clean Water Act section 401, Water Code section 13160, and applicable regulations for discharges of fill material to waters of the United States and Water Code section 13263 for discharges of waste to waters of the state. Conditions have been added to this Order to ensure that all activities will comply with applicable water quality standards and other appropriate requirements. (Cal. Code Regs., tit. 23, section 3859.) Compliance with section

13263, subdivision (a), including implementation of applicable water quality plans, is discussed in these Findings. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

- C. Right to Water.** Pursuant to Water Code section 106.3, subdivision (a), 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.
- D. No Vested Right to Discharge.** The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste (Water Code, Section 13263, subdivision (g).)
- E. Construction General Permit Requirement.** This Order does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ; NPDES No. CAS000002, as amended. The Permittee shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities 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. Monitoring and Reporting Requirements.** This Order and its associated monitoring and technical reporting provisions are also adopted pursuant to Water Code sections 13267, subdivision (b)(1), and 13383. The reports required under this Order are necessary to verify and ensure compliance with permitting requirements and protect waters of the state. The burden associated with such reports is reasonable relative to the need for their submission.

In response to a suspected violation of any condition of this Order, the Central Valley Water Board's Executive Officer may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports deemed 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.

- G. No Net Loss and Antidegradation.** Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective 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 ("No Net Loss

Policy”). The State Water Board and regional water quality control boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

State Water Board Resolution No. 68-16, “Statement Of Policy With Respect To Maintaining High Quality Of Waters In California” (“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.

Filling wetlands and other waters causes partial or complete loss of the beneficial uses provided by those waters. To reconcile such losses with the State’s No Net Loss and Antidegradation Policies, this Order requires adherence to the requirements in the mitigation monitoring and reporting program, including compensatory mitigation for impacts that cannot be feasibly avoided or minimized; implementation of the approved compensatory mitigation plan; and other requirements to minimize the potential effects of construction on water quality and resources. This Order requires aquatic resource impacts be mitigated at a minimum of a 1:1 ratio of restored/created to affected resources by purchasing credits through the River Ranch Wetland Mitigation Bank or a similar program.

The River Ranch Wetlands Mitigation Bank is located within the Sacramento River Ranch which is operated and managed by Wildlands. Sacramento River Ranch is an approximately 4000-acre ranch dedicated to environmentally friendly agriculture. Compliance with this Order’s requirements for meeting water quality objectives, implementing best management practices, and 1:1 compensatory mitigation constitute Best Practicable Treatment or Control (BPTC) for the discharge. To the extent there is degradation from Project discharges despite avoidance, minimization, and compensatory mitigation measures, such degradation is necessary to accommodate important economic and social development in the area, such as increased housing and employment as documented in the lead agency environmental review documents and supporting materials and is consistent with the maximum benefit to the people of the state. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

H. Endangered Species Act

This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under

this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. and/or California Code of Regulations, title 23, section 3867 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

[State Water Resources Control Board Law and Regulations for Filing Petitions](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) Web Page: (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

XIII. Fees Received

An application fee of \$8,833.00 was received on 15 December 2022. An additional application fee of \$1,157 was received on 28 December 2022, for a total application fee of \$9,990. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84).

XIV. Requirements

IT IS HEREBY ORDERED, pursuant to Water Code sections 13160, 13263, 13267, and 13383 that the Permittee shall comply with the following:

A. Authorization

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

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals required pursuant to Water Code sections 13267, subdivision (b)(1), and 13383. 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 one month after the submittal of the Notification of Project Commencement. Monthly reporting shall continue until the Central Valley Water Board Executive Officer 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 September beginning one year after the effective date of the waste discharge requirements. Annual reports shall continue until a Notice of Project Complete Letter is issued 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 include the corresponding Waste Discharge Identification Number (WDID#) issued under this Order. Additionally, if applicable, the Report shall also include the Enrollee number issued for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be

contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials¹

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
 - Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page:](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
(http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- 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.

¹ "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.)

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

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 – Not Applicable

There is no planned in-water work during construction activities.

4. Post-Construction

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

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, sections 2050-2068 and/or California Code of Regulations, title 23, sections 3867-3869. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
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.
2. 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.

