



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 20 November 2020

Expiration Date: 20 November 2030

Program Type: Restoration

Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: Mendota Pool Bypass and Reach 2B Improvements (Project)

Applicant: United States Department of the Interior, Bureau of Reclamation

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Reg. Measure:	428549
Place ID:	832960
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USACE No.:	Individual

Water Board Contact Person: If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (559) 445-5116 and ask to speak with the Water Quality Certification Unit Supervisor.

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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 United States Department of the Interior, Bureau of Reclamation (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 11 January 2019. The application was deemed complete on 26 August 2019. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application:	14 January 2019
Date all requested information was received:	29 October 2020

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 18 October 2019 to 8 November 2019. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to implement portions of the San Joaquin River Restoration Settlement Act (Settlement). The Settlement authorizes and directs the Secretary of the Interior to implement the Settlement. Specifically, this Project is intended to implement Paragraphs 11(a)(1) and 11(a)(2) of the Settlement in *Natural Resources Defense Council (NRDC), et al., v. Kirk Rodgers, et al*, which are authorized in Section 10004(a)(1) of the Settlement Act.

Paragraph 11(a)(1)

Creation of a bypass channel around Mendota Pool to ensure conveyance of at least 4,500 cfs from Reach 2B downstream to Reach 3. This improvement requires construction of a structure capable of directing flow down the bypass and allowing the Secretary to make deliveries of San Joaquin River water into Mendota Pool when necessary;

Paragraph 11(a)(2)

Modifications in channel capacity (incorporating new floodplain and related riparian habitat) to ensure conveyance of at least 4,500 cfs in Reach 2B between the Chowchilla Bifurcation Structure and the new Mendota Pool bypass Channel;

The Settlement specifies the need for the Project, which requires modifications to Reach 2B and construction of a bypass around Mendota Pool in support of achieving the Restoration Goal (Settlement Paragraph 2):

... a goal of this Settlement is to restore and maintain fish populations in "good condition" in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally-reproducing and self-sustaining populations of salmon and other fish (the "Restoration Goal").

Therefore, the purpose of the Project is to provide increased capacity and floodplain and riparian habitat in Reach 2B and respond to the need to restore and maintain fish populations in "good condition" by providing fish passage and rearing habitat that benefit salmon and other native fish. Without the Project in Reach 2B, restoration activities would be unlikely to achieve the Settlement goals.

IV. Project Description

The Project would require discharge of fill material to various wetlands and other waters of the United States including:

1. Constructing new and/or modifying existing structures associated with the Compact Bypass Channel, Mendota Pool Control Structure, Columbia Canal Facility, and Chowchilla Fish Passage Facility. Installation of these structures will permanently impact wetlands and other waters of the U.S. that occur within each structure's footprint.
2. Constructing new set-back seepage control levees.
3. Breaching of the existing levees and subsequent grading within the San Joaquin River to restore the San Joaquin River floodplains and associated riparian habitat. Construction activities include cutting a new pilot channel upstream of the Compact Bypass Control Structure and side channels along the existing river meanders.

Project activities include construction or re-construction of the following Project components: Columbia Canal Siphon, Compact Bypass Channel, Compact Bypass Control Structure, Mendota Pool Control Structure, Reach 2B Levees, South Canal Reach 3 Levees, Road 10 ½ Bridge, Lone Willow Slough Fish Screen, Chowchilla Fish Passage Facility, Big and Little Bertha Fish Screen, utilities-gas line relocation, utilities-water lines and pipes relocation, canal regrading, and floodplain grading.

V. Project Location

The Project includes all of Reach 2B and a small portion of Reach 3 of the San Joaquin River. It extends along approximately 12 miles of the San Joaquin River from the Chowchilla Bifurcation Structure to 2 miles downstream of Mendota Dam.

The Project lies within the Mendota Dam, Firebaugh, and Tranquility U.S. Geological Survey 7.5-minute topographic quadrangles. The Project area spans Fresno and Madera Counties.

