Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 12 August 2021

Expiration Date: 12 August 2026

Program Type: Restoration

Reg. Meas. ID:	443816
Place ID:	874772
WDID No.:	5A32CR00216
NWP 27	

Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: Yellow Creek Watershed Restoration Project (Project)

Applicant: Lassen National Forest, Almanor Ranger District

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Lassen National Forest, Almanor Ranger District (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 16 June 2021. The application was deemed complete on 13 July 2021.

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 18 June 2021 to 9 July 2021. The Central Valley Water Board did not receive any comments during the comment period. Public notice regarding the Initial Study/Mitigated Negative Declaration is described in Attachment C, CEQA Findings of Fact.

III. Project Purpose

The primary goals of the Project are to improve the hydrologic function of the headwater meadows, springs, fens and other riparian habitats which contribute to downstream hydrologic flows and to reduce sedimentation to the downstream watersheds. The need for this project comes as a result of the 2000 Storrie Fire effects to the Yellow Creek subwatersheds. The fire led to an increase in erosion and sedimentation to the larger North Fork Feather River watershed, including the Yellow Creek subwatersheds and tributaries.

IV. Project Description

The project area is comprised of six meadow areas within forested upland. Hydrologic treatments are broken down into meadow areas.

Hydrologic Restoration Treatments

Project partners and Lassen National Forest will monitor hydrologic treatments for a minimum of five years and will apply adaptive management strategies to ensure that project objectives are being met and infrastructure is functioning as desired. Fill material will be sourced from an off-site commercial source; none will be excavated on-site with one exception for maintenance of the box culverts. All disturbed vegetation will be preserved and replanted before equipment leaves the site. Disturbed areas that are bare after replanting will be seeded with native, locally sourced species, and covered with locally sourced mulch (forest duff). Dilapidated barbed wire fencing will be removed from around the meadows.

YC05 and YC04

YC05 is on the main stem of Yellow Creek from the upper property boundary down to the 27N04 box culverts. A detailed map of the proposed treatments in YC05 and YC04 is included in Attachment A, Figure 3. Treatment in this area is proposed to begin at the upstream boundary of the project area with a series of debris jams built to mimic natural woody debris in channels. These structures will add complexity to

the stream channel to improve riparian and aquatic habitat. One side channel gully is proposed for complete fill in order to reconnect an aspen stand on the terrace peninsula to subsurface hillslope flow. Treatment includes maintenance of the box culvert crossing to remove debris and vegetation in front of the floodplain culverts.

YC04 is a shrub wetland in good condition on a tributary into YC05, however, if the existing culvert and 27N04B1 road crossing berm were to fail, a headcut would likely migrate into the wetland. A rock apron will be constructed below YC04 and the road will be decommissioned.

YC01 and YC03

The YC01 reach of Yellow Creek extends from the 27N04 culverts down to the property boundary. Similar to YC05, the channel will also be treated with a series of debris jams. A detailed map of the proposed treatments in YC01 and YC03 is included in Attachment A, Figure 4. Decadent willows on the terraced floodplain will be pruned following traditional ecological guidelines from Maidu partners in order to re-invigorate willow populations. Additionally, the abandoned water diversion ditch located to the north of the main incised gully will be filled in order to limit unintended impacts to the fen resources below YC02B, where the ditch leads. The abandoned rock gabion and associated infrastructure in this lower reach of YC01 will also be removed to accommodate continued development of the incised floodplain.

An existing access route parallels the north side of the meadow and has two spurs that drop into the floodplain to access dispersed camping areas. This route currently has significant ruts that will be further affected when heavy equipment travels on it to enter the meadow. In order to rehabilitate this access route, the ruts will be filled with base rock and a series of ten minor swales and small rolling dips will be incorporated. This will shuttle the water that is currently running down the ruts and eroding the access route across the road and down the hillslope on the other side, thus reducing erosion and assisting in reducing further hydrologic degradation of the small meadows on the north side of the road.

YC03 is a small pocket meadow tributary to YC01. The multiple small channels in YC03 are mostly connected to the floodplain, except in the vicinity of the road, and up-valley of the wet meadow area. The 27N04 road crossing in YC03 has caused some minor headcutting up the meadow and has created channelized flow below the meadow. Sod plugs are proposed in the channelized flow paths in the vicinity of the road. Sod plugs will effectively slow flow velocity out of YC03 from the 27N04 culverts. The ditch coming from the 27N04B culverts will be filled.

YC02A and YC02B

Both YC02 meadow areas are on a tributary to Yellow Creek that joins with the mainstem of Yellow Creek down-valley on private land, outside of the project area. The two meadow areas are divided by the 27N40 road (YC02A is above the road, YC02B is below the road). Detailed maps of the proposed treatments in the YC02A and YC02B meadows are included in Attachment A, Figure 5 and Figure 6.

Incised channels and ditches will be completely filled. The vast majority of fill material will be imported, except ditch berms, which will be removed and incorporated into the fill. Some gaps in intermittent segments may result, depending on implementation access, equipment, or available fill. This treatment will restore a dynamic, multiple channel system on the surface of the meadow floodplain.

Road Treatments

The project includes road work to improve hydrologic function within the project area. The following treatments are proposed for the 27N40 road where it crosses the YC02 meadows: removing two culverts that have caused headcutting, filling resultant ditches and channelization, and installing subsurface floodplain drainage. The subsurface drainage will consist of excavating 1.5 ft depth of the road prism and filling the excavated area with permeable rock fill over geotextile cloth. The road base will be sloped to match the native existing grade and allow the water that was previously funneled through the culverts to spread across the road surface during winter and spring flows to re-wet a larger cross-section of the meadow, thereby contributing to restored meadow hydrology. The project also includes minor improvement to a rutting campground access next to a meadow, through the fill of ruts with base rock to prevent overland flow from running down the road.

V. Project Location

Address: Lassen National Forest; along FS Road 27N04.

County: Plumas County

Nearest City: Chester, CA

Sections 27, 34, and 35, Township 27 North, Range 6 East, MDB&M.

Latitude: 40.1596° and Longitude: -121.2916°

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

VI. Project Impact and Receiving Waters Information

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

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to

meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

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

VII. Description of Direct Impacts to Waters of the State

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

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	7.82	10811	15839
Wetland	0.15	412	

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project.

IX. Avoidance and Minimization

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

X. Compensatory Mitigation

No compensatory mitigation was required for impacts because the Project's sole purpose is restoration.

XI. California Environmental Quality Act (CEQA)

This Order adopts an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2021060277) and approves the mitigation monitoring and reporting program (MMRP) for the Project. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23,

section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

Federal dischargers applying for a 401 certification for a dredge or fill project subject to section 404 of the Clean Water Act are not subject to permit fees as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

XIV. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

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

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

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

1. Project Reporting

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

b. **Annual Reporting – Not Applicable**

2. **Project Status Notifications**

   a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

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

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

3. **Conditional Notifications and Reports:**

   The following notifications and reports are required as appropriate.

   a. **Accidental Discharges of Hazardous Materials**[1]

[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.)

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES, procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

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

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

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

c. In-Water Work and Diversions:

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

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

d. Modifications to Project

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

e. Transfer of Property Ownership:

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

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

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

the wetland to surface waters. The Permittee shall perform surface water sampling:

a. when performing any in-water work;

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

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

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

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions:

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

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

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

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

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

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

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

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

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.[2] The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

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

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

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[3]	Observations	Visual Inspections	Continuous throughout the construction period

4. Post-Construction:

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

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

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

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

specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

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

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

E. General Compliance

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

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

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

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

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or

permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

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

7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

d. Sample or monitor for the purposes of assuring Order compliance.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Construction

1. Dewatering

a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

d. Dewatering will occur within the Project area.

e. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

2. **Directional Drilling – Not Applicable**

3. **Dredging – Not Applicable**

4. **Fugitive Dust:**

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

5. **Good Site Management "Housekeeping"**

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

   b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

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

6. **Hazardous Materials**

   a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and

shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

b. No wet concrete will be placed into stream channel or wetland habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

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

i. Minimize the amount of impervious surface;

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;

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;

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

9. Roads

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

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

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

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

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

10. Sediment Control

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

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

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

11. Special Status Species

Federally endangered Sierra Nevada yellow-legged frog *(Rana sierra).* California Department of Fish and Wildlife Species of Special Concern Southern long-toed salamander *(Ambystoma macrodactylum sigillatum)* and Cascades frog *(Rana cascadae).*

12. Stabilization/Erosion Control

a. All areas disturbed by Project activities shall be protected from washout and erosion.

b. Hydroseeding shall be performed with California native seed mix.