E. General Compliance

1. 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 Plan. The source of any such discharge must be eliminated as soon as practicable.
2. 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.
3. 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.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. 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.
3. 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.
4. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Construction

1. **Dewatering** – Not Applicable
 - a. If water is present, the area must be dewatered prior to start of work.
 - b. No dewatering will occur within the Project area.
 - c. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
 2. **Directional Drilling** – Not Applicable
 3. **Dredging** – Not Applicable
 4. **Fugitive Dust**
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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 XIIB and Attachment D.
- b. No wet concrete will be placed into waters of the state.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

- a.** The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b.** The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
 - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

- ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
- iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
- iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads – Not Applicable

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 been documented to potentially occur within or near the project area: Tricolored blackbird, Swainson's hawk, Northern harrier, White-tailed kite, Loggerhead shrike, Palid bat, Silver-haired bat, Western red bat, and Hoary bat.

12. Stabilization/Erosion Control

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding for stabilization purposes 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. Compensatory Mitigation for Permanent Impacts

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

1. Compensatory Mitigation Plan

- a. The Permittee submitted a compensatory mitigation plan as part of a complete application that was accepted by Central Valley Water Board staff. The Permittee shall implement the approved plan prior to impacts to waters of the state.

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. Copies of fully executed agreements for the purchase of River Ranch Wetland Mitigation Bank mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of associated 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.

3. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.412 acre of impacts by purchasing the appropriate Aquatic Resource Credits. Aquatic Resource Credits shall be purchased from the River Ranch Wetland Mitigation Bank or an approved compensatory mitigation bank. Mitigation ratios shall meet or exceed 1:1 for direct impacts.
- b. The Permittee shall place the avoided and preserved wetlands, and any vegetative buffers preserved as part of mitigation for impacts into a separate preserve parcel prior to initiation of construction activities in waters of the State authorized by this permit as outlined below.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 2: Total Required Project Compensatory Mitigation Minimum Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Pres.	Unknown
Wetlands	Mitigation Bank	Acres					0.412

I. Project 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 Project Deviations as set forth in Attachment F. For purposes of this Order, a "Project Deviation" is a Project locational or impact modification that does not require an 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.
2. A Project modification shall not be granted a Project Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document. In this case a supplemental environmental review and revised Order will be required.

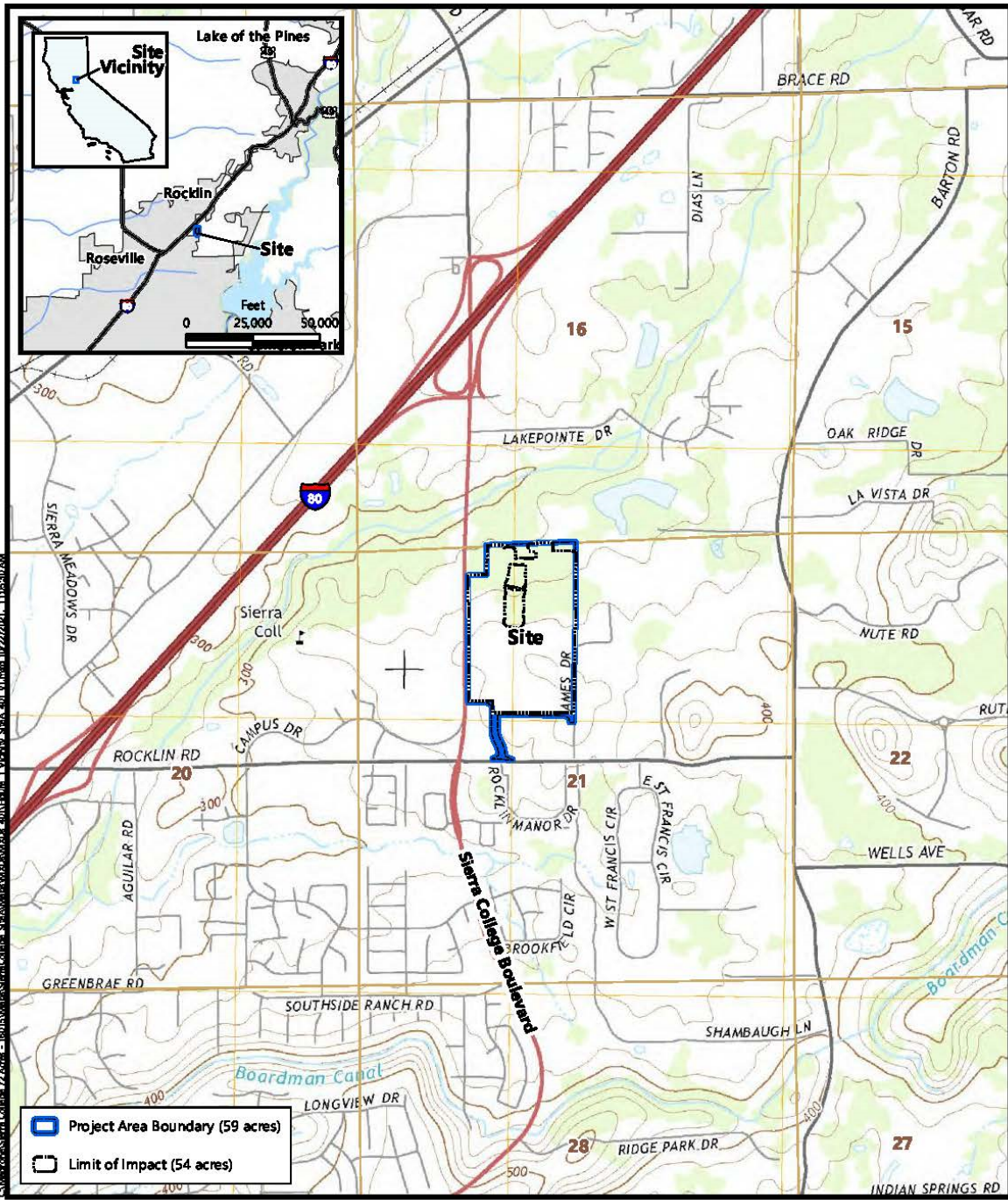
CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 10 August 2023.