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/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

VII. Description of Direct Impacts to Waters of the State

Breaching of the existing levees and grading of a pilot channel and side channels within the river will result in a direct and permanent impact to existing wetlands and other waters of the U.S., but a gradual transition in location, type, and extent of wetlands and other waters of the U.S. is expected to occur following completion of construction and active restoration. Completion of the Project is expected to result in an increase in both the function and area of waters, as described in Section X. The pilot channel is anticipated to result in gradual erosion of the Reach 2B channel upstream as the grade through Reach 2B comes into equilibrium with Reach 3. During this time, while the topography and inundation extents and durations are adjusting, the wetlands will also be adjusting as dictated by natural processes. Some existing wetland areas not directly impacted during construction may change from one type to another, some wetland areas may convert to upland, and many upland areas will become wetlands or waters of the United States.

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

Aquatic Resources Type	Acres
Stream Channel	26.33
Wetland	17.70

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

Aquatic Resources Type	Acres
Stream Channel	123.84
Wetland	107.90

VIII. Description of Indirect Impacts to Waters of the State- Not applicable**IX. Avoidance and Minimization**

Avoidance and mitigation measures will vary according to the Project component. Component specific avoidance and mitigation measures will be submitted prior to component construction for Executive Officer approval.

X. Compensatory Mitigation

Although some wetlands and other waters of the U.S. will be lost as a result of this Project, the overall improvement to the wetland and riverine system's functions and values, the increase in total jurisdictional wetland and other waters of the U.S. acreages, and the increase in non-jurisdictional riparian habitats are considered net benefits. Due to these net benefits, on-site restoration, increase in waters of the U.S., and no net loss of wetlands, the Project is determined to be self-mitigating.

XI. California Environmental Quality Act (CEQA)

On 20 April 2017, the California State Lands Commission, as lead agency, certified an environmental impact report/environmental impact statement (EIR/EIS) (State Clearinghouse (SCH) No. 2009072044) for the Project and filed a Notice of Determination (NOD) at the SCH on 21 April 2017. 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 Resources Control 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

Not required for Federal project.

XIV. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Tables 1 and 2.

B. Reporting and Notification Requirements

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

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

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

1. Project Reporting

- a. Monthly Reporting** – Not Applicable
- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of the month one year after the effective date of the Order (e.g., annual report would be due on 1 March 2021 for an Order effective on 20 February 2020). Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities for each Project component identified in Attachment B, Table 2.

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

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials¹

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

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

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.)

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:** Not applicable
- f. Transfer of Long-Term BMP Maintenance:** Not applicable

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). The Permittee shall perform surface water sampling:

- a. when performing any in-water work;
- b. when in-water work is conducted during an unanticipated flow event;
- c. during the entire duration of temporary surface water diversions;
- d. in the event that the Project activities result in any materials reaching surface waters; or
- e. 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:

For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Central Valley Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

During planned in-water work, during in-water work during an unanticipated flow event, 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 pH in waters of the state to be depressed below 6.5 nor raised above 8.5 in surface water.
- c. Activities (i.e., controllable water quality factors) shall not cause turbidity increases in surface water to exceed:

- i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
- ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.² The sampling requirements in Table 3 shall be conducted upstream out of the influence of the work area, and approximately 300 feet downstream of the work area.

The sampling frequency and 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 of initiation of in-water construction or diversion, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity

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.

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 or diversion, and every two weeks thereafter.

Table 3: Sample Type and Frequency Requirements

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

4. **Post-Construction:** Maintenance and monitoring of the Project shall be conducted according to the Habitat Mitigation and Monitoring Plan (HMMP), December 2018. This HMMP describes the Project, including the restoration plan and proposed implementation, long-term maintenance and monitoring, success criteria, and regulatory reporting requirements.

The long-term management needs and activities necessary to maintain any on-site mitigation sites shall be resource-specific long-term maintenance activities and other general maintenance activities, such as invasive species and grazing management, clean-up and trash removal, infrastructure management (such as gate, fence, road, culvert, signage and drainage-feature repair), and other maintenance activities necessary to maintain the riparian and floodplain habitat quality. These activities shall continue for the life of the Project.

