



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 27 November 2024

Expiration Date: 26 November 2029

Program Type: Fill/Excavation

Project Type: Mixed Use

Project: Peery Property Phase 2 Project (Project)

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Reg. Meas. ID:	447091
Place ID:	880118
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Letter of Permission	

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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 Lincoln 100, LLC (hereinafter Permittee) for the Peery Property Phase 2 Project (Project). This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 17 July 2024. The application was deemed complete on 8 November 2024. 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: **19 August 2024**
Date all requested information was received: **25 October 2024**

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

Date of Request for Supplemental Information: **25 September 2024**
Date all requested information was received: **25 October 2024**

Additionally, Central Valley Water Board Staff issued a Denial Without Prejudice on **19 April 2024**.

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 26 July 2024 to 16 August 2024. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to construct a mixed use residential and commercial development within the City of Lincoln.

IV. Project Description

The 80-acre Project will include the construction of residential dwelling units and commercial buildings within the City of Lincoln. The project will accommodate approximately 35 acres of commercial development, 36.6 acres of low-density residential development and approximately 1.9 acres of major roads. The project also sets aside approximately 5 acres for parks, storm water quality basins, and landscape corridors. Off-site work will include work along Nelson Lane within City of Lincoln Right of Way to accommodate road construction, drainage improvements, and landscaping. This work will occur within an approximately 0.55-mile frontage corridor along Nelson Lane, from Highway 65 to Markham Ravine. Additional road work will occur within the Nelson Lane median for the construction of turn lanes.

Two lanes of a four-lane road will be constructed on the property to the north of the

Peery Phase 2 Property, encroaching approximately 75 feet into the adjacent parcel (known as the Gill Property).

Project construction activities will include clearing and grubbing, grading, and filling to accommodate roads, buildings, and utility infrastructure. Grading the Project area for the development of the commercial and residential property will result in the fill of 5.42 acres of aquatic resources. The Project is participating in the Placer County Conservation Program Habitat Conservation Plan (PCCP HCP) and will abide by the applicable PCCP HCP requirements.

V. Project Location

County: Placer

Assessor's Parcel Number: 021-262-034

Nearest City: Lincoln

Section 17, Township 12 North, Range 6 East, MDB&M.

Latitude: 38.888142° and Longitude: -121.335894°

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

VI. Project Impact and Receiving Waters Information

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

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

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

VII. Description of Direct Impacts to Waters of the State

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
Seasonal Wetland	3.39	2,735	N/A
Seasonal Wetland Swale	1.85	1,492	N/A
Vernal Pool	0.1	81	N/A
Vernal Swale	0.08	65	N/A

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. Impervious surfaces reduce water quality of receiving waters. With the implementation of Low Impact Development (LID) treatments, such as the construction stormwater detention basins, indirect impacts are expected to be avoided.

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. The Permittee will implement the Avoidance and Minimization Measures (AMMs) and construction Best Management Practices (BMPs) outlined in the County Aquatic Resource Program (CARP) document, and the Habitat Conservation Program/Natural Community Conservation Program (HCP/NCCP) document. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- Community Condition 1.2: Avoidance of Aquatic/Wetland Complex Habitat
Community Condition 1.2 requires projects to first evaluate whether avoidance of effects on aquatic/wetland complex constituent habitat (also termed non-vernal pool wetlands) is advisable and feasible, and then mitigate for unavoidable effects to non-vernal pool wetlands, generally through payment of fees. Non-vernal pool wetlands include fresh emergent marsh, lacustrine, and non-vernal pool seasonal wetlands. This category includes flowing springs and long-duration seeps (associated with groundwater seepage) not located inside the Stream System. Applicant must identify Avoidance and Minimization Measures (AMMs) specific to the project.
- County Aquatic Resources Program (CARP) Condition 1a: All work within the Plan Area that impacts Aquatic Resources of Placer County shall be