PATRICK PULUPA,
Executive Officer

- 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:** Project Deviation Procedures

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Source: United States Geologic Survey, 2015.
"Rocklin, California" 7.5-Minute Topographic Quadrange
Longitude -121.203319, Latitude 38.792839
Section 21, Township 12 North, Range 7 East, MDB&M

**Figure 1
Vicinity Map**

Sierra College, Site A
Rocklin, Placer County, California

Figure 1 – Project Location Map



Figure 2
Impacts to Waters of the State and
Depressional Seasonal Wetlands

Sierra College, Site A
Rocklin, Placer County, California

Aerial Base: City of Rocklin, 19 April 2018

Figure 2 – Project Site Map

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Receiving Waters Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method ID
Yes	Unnamed wetland	Wetland	519.21				
Yes	Unnamed ephemeral drainage	Ephemeral drainage tributary to Secret Ravine	519.21	Secret Ravine			

Individual Direct Impact Locations

The following table shows individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Waterbody Name	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Wetland	38.792946 °	-121.20331°	Yes	0.377	1,818	N/A
Ephemeral Drainage	38.792946 °	-121.20331°	Yes	0.035	171	456

Compensatory Mitigation Information

The following tables show individual compensatory mitigation information and locations.

Table 3: Compensatory Mitigation Information

Mitigation Bank / In-Lieu Fee Program Name:	River Ranch Wetland Mitigation Bank
Wildlands Website:	https://www.wildlandsinc.com/banks/river-ranch-wetland-mitigation/
Mitigation Bank / In-Lieu Fee Program Contact Name:	Julie Maddox
Phone:	(916) 435-3555
Email:	jmaddox@heronpacific.com
Mitigation Bank / In-Lieu Fee Program Location - County:	Yolo County

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Credits
Wetland Credits	TBD

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A. Environmental Review

On 27 September 2022, the City of Rocklin, as Lead Agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2019012056) for the College Park Project and filed a Notice of Determination (NOD) at the SCH on 07 December 2022.

The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the City of Rocklin's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.) As a responsible agency, the Central Valley Water Board's CEQA obligations are more limited than those of the lead agency. (Public Resources Code, Section 21002.1, subdivision (d); *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186 1201-1202.)

The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Rocklin addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required. (California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Rocklin for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subdivision (a)(1); California Code of Regulations, title 14, section 15091, subdivision (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in Subsection C below, are analyzed in detail in the FEIR. The FEIR is available at: [College Park Project Final Environmental Impact Report](https://www.rocklin.ca.us/post/college-park-project) (<https://www.rocklin.ca.us/post/college-park-project>).

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. The Findings specified below are provided for each of those significant environmental impacts of the Project identified in the FEIR. Having considered the whole of the record, including comments received during the public review process, 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, subdivision (a)(1); California Code of Regulations, title 14, section 15091, subdivision (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) Potential Significant Impacts (Biological Resources section of the FEIR):

Impact 3.4-1

The proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS – Invertebrates.