13. Storm Water

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

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

H. Site Specific – Not Applicable

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

J. Mitigation for Temporary Impacts – Not Applicable

K. Compensatory Mitigation for Permanent Impacts – Not Applicable

No compensatory mitigation was required for impacts because the Project's sole purpose is restoration.

L. Ecological Restoration and Enhancement

The quantity of waters of the state permanently gained by the Project is shown in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Total Ecological Restoration and Enhancement Quantity

Aquatic Resource Type	Restoration Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee-Responsible	Acres		1.65		7.41	2.18	
Wetland	Permittee-Responsible	Acres		11.97		32.32	11.46	

M. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these

prospective Project modifications may have impacts on the environment. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential environmental impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Yellow Creek Watershed Restoration Project, WDID No. 5A32CR00216, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). The Central Valley Water Board, as lead agency, hereby adopts an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2021060277) and approves the mitigation monitoring and reporting program (MMRP) for the Project.

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

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

Original Signed by Clint Snyder (AEO) for 8/12/21

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

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

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Figure 1. Yellow Creek Watershed Restoration Project Location.

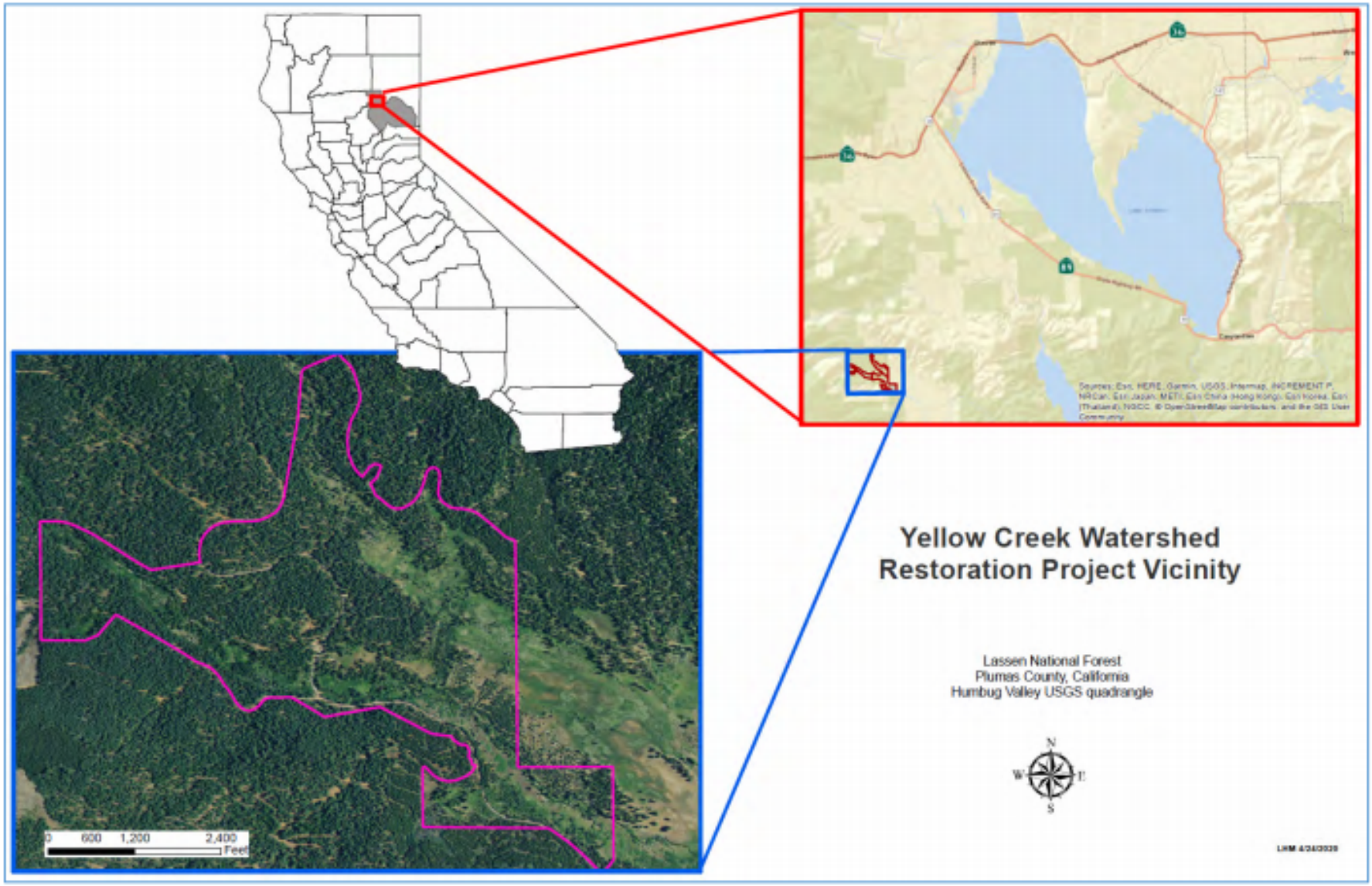
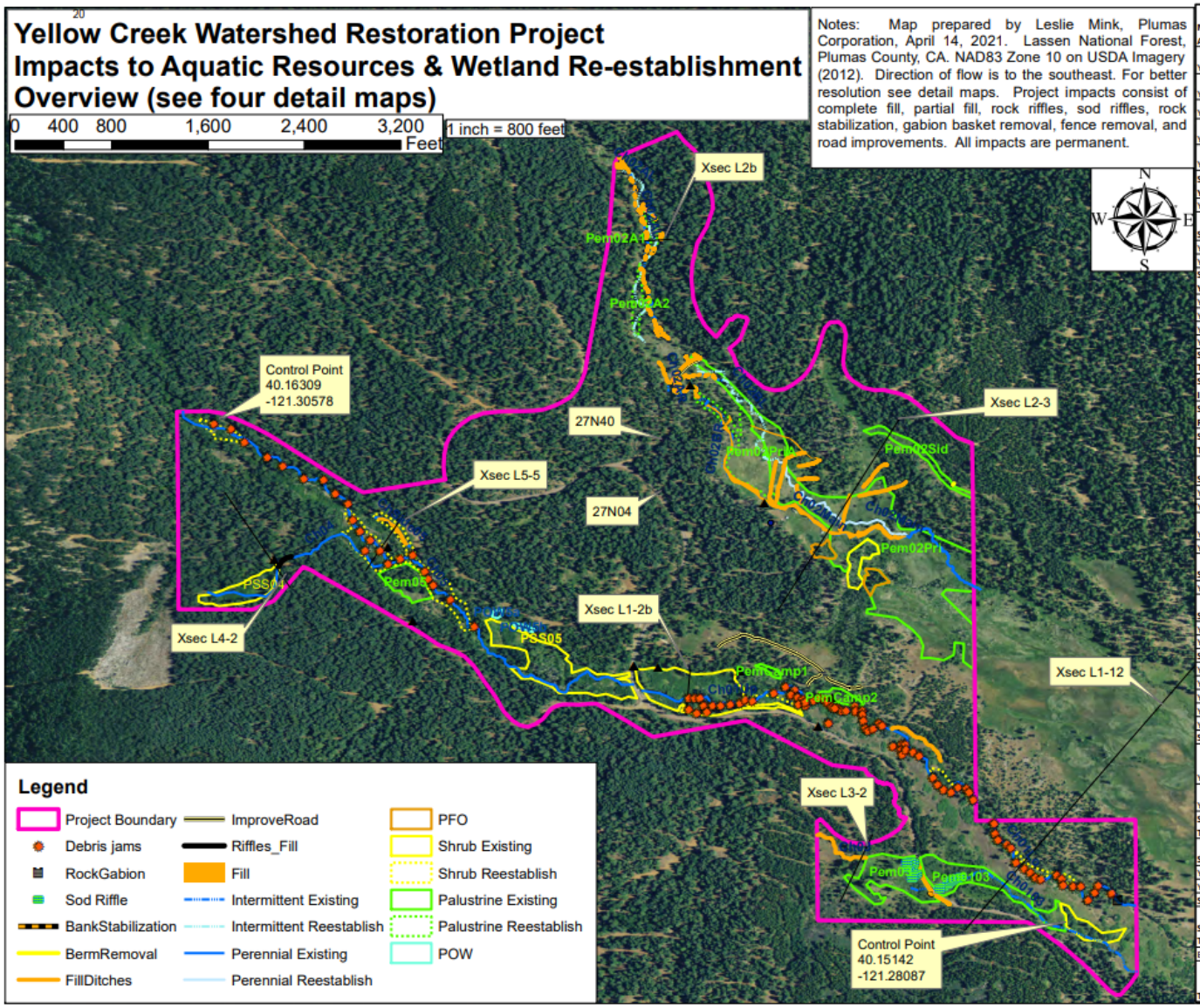
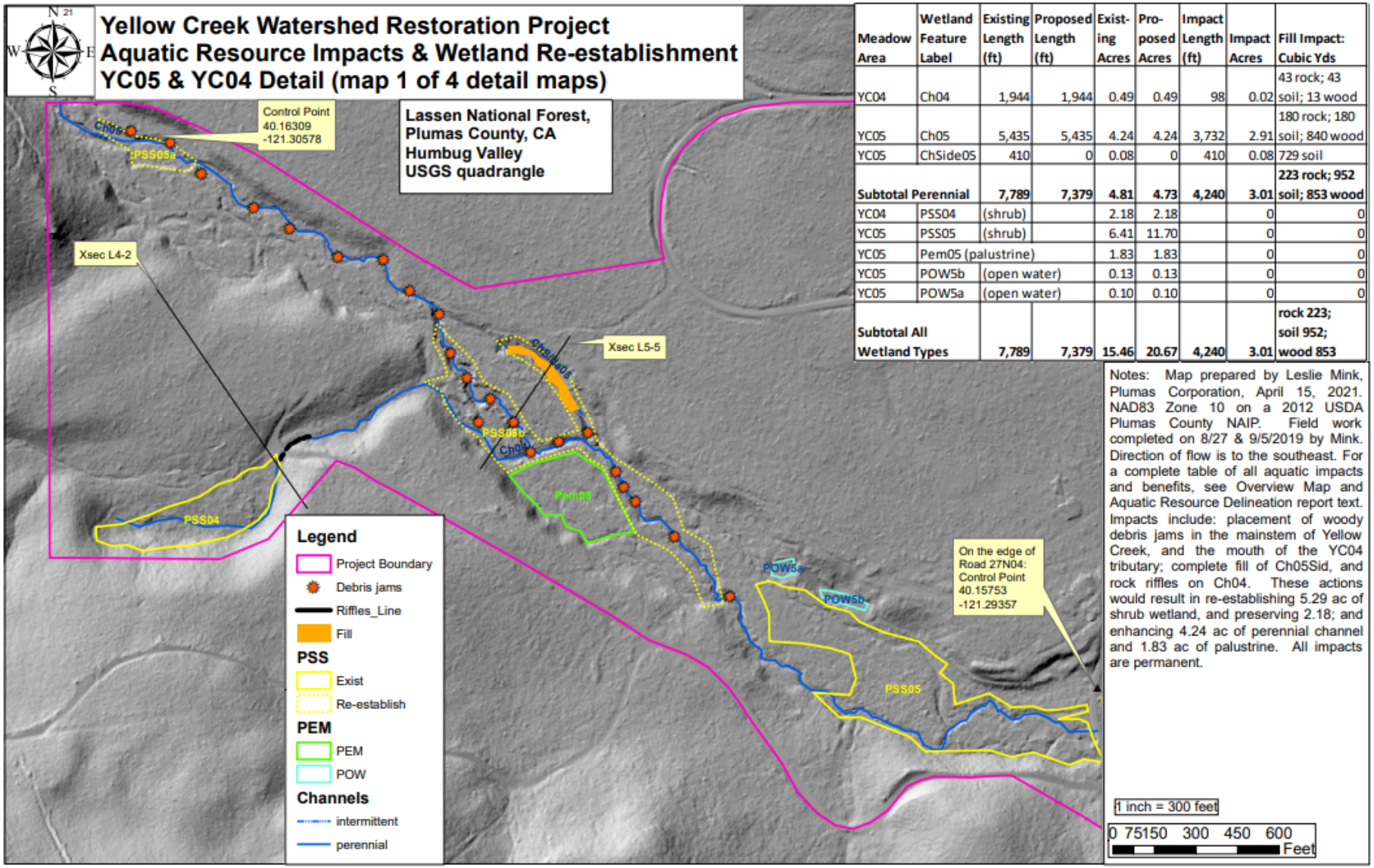