- completed according to the plans and documents included in the PCCP/CARP application, Standard USACE 404 permit if applicable, Water Quality Certification, or, if applicable, WDR. All changes to those plans shall be reported to the Local Jurisdiction. Minor changes may require an amendment to the CARP Authorization, Water Quality Certification, or, if applicable, WDR. Substantial changes may render the CARP authorization, USACE permit, Water Quality Certification, if applicable, WDR, void, and a new application may be required.
- CARP Condition 1b: All deviations from plans and documents provided with the Application and approved by the Local Jurisdiction must be reported to the Local Jurisdiction immediately.
 - CARP Condition 2: Any construction within the Stream System shall be implemented in a way to avoid and minimize impacts to vegetation outside the construction area. All preserved wetlands, other Aquatic Resources of Placer County, and the Stream Zone shall be protected with bright construction fencing. Temporary fencing shall be removed immediately upon completion of the project.
 - CARP Condition 3: Erosion control measures shall be specified as part of the CARP application, and the application is not complete without them. All erosion control specified in the permit application shall be in place and functional before the beginning of the rainy season and shall remain in place until the end of the season. Site supervisors shall be aware of weather forecasts year-round and shall be prepared to establish erosion control on short notice for unusual rain events. Erosion control features shall be inspected and maintained after each rainfall period. Maintenance includes, but is not limited to, removal of accumulated silt and the replacement of damaged barriers and other features.
 - CARP Condition 4: All required setbacks shall be implemented according to the HCP/NCCP Condition 4 (HCP/NCCP Section 6.1.2).
 - CARP Condition 5: All work in aquatic resources within the Stream System shall be restricted to periods of low flow and dry weather between April 15 and October 15, unless otherwise permitted by Local Jurisdictions and approved by the appropriate State and federal regulatory agency. Work within aquatic resources in the Stream System outside of the specified periods may be permitted under some circumstances. The Applicant must provide the Local Jurisdiction with the following information: a) the extent of work already completed; b) specific details about the work yet to be completed; and c) an estimate of the time needed to complete the work in the Stream System.
 - CARP Condition 6: Weather forecasts should be monitored, and erosion control established before all storm events.
 - CARP Condition 7: Following work in a stream channel, the low flow channel shall be returned to its natural state to the extent possible. The shape and

gradient of the streambed shall be restored to the same gradient that existed before the work to the extent possible.

- CARP Condition 8: Except for site preparation for the installation and removal of dewatering structures, no excavation is allowed in flowing streams unless dredging WDRs are issued by the RWQCB. Detailed plans for dewatering must be part of the Application.
- CARP Condition 9: Temporary crossings as described in the Application shall be installed no earlier than April 15 and shall be removed no later than October 15, unless otherwise permitted by Local Agencies and approved by the appropriate State and federal regulatory agency. This work window could be modified at the discretion of the Local Jurisdiction and the CDFW.
- CARP Condition 10: No vehicles other than necessary earth-moving and construction equipment shall be allowed within the Stream System after the section of stream where work is performed is dewatered. The equipment and vehicles used in the Stream System shall be described in the Application.
- CARP Condition 11: Staging areas for equipment, materials, fuels, lubricants, and solvents shall be located outside the stream channel and banks and away from all preserved aquatic resources. All stationary equipment operated within the Stream System must be positioned over drip-pans. Equipment entering the Stream System must be inspected daily for leaks that could introduce deleterious materials into aquatic resources. All discharges, unintentional or otherwise, shall be reported immediately to the Local Jurisdiction. The Local Jurisdiction shall then immediately notify the appropriate state and federal agencies.
- CARP Condition 12: Cement, concrete, washings, asphalt, paint, coating materials, oil, other petroleum products, and other materials that could be hazardous to aquatic life shall be prevented from reaching streams, lakes, or other water bodies. These materials shall be placed a minimum of 50 feet away from aquatic environments. All discharges, unintentional or otherwise, shall be reported immediately to the Local Jurisdiction. The Local Jurisdiction shall then immediately notify the appropriate state and federal agencies.
- CARP Condition 13: During construction, no litter or construction debris shall be dumped into water bodies or other aquatic resources; nor shall it be placed in a location where it might be moved by wind or water into aquatic resources. All construction debris shall be removed from the site upon completion of the project.
- CARP Condition 14: Only herbicides registered with the California Department of Pesticide Regulation shall be used in streams, ponds, and lakes, and shall be applied in accordance with label instructions. A list of all pesticides that may be used in the project area shall be submitted to the Local Jurisdiction before use.