Mitigation Measure 3.4-1

Prior to any ground-disturbing or vegetation-removal activities that would affect VELB, or VELB habitat, the project applicant shall conduct comprehensive VELB surveys in areas proposed for impact no more than three years prior to commencement of construction. If construction commences prior to October 2023, these surveys will not be required. Surveys shall be conducted in accordance with the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017), or the most recent USFWS VELB guidance at the time. If VELB are located prior to construction, then:

1. All occupied elderberry shrubs (which are defined for the purposes of this section as those with stems greater than 1 inch in diameter at ground level) shall be avoided completely during Project construction with a buffer of at least 20 feet, except as permitted under paragraph 2 below, and the following avoidance and minimization measures during construction [as outlined in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (USFWS 2017)] shall be implemented for all work within 165 feet of a shrub:

- All areas to be avoided during construction activities will be fenced and/or flagged as close to construction limits as feasible.
 - Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall receive an avoidance area of at least 20 feet from the dripline.
 - A qualified biologist will provide training for all contractors, work crews, and any onsite personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance.
 - A qualified biologist will monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.
 - As much as feasible, all activities within 165 feet of an elderberry shrub will be conducted between August and February.
 - Elderberry shrubs will not be trimmed.
 - Herbicides will not be used within the dripline of the shrub. Insecticides will not be used within 100 feet of an elderberry shrub.
 - Mechanical weed removal within the dripline of the shrub will be limited to the season when adults are not active (August - February) and will avoid damaging the elderberry.
2. If an elderberry shrub occupied with VELB must be removed to accommodate construction because surveys conducted in October 2023 or later find VELB in areas within the development footprint of the College Park Project as approved, the applicant shall notify the City and consult with USFWS. At a minimum, the removal of elderberry shrubs found to be occupied with VELB shall be mitigated through the purchase of one (1) VELB mitigation credit from an agency-approved mitigation bank for each occupied shrub removed or through the planting of five (5) elderberry seedlings and five (5) native California trees or shrubs at a USFWS-approved location for each shrub removed. If the latter option is selected, then the seedlings and associated natives shall achieve an 80% survival rate measured at the end of a five (5) year monitoring period.

Mitigation Measure 3.4-2

Prior to any ground-disturbing or vegetation-removal activities, a Worker Environmental Awareness Training (WEAT) shall be prepared and administered to the construction crews. The WEAT shall include the following: discussion of the state and federal Endangered Species Act, the Clean Water Act, the Porter-Cologne Act and Waste Discharge Requirements, the Project's permits and CEQA documentation, and associated mitigation measures; consequences and penalties for violation or noncompliance with

these laws and regulations; identification of special-status wildlife, location of any avoidance areas; hazardous substance spill prevention and containment measures; and the contact person in the event of the discovery of a special-status wildlife species. The WEAT shall also discuss the different habitats used by the species' different life stages and the annual timing of these life stages. A handout summarizing the WEAT information shall be provided to workers to keep on-site for future reference. Upon completion of the WEAT training, workers shall sign a form stating that they attended the training, understand the information presented, and shall comply with the regulations discussed. Workers shall be shown designated "avoidance areas" during the WEAT training; worker access shall be restricted to outside of those areas to minimize the potential for inadvertent environmental impacts. Fencing and signage around the boundary of avoidance areas may be helpful.

Impact 3.4-2

proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS - Reptile and Amphibian.

Implement Mitigation Measure 3.4-2

Mitigation Measure 3.4-3

A western pond turtle survey shall be conducted in all areas within 150 feet of the main (east-west) perennial creek in the South Village Study Area within 48 hours prior to construction in that area. If no western pond turtles or nests are found, no further mitigation is necessary. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to habitat of equivalent or greater value (e.g., riparian wetlands or riparian woodlands) outside of the proposed impact area prior to construction. If a western pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings will occur as stipulated above, if necessary.

Impact 3.4-4

The proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate,

sensitive, or special- status, in local or regional plans, policies, regulations, or by the CDFW or USFWS – Birds.