The Project includes environmental commitments, as outlined in Attachment B of the Project Environmental Impact Statement Record of Decision (ROD), applicable to construction, operation, maintenance, monitoring, and long-term management of the Mendota Pool Bypass and Reach 2B project. The Permittee will be responsible for ensuring implementation of these commitments and for monitoring and reporting requirements, as applicable. These commitments will be implemented prior to or concurrent with construction, as applicable. In addition, the Permittee has committed to conservation measures as identified in the Biological Opinions for the Project provided by the US Fish and Wildlife Service and National Marine Fisheries

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

Service. [Attachments B of the Record of Decision](#) and both [Biological Opinions](#) are available on the [U.S. Bureau of Reclamation's website](#) at https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=2940

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

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

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the habitat mitigation monitoring and reporting program (HMMP) (Mendota Pool Bypass and Reach 2B Improvements Project Habitat Mitigation and Monitoring Plan, December 2018) 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 obtain authorization for the take 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 submitted to the Central Valley Water Board staff at least 30 days prior to implementation.
- 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.
- d. The State Water Resources Control Board (SWRCB) has approved petitions by the Permittee for changes to its San Joaquin River water rights permits and license to facilitate Program-level activities implementing the SJRRP. If Project actions require the Permittee to request changes to its San Joaquin River water right permits, the Permittee will coordinate with the SWRCB regarding this matter. If the SWRCB determines that the Project requires changes to its San Joaquin River water rights permits, the Permittee will file the appropriate petitions with the SWRCB. Any other entities claiming pre-1914 appropriative rights, for which changes to water rights are determined necessary, would make those changes pursuant to California Water Code section 1706. Water rights associated with the Mendota Pool Bypass and Reach 2B Improvements Project include 11885, 11886, and 11887. This Order is not valid if the Project is not conducted in accordance with an existing water right issued by the State Water Resources Control Board. This Order does not provide a new water right or modify an existing water right.
- e. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs), or waiver thereof, for dewatering activities that result in discharges to land.

2. Directional Drilling

- a. If installation or relocation of dry and/or wet utility lines is anticipated, the Permittee shall develop and implement a Dry and Wet Utility Work Plan prior to commencement of dry and wet utility construction. The Dry and Wet Utility Plan must cover all phases of the certified project that will

impact waters of the United States and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the United States in the Project area.

Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

The Utility Work Plan and Direction Drilling Plan must be submitted to the Central Valley Water Board staff at least 30 days prior to implementation.

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 waste 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. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management- Not applicable

9. Roads

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

10. Sediment and Erosion 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, plastic netting wrapped straw wattle) that could trap aquatic dependent wildlife is prohibited within the Project area.
- d. All areas disturbed by Project activities shall be protected from washout and erosion.
- e. Hydroseeding shall be performed with California native seed mix.

11. Special Status Species- Giant garter snake, western pond turtle

12. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff including implementation of an effective combination of erosion and sediment control best management practices prior to the rainy season and during all phases of construction.

H. Site Specific

1. The Permittee shall submit for approval by the Central Valley Water Board Executive Officer, at least 30 days prior to commencement of construction, a final design plan for each Project component with a component-specific Water Quality Management Plan. The Water Quality Monitoring/Management Plan shall include best management practices that will be implemented during construction of that Project component to protect water quality.
2. **Water Quality Compliance Plan for Compact Bypass Project** – Monitoring for sediment concentration and implementing actions based on the monitoring shall be conducted according to the Water Quality Compliance Plan for Compact Bypass Project, dated October 2020. Monitoring results shall be submitted weekly for the first four weeks following Phase I flow introduction to

the Compact Bypass channel, then bi-monthly until Phase II flow introduction. Monitoring results shall be submitted weekly for the first three weeks following Phase II flow introduction, then bi-monthly for the next three years. Potential non-compliance shall be reported with monitoring reports, and remediation action plans shall be submitted to the Central Valley Water Board staff for approval.

I. Total Maximum Daily Load (TMDL)- Invasive species, pH, boron, chlorpyrifos, DDT, diazinon, group A pesticides, toxicity

J. Mitigation for Temporary Impacts

The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state, to pre-construction contours and conditions.

Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4, [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Rehabilitation
Wetland	Permittee Responsible	Acres	19.23
Stream Channel	Permittee Responsible	Acres	25.49

K. Ecological Restoration and Enhancement

The future waters of the United States that are expected to occur within 25 years of the completion of the Project are a combination of created and existing wetlands and other waters of the United States.

Table 5: Total Ecological Restoration and Enhancement Quantity

Aquatic Resource Type	Restoration Type	Units	Establishment	Re-establishment
Wetland	Permittee Responsible	Acres	--	724
Stream Channel	Permittee Responsible	Acres	370	--

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Mendota Pool Bypass and Reach 2B Improvements, 5B20CR00092, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Water Quality Control Plans and Policies, and the Regional Water Boards' Water Quality Control Plans and Policies.

Original Signed by Clay L. Rodgers for:
Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

11/20/2020
Date

- Attachment A:** Project Map
- Attachment A:** Project Map
- 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

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Figure 1: Project Location

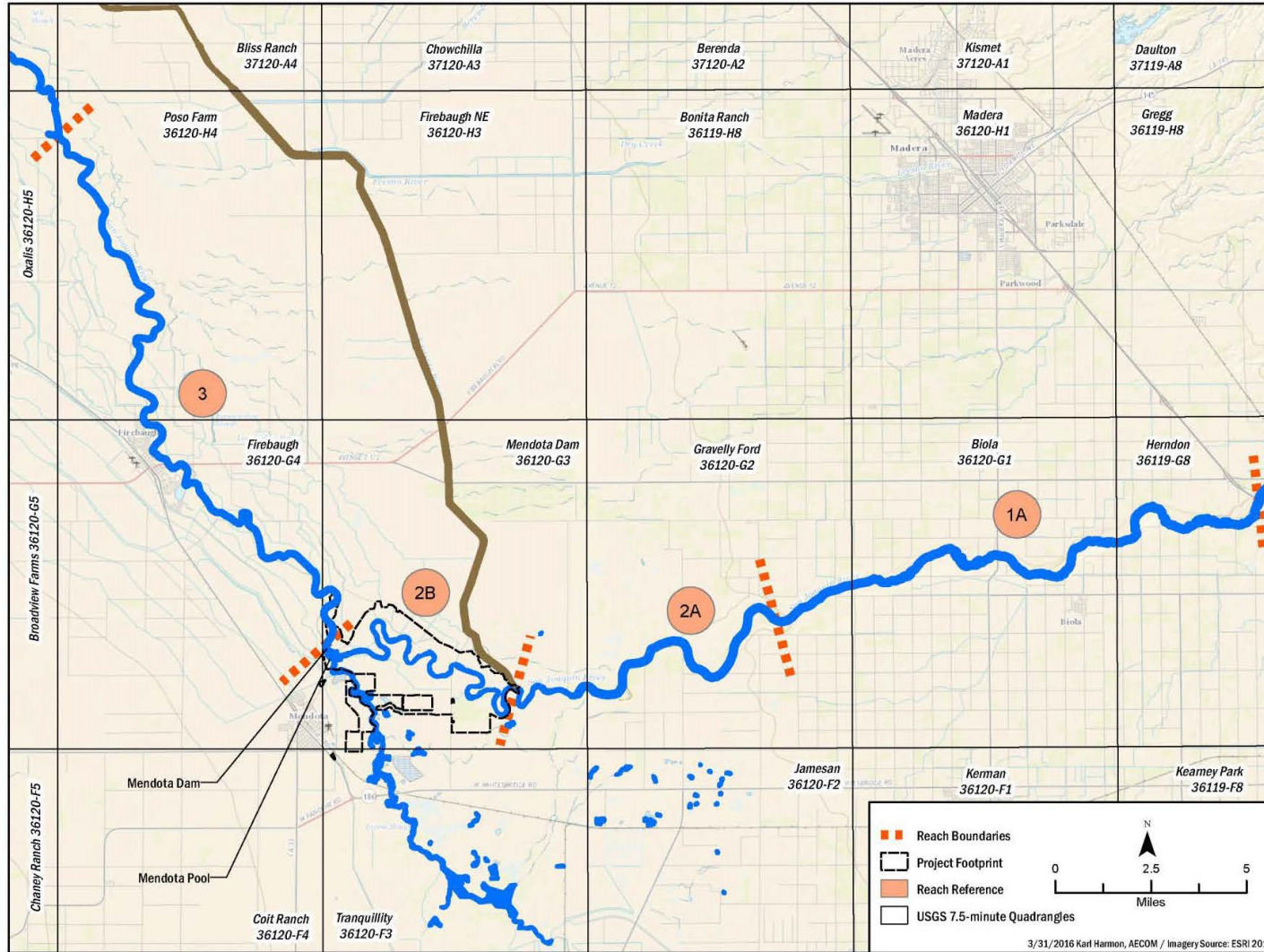


Figure 2: Project Plan View

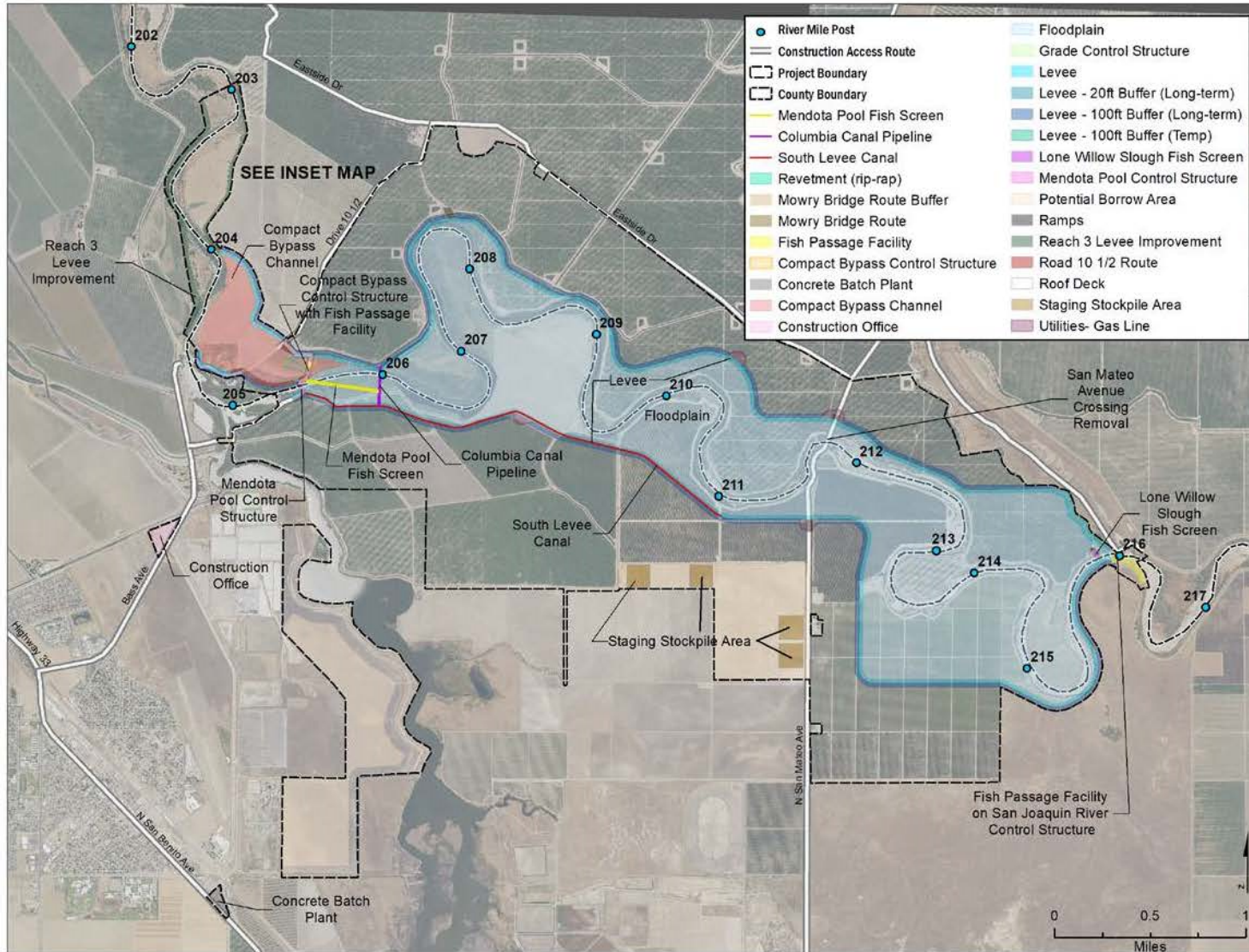
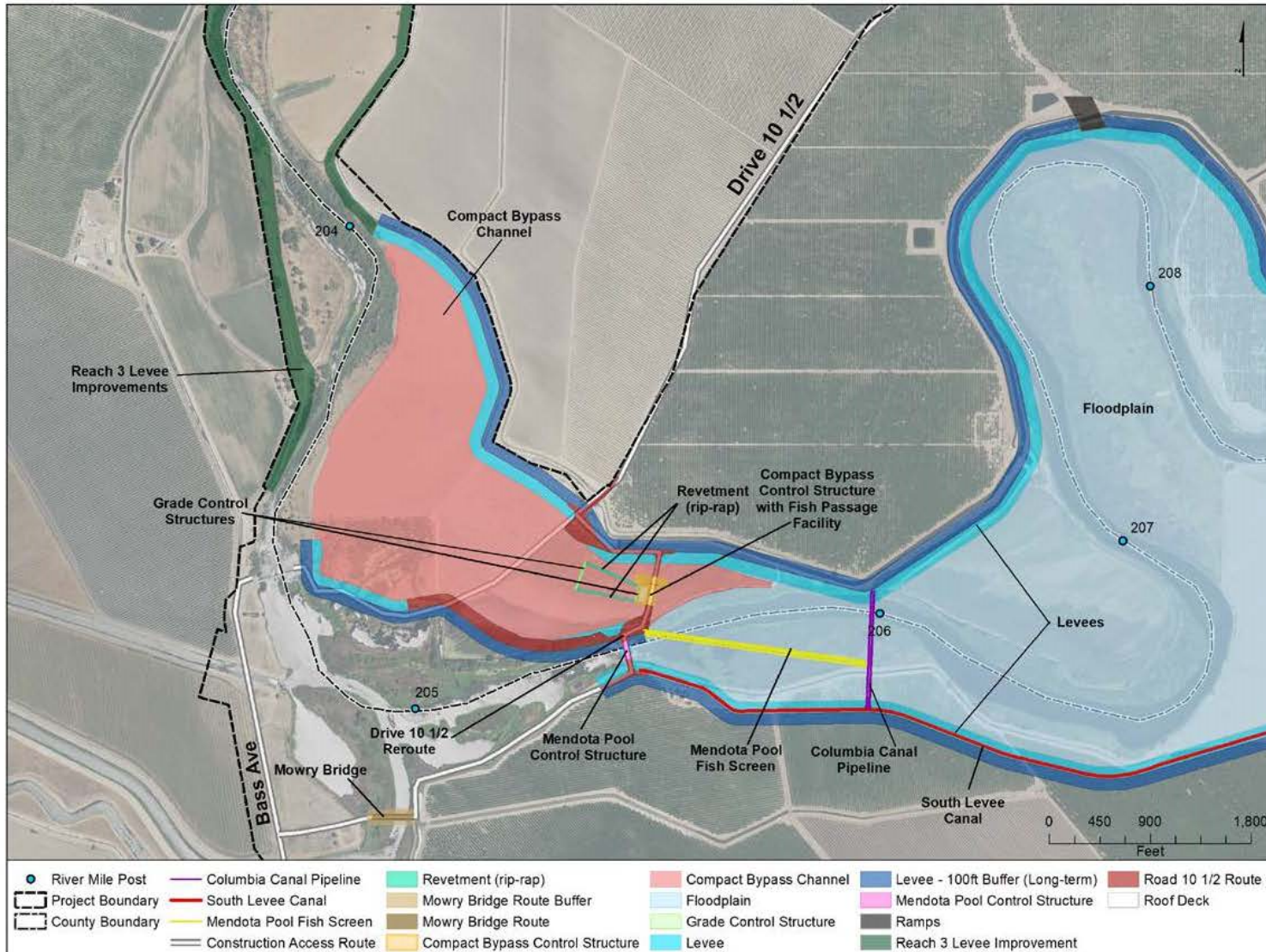