- CARP Condition 15: Before beginning construction, the project Applicant must have a valid CARP authorization or waiver notice. In order to obtain a permit, the Applicant must pay all mitigation fees or purchase appropriate credits from an agency-approved mitigation bank.
- CARP Condition 16: A copy of the CARP conditions and Water Quality Certification and WDRs shall be given to individuals responsible for activities on the site. Site personnel, (employees, contractors, and subcontractors) shall be adequately informed and trained to implement all permit, Water Quality Certification, and WDR conditions and shall have a copy of all permits available onsite at all times for review by site personnel and agencies.
- CARP Condition 17: Work shall not disturb active bird nests until young birds have fledged. To avoid impacts to nesting birds, any disturbance shall occur between September 1 and February 1 prior to the nesting season. Tree removal, earthmoving or other disturbance at other times is at the Local Jurisdiction's discretion and will require surveys by a qualified biologist to determine the absence of nesting birds prior to the activity.
- CARP Condition 18: All trees marked for removal within the Stream System must be shown on maps included with the Application. Native trees over five inches diameter at breast height (DBH) shall not be removed without the consent of the Local Jurisdiction.
- CARP Condition 19: The Local Jurisdiction shall be notified immediately if threatened or endangered species that are not Covered Species are discovered during construction activities. The Local Jurisdiction shall suspend work and notify the USFWS, NMFS, and the CDFW for guidance.
- CARP Condition 20: Wildlife entering the construction site shall be allowed to leave the area unharmed or shall be flushed or herded humanely in a safe direction away from the site.
- CARP Condition 21: All pipe sections shall be capped or inspected for wildlife before being placed in a trench. Pipes within a trench shall be capped at the end of each day to prevent entry by wildlife, except for those pipes that are being used to divert stream flow.
- CARP Condition 22: At the end of each workday, all open trenches will be provided with a ramp of dirt or wood to allow trapped animals to escape.
- CARP Condition 23: If human remains or cultural artifacts are discovered during construction, the Applicant shall stop work and notify the Local Jurisdiction immediately. Work will not continue in the area until a qualified coroner and archaeologist have evaluated the remains, conducted a survey, prepared an assessment, and required consultations are completed.

The Project added approximately 52 acres of new impervious surfaces. Impervious surfaces cause reduced base flows through decreased groundwater recharge;

increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction. With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces were minimized to the following waters of the state: Auburn Ravine.

X. Compensatory Mitigation

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

XI. California Environmental Quality Act (CEQA)

On 28 May 2019, the City of Lincoln, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2015042008) for the Project and filed a Notice of Determination (NOD) at the SCH on 31 May 2019. 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

An application fee of \$2,417.00 was received on 10 March 2022. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of \$139,160.00 based on Project impacts was received on 11 December 2023. An additional fee of \$5,056.00 based on additional offsite impacts was received on 7 November 2024.

XIV. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in 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: centralvalleysacramento@waterboards.ca.gov.

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

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 15th 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 Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- c. **Request for Notice of Project Complete Letter:** The Permittee shall

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

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials¹:

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
 - Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other

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.)

verifiable means.

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

b. Violation of Compliance with Water Quality Standards:

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

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

c. In-Water Work and Diversions:

- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project:

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

e. Transfer of Property Ownership:

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

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

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

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

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

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions

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

- a.** Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b.** Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 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 every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling

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.

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

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

Table 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

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

- pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
 3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
 4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent

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

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

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

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. **Lake or Streambed Alteration Agreement**

The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. **Dewatering** – NOT APPLICABLE
2. **Directional Drilling** – NOT APPLICABLE
3. **Dredging** – NOT APPLICABLE
4. **Fugitive Dust**

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not

discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

5. Good Site Management “Housekeeping”

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.
- b. No wet concrete will be placed into aquatic resources habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

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

of structural and treatment control BMPs; or

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

9. Roads

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

10. Sediment Control

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

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

11. Special Status Species

The following Special Status Species have been documented to occur near or within the Project area: vernal pool fairy shrimp, Swainson's hawk.

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:

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

1. Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory Mitigation Plan dated 17 July 2024 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Irrevocable Letter of Credit

- a.** The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 90 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b.** If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 90 days of issuance of this Order.
- c.** The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.
- d.** If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff acceptance following the same procedure described in the conditions above.