Implement Mitigation Measure 3.4-2

Mitigation Measure 3.4-4

The following preconstruction nest survey requirements apply if construction activities take place during the typical bird breeding/nesting season (typically February 1 through September 1):

- A targeted Swainson's hawk nest survey shall be conducted throughout the Project Area and all accessible areas within a ¼ mile radius of the proposed construction area no more than 14 days prior to construction activities. If active Swainson's hawk nests are found within ¼ mile of a construction area, construction shall cease within ¼ mile of the nest until a qualified biologist (Project Biologist) determines that the young have fledged, or it is determined that the nesting attempt has failed. The ¼-mile buffer may be reduced if a smaller sufficiently protective buffer is proposed by the Project Biologist and approved by the City in consultation with CDFW after taking into consideration the natural history of the Swainson's hawk, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), and what (if any) nest monitoring is proposed.
- A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction. If there is a break in construction activity of more than 14 days, then subsequent surveys shall be conducted.
- A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction. If there is a break in construction activity of more than 14 days, then subsequent surveys shall be conducted.
- A pre-construction nesting bird survey shall be conducted by the Project Biologist throughout the Project area and all accessible areas within a 500-foot radius of proposed construction areas, no more than 14 days prior to the initiation of construction. If there is a break in construction activity of more than 14 days, then subsequent surveys shall be conducted.
- If active raptor, California black rail nest, or a tricolored blackbird nesting colony are found, no construction activities shall take place

within 500 feet of the nest/colony until the young have fledged. If active songbird nests are found, a 100-foot no disturbance buffer will be established. These no-disturbance buffers may be reduced if a smaller sufficiently protective buffer is proposed by the Project Biologist and approved by the City (and CDFW if it is a California black rail nest or tricolored blackbird nesting colony) after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e. whether there are visual or acoustic barriers between the proposed activity and the nest). The Project Biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.

- A report summarizing the survey(s), shall be provided to the City within 14 days of the completed survey and is valid for one construction season or until there is a gap in construction activity of 14 days or more. If no nests are found, no further mitigation is required.
- Should construction activities cause a nesting bird do any of the following in a way that would be considered a result of construction activities: (1) vocalize, (2) make defensive flights at intruders, (3) get up from a brooding position, or (4) fly off the nest, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by the Project Biologist in consultation with the City. Construction activities may only resume within the buffer zone after a follow-up survey by the Project Biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and that no new nests have been identified.

Mitigation Measure 3.4-5

The following mitigation shall be implemented to address the loss of suitable foraging habitat for Swainson's hawks:

- 1.0 acre of suitable foraging habitat shall be protected for each acre of highly suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.
- 0.5 acre of suitable foraging habitat shall be protected for each acre of marginally suitable foraging habitat impacted. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.

- The final determination of whether the foraging habitat is “highly suitable” or “marginally suitable” shall be made by the Project Biologist in consultation with the City of Rocklin. Generally, grasslands, croplands, and other low-lying vegetation are highly suitable foraging habitats. Orchards, vineyard, and woodland are generally unsuitable foraging habitat. Marginally suitable would require some level of low-lying vegetation available with an abundance of prey species. Based on these ratios and the current development plan, a total of 54.15 acres of Swainson’s hawk foraging habitat shall be protected to compensate for impacts within the Study Area.

Impact 3.4-5

The proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS – Mammals.

Implement Mitigation Measure 3.4-2

Mitigation Measure 3.4-6

Pre-construction roosting bat surveys shall be conducted by a qualified biologist within 14 days prior to any tree or building removal that will occur during the breeding season (April through August). If preconstruction surveys indicate that no roosts of special-status bats are present, or that roosts are inactive or potential habitat is unoccupied, no further mitigation is required. If roosting bats are found, exclusion shall be conducted as recommended by the qualified biologist. Methods may include acoustic monitoring, evening emergence surveys, and the utilization of two-step tree removal supervised by the qualified biologist. Two-step tree removal involves removal of all branches that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree. Once the bats have been excluded from buildings or allowed to fly off from trees and roost elsewhere, the building or tree removal may occur.

Impact 3.4-6

The proposed Project has the potential to, directly or indirectly, have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special-status, in local or regional plans, policies, regulations, or by the CDFW or USFWS – Plants.