Figure 2. Map of various vegetation treatments proposed.



Meadow Area	Wetland Feature Label	Existing Length (ft)	Proposed Length (ft)	Existing Acres	Proposed Acres	Impact Length (ft)	Impact Acres	Impact: Cubic yards of each material (fill)
YC04	Ch04	1,944	1,944	0.49	0.49	98	0.02	43 rock; 43 soil; 13 wood
YC05	Ch05	5,435	5,435	4.24	4.24	3,732	2.91	180 rock; 180 soil; 840 wood
YC05	ChSide05	410	0	0.08	0	410	0.08	729 soil
YC01	Ch01Up	3,692	3,692	2.37	2.37	3,317	2.13	364 rock; 364 soil; 1699 wood
YC01	Ch01Lo	1,816	1,816	1.04	1.04	1,816	1.04	119 rock; 119 soil; 554 wood
Subtotal Mainstem & YC04 Perennial		**13,297**	**12,887**	**8.22**	**8.14**	**9,373**	**6.19**	**706 rock; 1435 soil; 2552 wood**
YC02	Ch02Main	2,622	2,583	0.60	1.48	1,579	0.36	2323 soil
Subtotal All Perennial		**15,919**	**15,470**	**8.82**	**9.63**	**10,952**	**6.55**	**706 rock; 3758 soil; 2552 wood**
YC03	Ch03	544	0	0.09	0.00	544	0.09	282 soil
YC01&YC03	Ch0103	2,311	2,311	1.59	1.59	339	0.00	1 soil
Subtotal Mainstem & YC03 Intermittent		**2,855**	**2,311**	**1.68**	**1.59**	**883**	**0.09**	**283 soil**
YC02	Ch02AL	1,700	1,963	0.51	0.32	1,700	0.51	1256 soil
YC02	Ch02AR	204	0	0.09	0.00	204	0.09	150 soil
YC02	Ch02BR	1,641	0	0.38	0.00	1,641	0.38	1212 soil
YC02	Ch02BL	459	1,539	0.21	0.46	459	0.21	339 soil
Subtotal YC02 Tributary Intermittent		**4,004**	**3,502**	**1.19**	**0.77**	**4,004**	**1.19**	**2957 soil**
Subtotal All Intermittent		**6,859**	**5,813**	**2.87**	**2.36**	**4,887**	**1.28**	**3240 soil**
Subtotal Mainstem Riverine		**16,152**	**15,198**	**9.90**	**9.73**	**10,256**	**6.27**	**706 rock; 1718 soil; 2552 wood**
Subtotal YC02 Tributary Riverine		**6,626**	**6,085**	**1.79**	**2.26**	**5,583**	**1.55**	**5280 soil**
Subtotal All Riverine		**22,778**	**21,283**	**11.69**	**11.99**	**15,839**	**7.83**	**706 rock; 6998 soil; 2552 wood**
YC04	PSS04			2.18	2.18		0	0
YC05	PSS05			6.41	11.70		0	0
YC01	PSS01Up			6.43	7.47		0.05	rock 18; soil 18; wood 84
YC01	PSS01Lo			1.32	1.71		0	0
Subtotal Mainstem Shrub				**16.34**	**23.06**		**0.05**	**rock 18; soil 18; wood 84**
YC02	PSS02			1.16	1.16		0	0
Subtotal All Shrub				**17.50**	**24.22**		**0.05**	**rock 18; soil 18; wood 84**
YC02	PFO02b			0.45	0.45		0	0
YC02	PFO02a			0.56	0.56		0	0
Subtotal All Forested				**1.01**	**1.01**		**0**	**0**
YC01	PemCamp1			0.20	0.20		0	0
YC01	PemCamp2			0.65	0.65		0	0
YC03	Pem03			3.85	3.85		0.00	1 soil
YC01	Pem0103			4.10	4.10		0	0
YC05	Pem05			1.83	1.83		0	0
Subtotal Mainstem Palustrine				**10.63**	**10.63**		**0**	**1 soil**
YC02	Pem02Pri			26.39	31.64		0.09	soil, 143 each: fill ditches & cut berms
YC02	Pem02Sid			1.18	1.18		0.00	1 soil fill; 5 berm cut
Subtotal YC02 Tributary Palustrine				**27.57**	**32.82**		**0.09**	**soil: 148 cut berms; 144 fill**
Subtotal All Palustrine				**38.20**	**43.45**		**0.09**	**145 soil fill; 148 cut berms**
YC05	POW5b			0.13	0.13		0	0
YC05	POW5a			0.10	0.10		0	0
Subtotal All Open water				**0.23**	**0.23**		**0**	**0**
Subtotal All Wetland Types		**22,778**		**68.63**	**80.90**	**15,839**	**7.97**	**rock 724; soil 7161; wood 2784**
Boundary	Upland			381.37	369.10		0.15	soil 249
Total Project Area		**22,778**		**450**	**450**	**15,839**	**8.12**	**rock 724; soil 7410; wood 2784**