Figure 3: Inset Map of Plan View



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Receiving Waters, Impacts and Mitigation Information

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Table 1: Receiving Water(s) Information

Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters Beneficial Uses	303d Listing Pollutant
San Joaquin River, Friant Dam to Mendota Pool reach	Stream channel, wetlands	545.1	MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Invasive species, pH
San Joaquin River, Mendota Dam to Sack Dam	Stream channel	545.2	MUN, AGR, PROC, REC-1, REC-2, WARM, MIGR, SPWN, WILD	Boron, chlorpyrifos, DDT, Diazinon, Group A Pesticides, Toxicity

Individual Direct Impact Locations

The following tables show individual impacts.

Table: 2 Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	River Mile (approximate location)
Compact Bypass Channel	36.7897	-120.3662	204 to 205.5
Compact Bypass Control Structure and Fish Passage Facility	36.7878	-120.3627	205.5
Mendota Pool Control Structure and Fish Screen	36.7861	-120.3626	205.5
San Mateo Avenue Crossing Removal	36.7821	-120.3125	211.5
Columbia Canal Turnout/Siphon	36.7868	-120.3553	206
Chowchilla Bifurcation Structure Fish Passage Facility and River Control Structure Modifications	36.7733	-120.2851	216
Floodplain and Riparian Habitat Restoration	--	--	205 to 216
Levee Reinforcement	--	--	203 to 216

CEQA Findings of Fact

A. Environmental Review

On 20 April 2017, the California State Lands Commission (CSLS), as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2009072044) for the Project and filed a Notice of Determination (NOD) at the SCH on 21 April 2017. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that California State Lands Commission's (CSLC) certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by California State Lands Commission addresses the Project's water resource impacts. (California Code of Regulations, Title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by California State Lands Commission for all mitigation measures (MM) that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, Title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The [Project FEIR](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=2940) is available on the Bureau of Reclamation's website at https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=2940.

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

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

C. Findings

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

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

a.i. Potential Significant Impact:

Impact: Impact GRW-1: Temporary Construction-Related Effects on Groundwater Quality.

a.ii. Facts in Support of Finding:

CSLC finds that implementing MMs GRW-1A and GRW-1B will reduce potentially significant impacts associated with temporary construction-related effects on groundwater quality to a less-than-significant level because a Stormwater Pollution Prevention Plan (SWPPP) will be prepared that identifies best management practices (BMPs) to prevent or minimize the introduction of contaminants into groundwater. In addition, a construction groundwater management plan will be prepared and implemented consistent with the monitoring and reporting program required by the Statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit and/or Central Valley Regional Water Quality Control Board (RWQCB) NPDES Permit for *Dewatering and Other Low Threat Discharges to Surface Waters*, Order No. R5-2013-0074 (General Permit for Low Threat Discharges).

Mitigation Measure GRW-1A: Prepare and Implement a Stormwater Pollution Prevention Plan

Mitigation Measure GRW-1B: Prepare and Implement a Construction Groundwater Management Plan

b.i. Potential Significant Impact:

Impact SWQ-1: Construction-Related Effects on Water Quality.

b.ii. Facts in Support of Finding:

CSLC finds that implementing MM SWQ-1 will reduce potentially significant impacts associated with temporary construction-related effects on surface water quality to a less-than-significant level because an SWPPP will be prepared and implemented consistent with the Statewide NPDES Construction General Permit (Order No. 2009-0009-DWQ, as amended) that identifies BMPs to prevent or minimize the introduction of contaminants into surface waters, prevent and control impacts on runoff quality, and identify measures to be implemented before each storm event.