Implement Mitigation Measure 3.4-2

Mitigation Measure 3.4-7

Special-status plant surveys shall be conducted in areas proposed for impact no more than three years prior to commencement of construction. If construction commences prior to April 1, 2023, these surveys shall not be required. Surveys shall be conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS, 2000), the Botanical Survey Guidelines of the California Native Plant Society (CNPS, 2001), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018) or more recent protocols at that time. If no special-status plant species are found, no further mitigation would be required. If special-status plants are found and would be impacted, mitigation for those impacts shall be determined during consultation with the City. If the plant found is a perennial such as Sanford's arrowhead or big-scale balsamroot, then mitigation shall consist of digging up the plant and transplanting into a suitable avoided area on-site prior to construction. If the plant found is an annual such as dwarf downingia, mitigation shall consist of collecting seed-bearing soil and spreading it into a suitable constructed wetland at a mitigation site (as placing soil into an avoided wetland on-site would be considered fill). If rare plants are impacted, a mitigation plan will be developed and approved by the City. Mitigation for the transplantation/establishment of rare plants will result in no net loss of individual plants after a five (5) year monitoring period. The two species most likely to be present in the vicinity are dwarf downingia and Sanford's arrowhead. These two species have been successfully relocated.

Impact 3.4-7

The proposed Project would have substantial adverse effects on federally- or state- protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measure 3.4-8

The following measures shall be implemented to address the loss of aquatic resources:

1. The Project applicant shall apply for a Section 404 permit from the U.S. Army Corps of Engineers for impacts to aquatic resources verified by the USACE as subject to their jurisdiction. Waters of the U.S. that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE.

2. The Project applicant shall apply for a Section 401 water quality certification or WDR, as appropriate, from the RWQCB, and adhere to the conditions.

For project applications with impacts to drainages or riparian vegetation, the Project applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW. Impacts will be outlined in the application and are expected to be substantially similar to the impacts to biological resources outlined in this document. Information regarding Project-specific drainage and hydrology changes resulting from Project implementation will be provided as well as a description of storm water treatment methods. Minimization and avoidance measures will be proposed as appropriate and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation will result in “no-net-loss” of riparian woodland and may include restoration or enhancement of resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW.

Impact 3.4-8

The proposed Project has the potential to have substantial adverse effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

Implement Mitigation Measures 3.4-2 through 3.4-8

Impact 3.4-10

The proposed Project has the potential to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measure 3.4-9

The Project applicant shall comply with the City’s Oak Tree Preservation Ordinance, either through the payment of mitigation fees into the Rocklin Oak Tree Preservation Fund or through land dedication or off-site replacement (see Rocklin Municipal Code Section 17.77.080.B.4). The applicant’s selected method shall be subject to review and approval by the City, and the City shall have ultimate discretion to determine what mitigation shall be required prior to permit approval.

To address the loss of native oaks on-site using land dedication, the Project applicant shall meet the following requirements:

- The Project applicant shall prepare a mitigation plan specific to the Project, hereafter referred to as the College Park Oak Tree

Mitigation Plan. The College Park Oak Tree Mitigation Plan shall comply with the City's Oak Tree Preservation Guidelines.

- The City shall review and approve the College Park Oak Tree Mitigation Plan.
- The Project applicant shall apply for a Tree Preservation Plan Permit, as required by the City Oak Tree Preservation Ordinance.
- A bond or other security instrument in a form approved by the City Attorney in the minimum amount of \$10,000 (or greater as deemed necessary by the approving body) shall be posted and maintained to insure the preservation of the trees during construction. Security shall be posted prior to any grading or movement of heavy equipment onto the site or issuance of a permit. Any violation of any term or condition of the tree preservation plan permit or these Guidelines may result in forfeiture of all or a portion of the bond. Other violation penalties are contained in the Oak Tree Preservation Ordinance.
- The developer shall be required to fence the trees to be preserved during construction. The Tree Preservation Ordinance requires fencing and signage to be installed by the developer around trees which could be damaged during construction. The sign shall be a minimum of two feet by two feet in size and shall state the bond amount which protects the tree and that damage will result in forfeiture of all or part of the bond. Fencing shall be located three feet outside the dripline of the tree, shall be no less than four feet high, and shall be installed prior to any grading on the site. City staff shall verify installation of the fencing. It is the responsibility of the property owner and workers on the site to assure that the fence remains in its proper location and at its proper height during construction.
- The Project applicant shall implement the College Park Oak Tree Mitigation Plan prior to any removal of protected oak trees., The College Park Oak Tree Mitigation Plan shall include preparation of protective measures for on-site trees to be preserved (i.e., fencing and signage installation around trees which could be damaged during construction), and if land dedication is the method selected by the Project applicant and approved by the City, a long-term management plan for the proposed oak conservation area and providing for the protection of the native oak habitat in perpetuity through the use of a real estate instrument (such as a deed restriction or conservation easement that runs with the land). A funding mechanism shall be in place to implement the management plan.

b) Potential Significant Impact (Geology and Soils section of the FEIR):

Impact 3.6-1

The proposed Project may cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic related ground failure, or landslides.