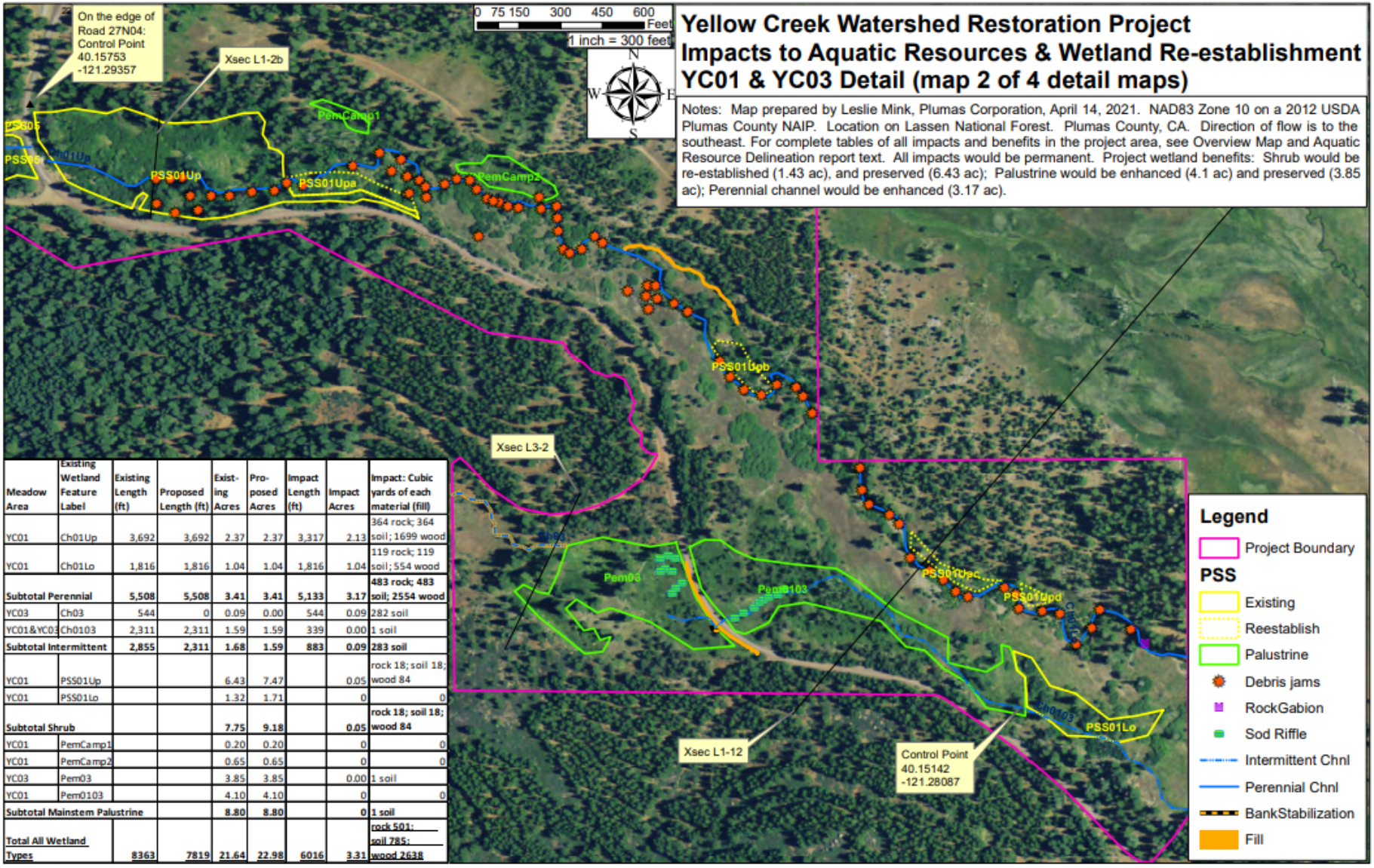
Figure 3. Meadows YC04 & YC05 Impacts.



Meadow Area	Wetland Feature Label	Existing Length (ft)	Proposed Length (ft)	Existing Acres	Proposed Acres	Impact Length (ft)	Impact Acres	Fill Impact: Cubic Yds
YC04	Ch04	1,944	1,944	0.49	0.49	98	0.02	43 rock; 43 soil; 13 wood
YC05	Ch05	5,435	5,435	4.24	4.24	3,732	2.91	180 rock; 180 soil; 840 wood
YC05	ChSide05	410	0	0.08	0	410	0.08	729 soil
Subtotal Perennial		**7,789**	**7,379**	**4.81**	**4.73**	**4,240**	**3.01**	**223 rock; 952 soil; 853 wood**
YC04	PSS04	(shrub)		2.18	2.18		0	0
YC05	PSS05	(shrub)		6.41	11.70		0	0
YC05	Pem05 (palustrine)			1.83	1.83		0	0
YC05	POW5b	(open water)		0.13	0.13		0	0
YC05	POW5a	(open water)		0.10	0.10		0	0
Subtotal All Wetland Types		**7,789**	**7,379**	**15.46**	**20.67**	**4,240**	**3.01**	**rock 223; soil 952; wood 853**