MM SWQ-1: Development and Implementation of SWPPP

c.i. Potential Significant Impact:

Impact SWQ-3: Minimize Use of Pesticide and Herbicide Contaminated Soil.

c.ii. Facts in Support of Finding:

CSLC finds that implementing MM SWQ-3 will reduce potentially significant impacts associated with long-term effects on water quality from floodplain inundation of prior agricultural soils to a less-than-significant level because soil testing will be conducted and if the soil pesticide and herbicide conglomerate toxicity factors and/or toxicity testing shows unacceptable toxicity levels, that soil will not be used in the construction of Project levees and concentrated areas of contamination would be remediated in areas where the soil will come in direct contact with the San Joaquin River water.

MM SWQ-3: Minimize Use of Pesticide and Herbicide Contaminated Soil

D. Determination

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

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REPORTS AND NOTIFICATION REQUIREMENTS

I. Copies of this form

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

- A.** [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)
(https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)
- B.** Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

- A.** Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
- **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date 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: centralvalleyfresno@waterboards.ca.gov and cc: Brandan.Salazar@waterboards.ca.gov
 - Include in the subject line of the email:
ATTN: Brandon Salazar; Project Name; and WDID No. 5B20CR00092

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.
- 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:** Date Certification was issued.

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: Mendota Pool Bypass and Reach 2B Improvements
Permittee: Bureau of Reclamation
WDID: 5B20CR00092
Reg. Meas. ID: 428549
Place ID: 832960
Order Effective Date: 20 November 2020
Order Expiration Date: 20 November 2030

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

Report Type 6 Accidental Discharge of Hazardous Material Report
Report Type 7 Violation of Compliance with Water Quality Standards Report
Report Type 8 In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9 Modifications to Project Report
Report Type 10 Transfer of Property Ownership Report
Report Type 11 Transfer of Long-Term BMP Maintenance Report
Report Type 12 Other Report Type

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

Print Name¹ **Affiliation and Job Title**

Signature **Date**

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

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

Permittee's Signature **Date**

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

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

- 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** - The Permittee shall submit an Annual Report each year on the 1st day of the month one year after the effective date of the Order (e.g., annual report would be due on 1 March 2021 for an Order effective on 20 February 2020). Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. **Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

During the Active Discharge Period

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

During the Post-Discharge Monitoring Period

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

- i. Annual Report Topic 1 - Construction Summary

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

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

- 1) Map showing general Project progress.
- 2) If applicable:
 - a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
 - b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

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

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

Report Contents -

- 1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
 - 2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
- iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

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

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

1) Part A. Permittee Responsible

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

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

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

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

- a. **Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. **When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. **Report Contents** -
 - i. Date of commencement of construction.
 - ii. Anticipated date when discharges to waters of the state will occur.
 - iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
 - iv. Construction Storm Water General Permit WDID No.
 - v. If applicable, proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

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

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

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

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

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

- 1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
- 2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

ii. Part B: Permittee Responsible Compensatory Mitigation

- 1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
- 2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.
- 3) Pre- and post-photo documentation of all compensatory mitigation sites.
- 4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

- 1) Date of storm water Notice of Termination(s), if applicable.
- 2) Report status and functionality of all post-construction BMPs.

C. Part C – Conditional Notifications and Reports

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

- a. Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. When to Submit** - Within five (5) working days of the initial notification to the Central Valley Water Board. 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 or diversion work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

- b. **When to Submit** - Forty-eight (48) hours prior to the start of in-water work or diversion. Within three (3) working days following the completion of in-water work or diversion. Surface water monitoring reports to be submitted two (2) weeks from initiation of in-water construction and every two weeks thereafter, and during the 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.

7. Report Type 12 - Other Reports

- a. **Report Purpose** - Required by Order condition.
- b. **When to Submit** - As stated within the Order.
- c. **Report Contents** - As stated within the Order.

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

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

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

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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.L. of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

- A. Who may apply:** The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.
- B. How to apply:** By letter or email to the 401 staff designated as the contact for this Order.
- C. Certification Deviation Request:** The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:
1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and
 - d. Why a Certification Deviation is necessary for the Project.
 2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
 3. Provide all updated environmental survey information for the new impact area.
 4. Provide a map that includes the activity boundaries with photos of the site.
 5. Provide verification of any mitigation needed according to the Order conditions.
 6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

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

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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