Mitigation Measure 3.6-1

Prior to issuance of a grading permit or building permit for each phase of the Project, the project applicant shall submit to the City of Rocklin Community Development Departments Building, and Engineering Divisions, grading and improvement plans that incorporate all recommendations from the Geotechnical Engineering Report Rocklin College Square (WKA No. 10958.02) prepared by Wallace-Kuhl & Associates (dated June 23, 2016) (see Appendix E) for review and approval. The recommendations included in the Geotechnical Engineering Report relate to the following topics:

- Grading practices; and Site Clearing
- Compaction specifications and subgrade preparation for onsite soils
- Engineered Fill Construction Including Expansive/Unstable Fill
- Subdrains
- Utility Construction and Trench Backfill
- Structural foundations and Foundation Design
- Interior Floor Slab Support
- Floor Slab Moisture Penetration Resistance
- Exterior Flatwork (Non-Pavement Areas)
- Retaining Walls
- Surface Drainage
- Corrosive soils
- Pavement Design
- Geotechnical Engineering Observation and Testing During Construction

Impact 3.6-2

Implementation and construction of the proposed Project may result in substantial soil erosion or the loss of topsoil.

Implement Mitigation Measure 3.9-1

Implement Mitigation Measure 3.9-3

Impact 3.6-3

The proposed Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of project implementation, and

potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse.

Implement Mitigation Measure 3.6-1

Mitigation Measure 3.6-2

Prior to issuance of a grading permit for each phase of the Project, the Project applicant shall submit to the City of Rocklin Community Development Departments Building, and Engineering Divisions, for review and approval, a Soil Corrosion Analysis prepared by a state registered professional Corrosion Engineer. Any recommendations determined to be required by the Soil Corrosion Analysis shall be incorporated into the Project design plans and specifications, including grading and foundation plans, for approval by the Building and Engineering Divisions.

Impact 3.6-4

Potential for expansive soils to create substantial risks to life or property.

Implement Mitigation Measure 3.6-1 and 3.6-2

Impact 3.6-6

The proposed Project has the potential to directly or indirectly destroy a unique geological feature or paleontological resource.

Mitigation Measure 3.6-3

If subsurface deposits believed to be paleontological in origin are discovered during construction and/or ground disturbance, all work must halt within a 100-foot radius of the discovery. Work shall not continue at the discovery site until a qualified paleontologist evaluates the find to determine whether it includes or constitutes a unique paleontological resource and, if it is, formulates mitigation recommendations for consideration and approval by the City Department of Community Development. A unique paleontological resource means a paleontological resource about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the two following criteria: (1) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or (2) has a special and particular quality such as being the oldest of its type or the best available example of its type. Mitigation options shall include preserving the resource in place or recovering data and creating documentation for transmission to the University of California Museum of Paleontology, the Sierra College Natural History Museum, or another institution of higher education with an established paleontological department or program. Avoidance or preservation in place of unique paleontological resources shall not be required where such avoidance or preservation would

preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the City CDD.

c) Potential Significant Impact (Hydrology and Water Quality section of the FEIR):

Impact 3.9-1

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

Mitigation Measure 3.9-1

The Project applicant shall demonstrate compliance, through its grading plans, erosion control plan, and SWPPP, with all requirements of the City's Stormwater Runoff Pollution Control Ordinance (Title 8, Chapter 8.30 of the Code) and the Grading and Erosion and Sedimentation Control Ordinance (Title 15, Chapter 15.28 of the Code), which regulate stormwater and prohibit non-stormwater discharges except where regulated by an NPDES permit. The Project's grading plans shall be approved by the City of Rocklin, Engineering Department prior to initiation of site grading activities.

Mitigation Measure 3.9-2

Prior to issuance of building or grading permits, the applicant shall submit a final Stormwater Control Plan for the final Project design identifying permanent stormwater control measures to be implemented by the Project to the City of Rocklin. The plan shall include measures consistent with the adopted guidelines and requirements set forth in the City of Rocklin Post-Construction Manual (dated June 30, 2015) and shall be subject to review and approval by the City of Rocklin, Engineering Department.