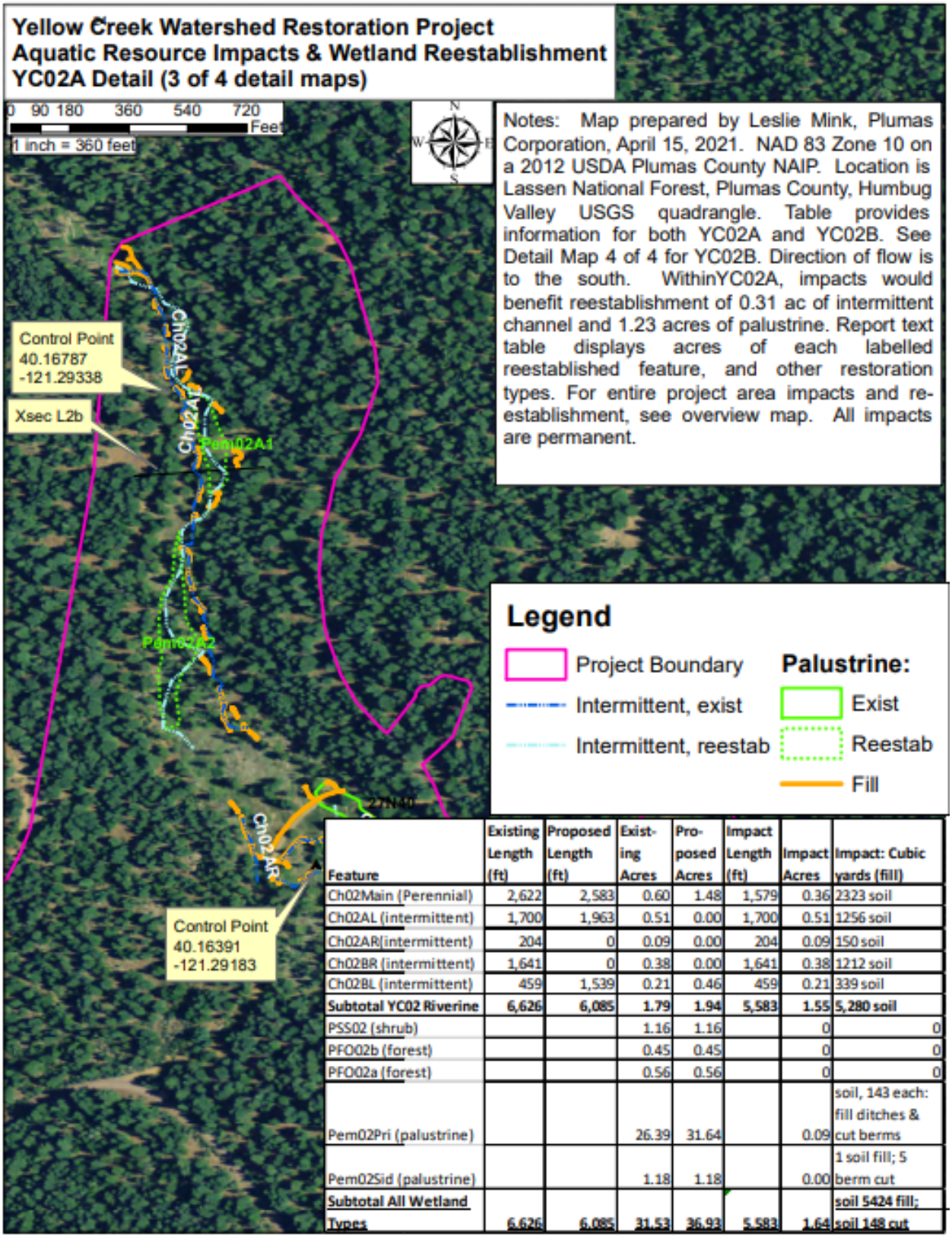
Notes: Map prepared by Leslie Mink, Plumas Corporation, April 15, 2021. NAD83 Zone 10 on a 2012 USDA Plumas County NAIP. Field work completed on 8/27 & 9/5/2019 by Mink. Direction of flow is to the southeast. For a complete table of all aquatic impacts and benefits, see Overview Map and Aquatic Resource Delineation report text. Impacts include: placement of woody debris jams in the mainstem of Yellow Creek, and the mouth of the YC04 tributary; complete fill of Ch05Sid, and rock riffles on Ch04. These actions would result in re-establishing 5.29 ac of shrub wetland, and preserving 2.18; and enhancing 4.24 ac of perennial channel and 1.83 ac of palustrine. All impacts are permanent.

Figure 4. Meadows YC01 & YC03 Impacts



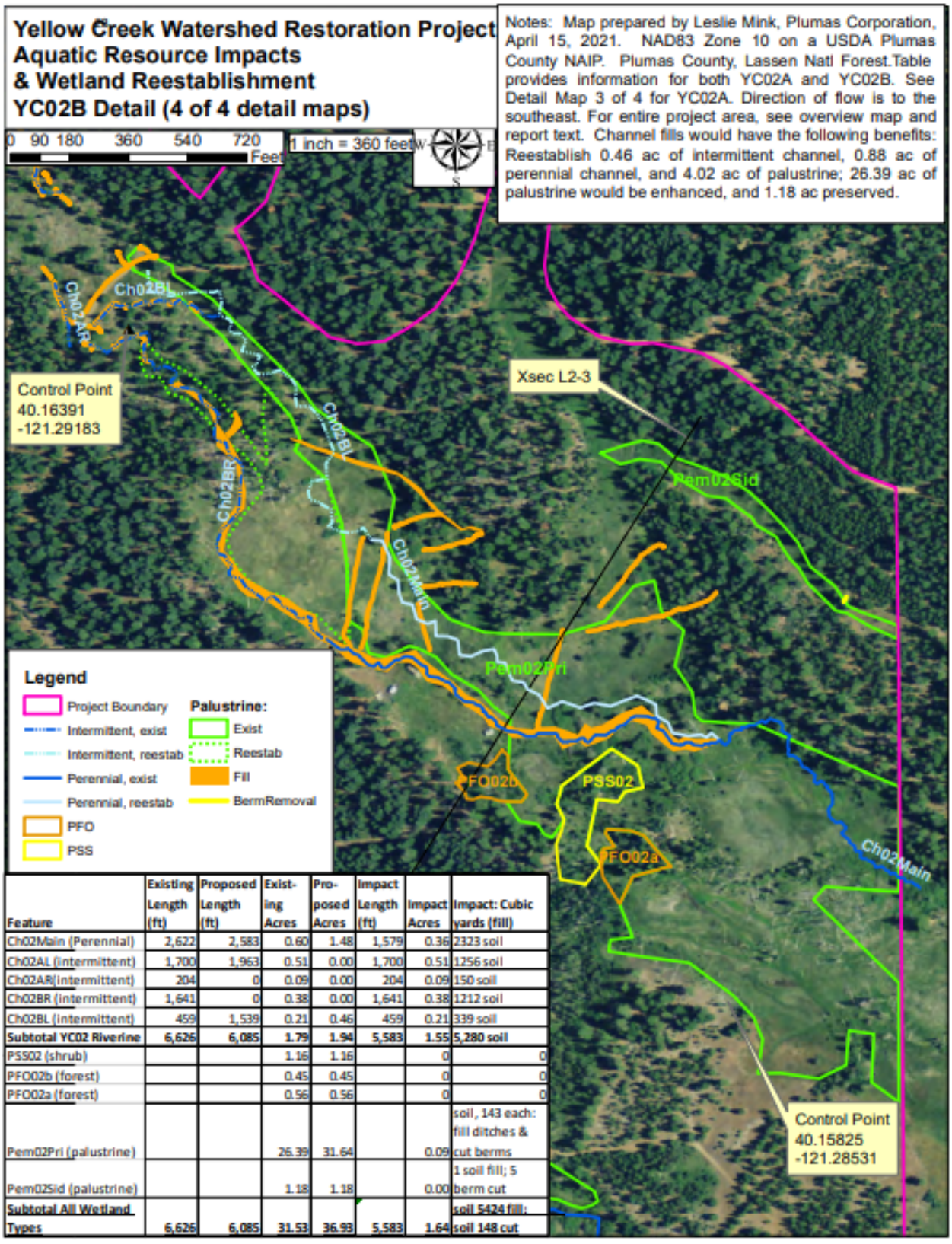
Meadow Area	Existing Wetland Feature Label	Existing Length (ft)	Proposed Length (ft)	Existing Acres	Proposed Acres	Impact Length (ft)	Impact Acres	Impact: Cubic yards of each material (fill)
YC01	Ch01Up	3,692	3,692	2.37	2.37	3,317	2.13	364 rock; 364 soil; 1699 wood
YC01	Ch01Lo	1,816	1,816	1.04	1.04	1,816	1.04	119 rock; 119 soil; 554 wood
Subtotal Perennial		**5,508**	**5,508**	**3.41**	**3.41**	**5,133**	**3.17**	**483 rock; 483 soil; 2554 wood**
YC03	Ch03	544	0	0.09	0.00	544	0.09	282 soil
YC01&YC03	Ch0103	2,311	2,311	1.59	1.59	339	0.00	1 soil
Subtotal Intermittent		**2,855**	**2,311**	**1.68**	**1.59**	**883**	**0.09**	**283 soil**
YC01	PSS01Up			6.43	7.47		0.05	rock 18; soil 18; wood 84
YC01	PSS01Lo			1.32	1.71		0	0
Subtotal Shrub				**7.75**	**9.18**		**0.05**	**rock 18; soil 18; wood 84**
YC01	PemCamp1			0.20	0.20		0	0
YC01	PemCamp2			0.65	0.65		0	0
YC03	Pem03			3.85	3.85		0.00	1 soil
YC01	Pem0103			4.10	4.10		0	0
Subtotal Mainstem Palustrine				**8.80**	**8.80**		**0**	**1 soil**
Total All Wetland Types		**8363**	**7819**	**21.64**	**22.98**	**6016**	**3.31**	**rock 501; soil 785; wood 2638**

Figure 5. YC02A Meadow Impacts.