Mitigation Measure 3.9-3

Prior to the completion of construction, the applicant shall prepare and submit, for the City's review, an acceptable Operation and Maintenance Plan. In addition, prior to the sale, transfer, or permanent occupancy of the site the applicant shall be responsible for paying for the long-term maintenance of treatment facilities and executing a Stormwater Management Facilities Operation and Maintenance Agreement and Right of Entry in the form provided by the City of Rocklin. The applicant shall accept the responsibility for maintenance of stormwater management facilities until such responsibility is transferred to another entity.

The applicant shall submit, with the application of building permits, a draft Stormwater Facilities and Maintenance Plan, including detailed maintenance requirements and a maintenance schedule for the review and approval by the Director of Public Works/City Engineer. Typical routine maintenance consists of the following:

- Limit the use of fertilizers and/or pesticides. Mosquito larvicides shall be applied only when absolutely necessary.
- Replace and amend plants and soil as necessary to ensure the planters are effective and attractive. Plants must remain healthy and trimmed if overgrown. Soil must be maintained to efficiently filter the storm water.
- Visually inspect for ponding water to ensure that filtration is occurring.
- After all major storm events, remove bubble-up risers for obstructions and remove them if necessary.
- Continue general landscape maintenance, including pruning and cleanup throughout the year.
- Irrigate throughout the dry season. Irrigation shall be provided with sufficient quantity and frequency to allow plants to thrive.
- Excavate, clean and or replace filter media (sand, gravel, topsoil) to ensure adequate infiltration rate (annually or as needed).

Mitigation Measure 3.9-4

Prior to the approval of grading permits for projects on Parcel B of the North Village site or the Business Professional areas within Parcel C-2 of the South Village site, future project proponents must demonstrate compliance, through their grading plans, SWPPPs, and Stormwater Control Plans, with all applicable requirements of the City of Rocklin and Placer County Flood Control and Water Conservation District, subject to approval by the City of Rocklin, Engineering Department.

D. Statement of Overriding Considerations

The City of Rocklin 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 within the Central Valley Water Board's jurisdiction, the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subdivision (b); California Code of Regulations, title 14, section 15093.)

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project—including employment and housing opportunities—outweigh the significant and unavoidable impacts identified above. The Central Valley Water Board defers to the Lead Agency's land use planning decisions and its vision for continued growth and development in Placer County. Additionally, while the Lead Agency

acknowledged some uncertainty attendant with compensatory mitigation for impacts to wetlands and other waters of the state when determining these impacts to be significant and unavoidable, appropriate compensatory mitigation as detailed above and in the Order is intended to adequately offset these impacts.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by Placer County 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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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 & 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: Stephanie.Tadlock@waterboards.ca.gov
 - Include in the subject line of the email:
ATTN: Stephanie Tadlock; Project Name; and WDID No. 5A31CR00588

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. 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 the project due to post construction monitoring requirements. 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 and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
- C. Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to the project once the Permittee has completed post-construction monitoring, achieved performance standards, 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:** XX August 2023

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- B. Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

V. Report and Notification Cover Sheet

Project: College Park, Site A Project
Permittee: Evergreen Sierra East, LLC
WDID: 5A31CR00588
Reg. Meas. ID: 450641
Place ID: 885134
Order Effective Date: XX August 2023
Order Expiration Date: XX August 2028

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.
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A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month beginning one month after the submittal of the Notification of Project Commencement 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 September beginning one year after the effect date of the waste discharge requirements. 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 Project Deviations. See Project 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.

1) Part A. Permittee Responsible – Not Applicable

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 Project 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 and Monitoring
 - 1) Date of storm water Notice of Termination(s), if applicable.
 - 2) Report status and functionality of all post-construction BMPs.
 - 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. Part C – Conditional Notifications and Reports

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

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

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
- b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
- c. **Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

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

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

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 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 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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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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PROJECT 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 Project Deviation, as defined in Section XII of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

- A. Who may apply:** The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.
- B. How to apply:** By letter or email to the 401 staff designated as the contact for this Order.
- C. Project Deviation Request:** The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Project 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 Project 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 Project Deviation Reporting:

1. Within 30 calendar days of completing the approved Project 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 Project Deviation activities through the reporting period with the following information:
 - a. Site name(s);
 - b. Date(s) of Project 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 Project 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).