Feature	Existing Length (ft)	Proposed Length (ft)	Existing Acres	Proposed Acres	Impact Length (ft)	Impact Acres	Impact: Cubic yards (fill)
Ch02Main (Perennial)	2,622	2,583	0.60	1.48	1,579	0.36	2323 soil
Ch02AL (intermittent)	1,700	1,963	0.51	0.00	1,700	0.51	1256 soil
Ch02AR(intermittent)	204	0	0.09	0.00	204	0.09	150 soil
Ch02BR (intermittent)	1,641	0	0.38	0.00	1,641	0.38	1212 soil
Ch02BL (intermittent)	459	1,539	0.21	0.46	459	0.21	339 soil
Subtotal YC02 Riverine	**6,626**	**6,085**	**1.79**	**1.94**	**5,583**	**1.55**	**5,280 soil**
PSS02 (shrub)			1.16	1.16		0	0
PFO02b (forest)			0.45	0.45		0	0
PFO02a (forest)			0.56	0.56		0	0
Pem02Pri (palustrine)			26.39	31.64		0.09	soil, 143 each: fill ditches & cut berms
Pem02Sid (palustrine)			1.18	1.18		0.00	1 soil fill; 5 berm cut
Subtotal All Wetland Types	**6,626**	**6,085**	**31.53**	**36.93**	**5,583**	**1.64**	**soil 5424 fill; soil 148 cut**

Figure 6. YC02B Meadow Impacts.



Feature	Existing Length (ft)	Proposed Length (ft)	Existing Acres	Proposed Acres	Impact Length (ft)	Impact Acres	Impact: Cubic yards (fill)
Ch02Main (Perennial)	2,622	2,583	0.60	1.48	1,579	0.36	2323 soil
Ch02AL (intermittent)	1,700	1,963	0.51	0.00	1,700	0.51	1256 soil
Ch02AR(intermittent)	204	0	0.09	0.00	204	0.09	150 soil
Ch02BR (intermittent)	1,641	0	0.38	0.00	1,641	0.38	1212 soil
Ch02BL (intermittent)	459	1,539	0.21	0.46	459	0.21	339 soil
Subtotal YC02 Riverine	**6,626**	**6,085**	**1.79**	**1.94**	**5,583**	**1.55**	**5,280 soil**
PSS02 (shrub)			1.16	1.16		0	0
PFO02b (forest)			0.45	0.45		0	0
PFO02a (forest)			0.56	0.56		0	0
Pem02Pri (palustrine)			26.39	31.64		0.09	soil, 143 each: fill ditches & cut berms
Pem02Sid (palustrine)			1.18	1.18		0.00	1 soil fill; 5 berm cut
Subtotal All Wetland Types	**6,626**	**6,085**	**31.53**	**36.93**	**5,583**	**1.64**	**soil 5424 fill: soil 148 cut**

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Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Waters Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
YC01S	Yellow Creek	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
YC01W	Unnamed Wetland	Wetland	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
YC02S	Unnamed Tributary to Yellow Creek	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
YC02W	Unnamed Wetland	Wetland	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
YC03S	Unnamed Tributary to Yellow Creek	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
YC04S	Unnamed Tributary to Yellow Creek	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable
YC05S	Yellow Creek	Stream	518.4	North Fork Feather River	MUN, POW, REC-1, REC-2, COLD, SPWN, WILD	Not Applicable	Not Applicable

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
YC01S	40.156	-121.286	No	3.17	3220	5133
YC01W	40.157	-121.292	No	0.05	120	Not Applicable
YC02S	40.163	-121.290	No	1.55	5280	5583
YC02W	40.161	-121.287	No	0.09	292	Not Applicable
YC03S	40.153	-121.286	No	0.09	283	883
YC04S	40.159	-121.305	No	0.02	99	98
YC05S	40.160	-121.300	No	2.99	1929	4142

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A. Tribal Consultations

On 22 April 2021, the Central Valley Water Board provided notice to the identified contact person for each California Native American tribe traditionally and culturally affiliated with the geographic area of the Project that requested notice. Notice was provided to Pit River Tribe and United Auburn Indian Community of the Auburn Rancheria. (Public Resources Code, section 21080.3.1.) The consultation process concluded on 24 May 2021 when no notified tribe provided comments or otherwise engaged in the consultation process. (Public Resources Code, section 21080.3.2.)

On 22 April, the Central Valley Water Board also provided notice as a courtesy to the identified contact person for other California Native American tribes traditionally and culturally affiliated with the geographic area of the Project. Notice was provided to Maidu Cultural Preservation Association Konkow, Mooretown Rancheria of Maidu Indians, Tsi-Akim Maidu, Maidu Summit Consortium, Honey Lake Maidu, Susanville Indian Rancheria, Enterprise Rancheria of Maidu, Mechoopda Indian Tribe of Chico Rancheria, Greenville Rancheria, and Washoe Tribe of Nevada and California.

B. Environmental Review

On 11 June 2021, the Central Valley Water Board issued a draft Initial Study/Mitigated Negative Declaration (IS/MND) for public review and filed a notice of intent to adopt with the State Clearinghouse (SCH). (California Code of Regulations, title 14, sections 15072 and 15073.) The public comment period for the draft IS/MND was from 11 June 2021 through 11 July 2021. The Central Valley Water Board did not receive any comments on the draft IS/MND. The final IS/MND and the findings contained therein reflect the Central Valley Water Board's independent judgment and analysis. The Central Valley Water Board has developed a mitigation monitoring and reporting program (MMRP) for all mitigation measures that the Central Valley Water Board has adopted for the Project to reduce potential impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

C. Incorporation by Reference

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

All CEQA project impacts are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: Governor's Office of Planning and Research CEQAnet Web Portal (https://ceqanet.opr.ca.gov/2021060277).

The MMRP developed to ensure that the mitigation measures are implemented is incorporated herein by reference.

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

D. Findings

The Central Valley Water Board has analyzed the environmental effects of the Project as shown in the IS/MND. (California Code of Regulations, title 14, sections 15064 and 15074.) Having considered the whole of the record, the Central Valley Water Board has determined that the proposed Project will not result in a significant effect on the environment (California Code of Regulations, title 14, section 15074, subd. (b)) and makes the following findings:

(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (California Code of Regulations, title 14, section 15070.)

a.i. Potential Significant Impact (Biological Resources section IV.c of the IS/MND):

Proposed restoration would have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means.

a.ii. Facts in Support of Finding:

The project area was sampled for federal- and state-protected wetlands, and a wetland delineation report with quantification of benefits and impacts to wetlands was completed (Mink 2021). Project activities include filling ditches that now convey water (channel fill treatment in YC02), however, there will be an overall 12-acre increase in all wetland habitat types (through rehabilitation of degraded hydrology) and an enhancement of existing wetlands. The project would also affect the mainstem of Yellow Creek by installing debris jams, which are expected to improve aquatic and riparian habitat quality and complexity. The project objective is to improve wetlands. Mitigations discussed in IS/MND Section X (Hydrology) (**Hyd-1 through Hyd-5**), and mitigations presented for plants in wet meadow (**Bio-30, 38 and 39**) will minimize adverse effects on protected wetlands of any status.

Hyd-1. Retention of streambank stability and natural recruitment trees.

Hyd-2. The following actions would be minimized to the extent possible within RCAs [Riparian Conservation Areas]: equipment entry, equipment footprint, turning of equipment. No water bars would be installed on entry trails into an RCA.

Hyd-3. Follow all applicable BMPs. Notify the Waterboard of the project and apply for water quality permits as needed (Clean Water Act Section 401 Water Quality Certification or a Waste Discharge permit). Adhere to all permit requirements.

Hyd-4. Conduct hydrologic project activities during the lowest flow time of year.

Hyd-5. Pump water around work areas if there is a potential to degrade water quality.

Bio-30. Sod removal would not occur within fens.

Bio-38. Mechanical equipment would be excluded from known occurrences of *Betula glandulosa, Claytonia palustris, Drosera angelica, Eriophorum gracile, Meesia triquetra,* and *Messia uliginosa*. Trees would be directionally felled away from occurrences of the above species. Locations would be displayed as control areas on all contract maps. New occurrences of threatened, endangered, or sensitive (TES) plant species, CRPR [California Rare Plant Rank] List 1B or 2B species, or fens discovered before or during ground-disturbing activities would be addressed with protection measures (i.e., exclusion through flag and avoid).

Bio-39. No piling of material for burning would occur within 25 feet of an aquatic feature or meadow (addition of meadow not an IDF [Integrated Design Feature]).

Significance after Mitigation

Implementation of Mitigation Measure **Hyd-1 through Hyd-5, Bio-30, Bio-38 and Bio-39** would reduce the impact to **less than significant with mitigation incorporated**.

b.i. Potential Significant Impact (Geology and Soils section VII.b of the IS/MND):

Proposed restoration project could result in substantial soil erosion or the loss of topsoil.

b.ii. Facts in Support of Finding:

Impacts to soil resources from heavy equipment associated with vegetation management and gully fill activities in the project area could affect soils by increasing compaction, displacing topsoil, and temporarily increasing bare ground. Burning operations would also cause an immediate reduction in soil cover, leading to accelerated runoff, erosion and deposition of sediments if a large precipitation event occurs before revegetation. However, this would be short-lived, and cover would be reestablished in one or two years. Needles cast immediately after burning would provide some cover. In seasons following prescribed fire, light underburning can enhance species diversity and plant vigor. On the mainstem of Yellow Creek in YC05 and YC01, soils in

the gully walls may mobilize as some debris jams widen the gully (thus recruiting local sediment into downstream jams and re-initiating deposition).

The gullied stream channels in the project area are the result of substantial soil erosion resulting from previous land use, primarily ditching to drain wet meadows, and road crossings on meadows and stream channels. The erosion is a consequence of the head differential between the excavated or culverted drainage bottom and the floodplain. Under existing conditions, the channel drainage is three to eight feet below the floodplain. Prior to degradation, the naturally evolved, previous, and historic channel drainage elevation was within one to two feet of the floodplain, as evidenced by numerous remnant channels on the surface of the now-terraced floodplain. These remnant channels also show clear evidence of channel bedload (i.e., gravels and cobbles) deposition. The project hydrologic treatments seek to restore channel/floodplain elevation connectivity in order to restore channel/floodplain depositional processes, rather than the current gully erosion process. This would be accomplished in two primary ways: channel fill in the YC02 tributary meadow and debris jams on the mainstem of Yellow Creek. Gully fill and debris jam construction will result in some bare soil areas immediately after construction. As in natural floodplains systems, both of these techniques rely on vegetation for long-term stability. Bare ground from imported fill material and equipment use in mechanical thinning operations may increase possible sediment delivery into the channel until these areas revegetate. However, in meadows, these impacts would be mitigated concurrently with the restoration, with restored hydrology enhancing growing conditions for vegetation. To promote revegetation, a number of measures would be employed: harvest and replacement of top soil and intact vegetation **(Geo-1)**, bare soil areas would be seeded and mulched **(Geo-2)**, excavation of vegetated areas will be minimized **(Geo-3)**, and soils would be dry to a depth of ten inches prior to equipment entry (to minimize compaction that leads to run-off and erosion) **(Geo-4)**. It should be noted that the channel fill will be imported from an approved commercial source, thus bare areas from excavated borrow sites would not be an impact associated with this project.

The upland vegetation treatments would also employ a number of soil protection (i.e. minimizing compaction) and erosion control measures, as is typical for timber operations: soil moisture conditions would be evaluated for compliance with LNF [Lassen national Forest] wet weather operation agreements **(Geo-5)**, limiting areal disturbance and compaction to 15% **(Geo-6)**, evaluating landings for remediation **(Geo-7)**, minimizing soil disturbance in piling operations (**Geo-8**, using existing landings and skid trails **(Geo-9)**, and retention on downed large wood **(Bio-19)**. Other measures to protect Riparian Conservation Areas (RCAs), would also contribute to erosion control in these areas. They are discussed and listed in the Hydrology section of this [IS/MND] document (Section X).

Geo-1. All salvaged vegetation and topsoil that is stockpiled during construction would be reintroduced to the site. The tops of constructed plugs would be first priority in receiving salvaged vegetation and topsoil to inoculate them with mycorrhiza, soil fauna, and the locally adapted seed bank. Any mats of sedges or other rhizomatous vegetation that would be covered by plug construction, drowned by raised water levels, or excavated with borrow areas within the meadow alluvium would be harvested and replanted after construction.

Geo-2. Bare ground would be seeded (with native botanist-approved seed) and mulched (with local material, such as forest duff) to 70% cover. Likely bare areas include, but are not limited to, channel fill and heavily used access routes.

Geo-3. Efforts to reduce excavation within alluvial soils and robust meadow vegetation are taken whenever possible, and would be limited to removal of whole, live vegetation adjacent to fill areas (i.e., bank edges), which would be replanted.

Geo-4. Soils in the RCA and in meadow treatment areas would be dry to a depth of 10” prior to equipment entry. If over-snow treatments are utilized, snow conditions and depth would be sufficient to protect soils from compaction.

Geo-5. In treatment units outside of RCAs, soil moisture conditions would be evaluated using Forest-established visual indicators before equipment operation proceeds. Lassen National Forest (LNF) Wet Weather Operations and Wet Weather Haul Agreements would be followed to protect the soil and transportation resources.

Geo-6. Areal extent of detrimental soil disturbance in uplands would not exceed 15 percent of the area dedicated to growing vegetation. Following implementation, the mechanical treatment units would be evaluated by a qualified specialist to determine if detrimentally compacted ground exceeds the LNF Land and Resource Management Plan standard of 15 percent areal extent. If restoration is needed to achieve compliance, an appropriate subsoiler, ripper or other implement would be used to fracture the soil in place leaving it loose and friable.

Geo-7. In mechanical treatment units, landings within treated areas no longer needed for long-term management would be evaluated by a qualified specialist to determine whether remediation is needed to restore productivity and hydrologic function. If so, appropriate remediation would be implemented. Where landing construction involved cut and fill, the landing would be re-contoured to match the existing topography.

Geo-8. Machine piling operations would remove only enough material to accomplish project objectives and would minimize the amount of soil being pushed into burn piles. Duff and litter layers would remain as intact as

possible, and the turning of equipment would be minimized. Piles would be constructed as tall as possible, within limits of safety and feasibility. A mixture of fuel sizes in each pile is preferred, avoiding piles of predominately large wood when practicable.

Geo-9. To the extent possible, existing landings and skid trails would be used.

Bio-19. Between 10 and 15 tons per acre of large down logs (>12 inches in diameter and 6 feet in length) would be retained where it exists. Large log retention can be met with either existing logs; or trees 30 inches DBH [diameter at breast height] and larger and snags cut for safety or operability that would be left on site.

Significance after Mitigation

Implementation of Mitigation Measure **Geo-1 through Geo-9** and **Bio-19** would reduce the impact to **less than significant with mitigation incorporated**.

c.i. Potential Significant Impact (Hydrology section X.a of the IS/MND):

Proposed project could violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

c.ii. Facts in Support of Finding:

The project seeks to restore functional hydrology, which would improve water quality in the long-term. In the short-term, and before re-vegetation becomes established, there is a potential for sedimentation into stream channels, which degrades water quality and the quality of the aquatic environment. Sources of sedimentation would be bare soil areas (including fill areas) and equipment operations near stream channels that disturb soils and cause erosion. Mitigations discussed above under Geology and Soils (Section VII) to protect soil resources, are designed to keep soil in place, thus reducing erosion that would enter the channel and cause degrading sedimentation. An accident involving hazardous materials could also degrade water quality, which is discussed above with mitigations, under Hazardous Materials [of IS/MND] (Section IX). Mitigations to protect aquatic life and habitat, are discussed and presented under Biological Resources (Section IV). Additional measures to protect water quality include the special considerations (IDFs discussed in the EA [Environmental Assessment] (Attachment 2 [of IS/MND]) for operations with Riparian Conservation Areas (RCAs), which are 300 feet from perennial water features and meadows, and 150 feet from intermittent channel features. These considerations are presented here as mitigations and include retention of streambank stability and future debris jam natural recruitment trees (**Hyd-1**), and minimized equipment entry, turning, and overall footprint in RCAs (**Hyd-2**).

Projects on National Forest lands, including this project, follow BMPs, which are described in *National Best Management Practices for Water Quality Management on Nationals Forest System Lands, Volume 1: National Core BMP Technical Guide*. Additionally, a permit from the Regional Water Quality Control Board will be required for the project (**Hyd-3**), which will contain required additional water quality protection measures, such as monitoring and reporting, a diversion plan if operating in water, and a stormwater plan. Because of these measures, impacts to water quality will be less than significant with mitigation.

Significance after Mitigation

Implementation of Mitigation Measure **Hyd-1 through Hyd-3** would reduce the impact to **less than significant with mitigation incorporated**.

d.i. Potential Significant Impact (Hydrology section X.c.i of the IS/MND):

Proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which could result in substantial erosion or siltation on or offsite.

d.ii. Facts in Support of Finding:

The project seeks to restore flood flows to the surface of the floodplain. In the current condition, floods flows are mostly confined within an eroded gully and are rapidly conveyed off site via drainage ditches. In YC02, the existing gully would be eliminated by complete fill. Flood flows and low flow would still continue down the same meadow wetland, thus enhancing and reestablishing riparian palustrine wetland associated with the existing channel swale. On the mainstem of Yellow Creek, low flows would remain in the existing channel alignment. Flood flows would more frequently access the floodplain in depositional areas thus enhancing and reestablishing floodplain wetland habitat. The general pattern of flow throughout the project area would remain within the same channel/floodplain system that naturally evolved on this landscape and will not result in change to the overall natural drainage pattern of the area. The project will not create impervious surfaces and is expected to improve infiltration by increasing soil porosity via functional floodplain processes including reinvigorated deep-rooted wetland vegetation.

The project could result in short-term erosion or siltation before stabilizing vegetation becomes established. Erosion and siltation during construction would be minimized through the use of BMPs and the mitigation measures discussed above under Section VII [of the IS/MND] (Geology and Soils) (**Geo-1 through Geo-9**). Additionally, **Hyd-2 and Hyd-3** would protect soils from erosion that could cause siltation on-site and in downstream areas, making the impact less than significant with mitigation.

Significance after Mitigation

Implementation of Mitigation Measure **Geo-1 through Geo-9** and **Hyd-2** and **Hyd-3** would reduce the impact to **less than significant with mitigation incorporated**.

e.i. Potential Significant Impact (Hydrology section X.e of the IS/MND):

Proposed project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

e.ii. Facts in Support of Finding:

Water quality would be protected during construction by operating during the lowest flow time of year **(Hyd-4)** and pumping live streamflow around work areas that have a potential to increase turbidity or degrade water quality in any way **(Hyd-5)**. Adherence to any and all permit requirements will ensure that the project does not obstruct implementation of a water quality control plan. There is no sustainable groundwater plan for this area.

Significance after Mitigation

Implementation of Mitigation Measure **Hyd-4** and **Hyd-5** would reduce the impact to **less than significant with mitigation incorporated**.

E. Approval of Environmental Document

As the Central Valley Water Board Executive Officer, I hereby find that: (1) the final IS/MND has been completed in compliance with CEQA; (2) the final IS/MND reflects the Central Valley Water Board's independent judgment and analysis; and (3) the information in the final IS/MND has been reviewed and considered. The Central Valley Water Board will file a Notice of Determination with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15075, subd. (a).) The environmental document and other materials, which constitute the record, are located at Central Valley Water Quality Control Board, 364 Knollcrest Drive Suite 205, Redding, CA. (Public Resources Code, section 21081.6, subd. (a)(2).)

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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/)

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

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleyredding@waterboards.ca.gov and cc: Daniel.Warner@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Daniel Warner; Project Name; and WDID No. 5A32CR00216

III. Definition of Reporting Terms

A. Active Discharge Period: The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

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

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

D. Post-Discharge Monitoring Period: The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

E. Effective Date: 12 August 2021

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:	Yellow Creek Watershed Restoration Project
Permittee:	Lassen National Forest, Almanor Ranger District
WDID:	5A32CR00216
Reg. Meas. ID:	443816
Place ID:	874772
Order Effective Date:	12 August 2021
Order Expiration Date:	12 August 2026

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report
Report Type 2 ☐ Annual Report – Not Applicable

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print Name[1]	**Affiliation and Job Title**

Signature	**Date**

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

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

Permittee's Signature	**Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

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 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 – Not Applicable

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. 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.

<u>During the Active Discharge Period</u>

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

<u>During the Post-Discharge Monitoring Period</u>

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

i. Annual Report Topic 1 - Construction Summary

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

Report Contents - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

1) Map showing general Project progress.

2) If applicable:

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

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

ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents -

1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents - *If not applicable report N/A.

1) Part A. Permittee Responsible

a) Planned date of initiation of compensatory mitigation site installation.
b) If installation is in progress, a map of what has been completed to date.
c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

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

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

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

a. Report Purpose - Notify Central Valley Water Board staff prior to the start of construction.

b. When to Submit - Must be received at least seven (7) days prior to start of initial ground disturbance activities.

c. Report Contents -

i. Date of commencement of construction.

ii. Anticipated date when discharges to waters of the state will occur.

iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

iv. Construction Storm Water General Permit WDID No.

v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

a. Report Purpose - Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.

c. Report Contents -

i. Status of storm water Notice of Termination(s), if applicable.

ii. Status of post-construction storm water BMP installation.

iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.

iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

v. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

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

a. Report Purpose - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.

2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

ii. Part B: Permittee Responsible Compensatory Mitigation

1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.

2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.

3) Pre- and post-photo documentation of all compensatory mitigation sites.

4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

1) Date of storm water Notice of Termination(s), if applicable.

2) Report status and functionality of all post-construction BMPs.

3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. Part C – Conditional Notifications and Reports

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

a. Report Purpose - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

b. When to Submit - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

c. Report Contents -

i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.

ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.

iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

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

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

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

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

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

a. Report Purpose - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

b. When to Submit – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.

c. Report Contents - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. Report Type 9 - Modifications to Project Report

a. Report Purpose - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

b. When to Submit - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

c. Report Contents - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

5. Report Type 10 - Transfer of Property Ownership Report

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

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

c. Report Contents -

i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:

1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and

2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

6. **Report Type 11 - Transfer of Long-Term BMP Maintenance Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
   b. **When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.
   c. **Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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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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CERTIFICATION DEVIATION PROCEDURES

I. Introduction

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

II. Process Steps

A. Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

B. How to apply: By letter or email to the Water Quality Certifications Unit staff designated as the contact for this Order.

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

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to waters of the state and the environment;
    c. How the Project activity is currently addressed in the Order; and,
    d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (California Code of Regulations, Title 14, sections 15061, 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

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Attachment G - Compliance with Code of Federal Regulations, title 40, section 121.7, subdivision (d)

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

I. General Justification for Section XIV Conditions

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

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

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

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

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

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

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

II. Specific Justification for Section XIV Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board’s authority to

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect

those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

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

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

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

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

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

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

E. General Compliance

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

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

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

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board's Basin Plan. The Basin Plan's water quality standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

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

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

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

   Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

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

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

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

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

7. **Construction General Permit Requirement**

   Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water

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

F. Administrative

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

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

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

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

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

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board’s authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that “the regional board may inspect the facilities of any person to ascertain whether the

purposes of this division are being met and waste discharge requirements are being complied with." Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

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

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

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

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

G. Construction

1. Dewatering

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

permit or separate Waste Discharge Requirements under Water Code section 13263 for dewatering activities that result in discharges to land.

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

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

2. **Directional Drilling – Not Applicable**

3. **Dredging – Not Applicable**

4. **Fugitive Dust**

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

5. **Good Site Management "Housekeeping"**

   Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges

to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

Conditions related to post-construction stormwater management are required to comply with the Basin Plan and to assure that the discharge complies with applicable water quality objectives. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the conditions will assure compliance with water quality objectives including for floating material, sediment, turbidity, temperature, suspended material, and settleable material. (Basin Plan, Sections 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall

abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

9. Roads

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

10. Sediment Control

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

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific – Not Applicable

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

J. Mitigation for Temporary Impacts – Not Applicable

K. Compensatory Mitigation for Permanent Impacts – Not Applicable

L. Ecological Restoration and Enhancement

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

M. Certification Deviation

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

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

   Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).