3. Permittee-Responsible Compensatory Mitigation Responsibility – NOT APPLICABLE

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

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

5. Total Required Compensatory Mitigation

- a.** The Permittee is required to provide compensatory mitigation for the authorized impact to 3.39 acres of seasonal wetland, 1.85 acres of seasonal wetland swale, 0.1 acre of vernal pool, and 0.08 acre of vernal swale by purchasing 7.86 seasonal wetland in-lieu fee credits and 0.27

vernal pool in-lieu fee credits from the Western Placer County In-Lieu Fee Program.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Seasonal Wetland	In-Lieu Fee Credits	Acres	7.86					
Vernal Pool	In-Lieu Fee Credits	Acres	0.27					

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 Peery Property Phase 2 Project, WDID # 5A31CR00577, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Original Signed by Anne Walters for: _____

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

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

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Attachment A – Project Maps

Figure 1: Project Location

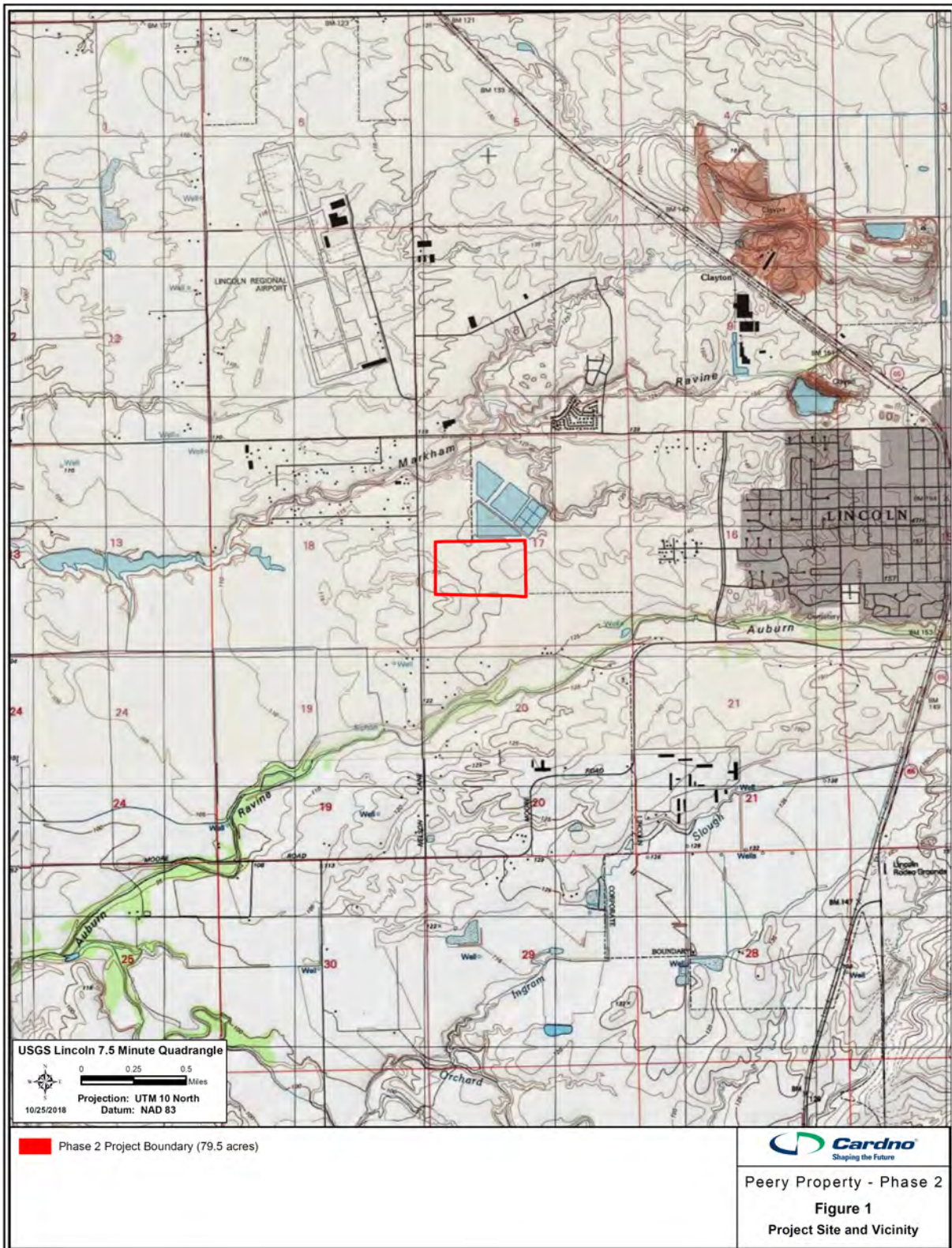


Figure 2: Project Impacts

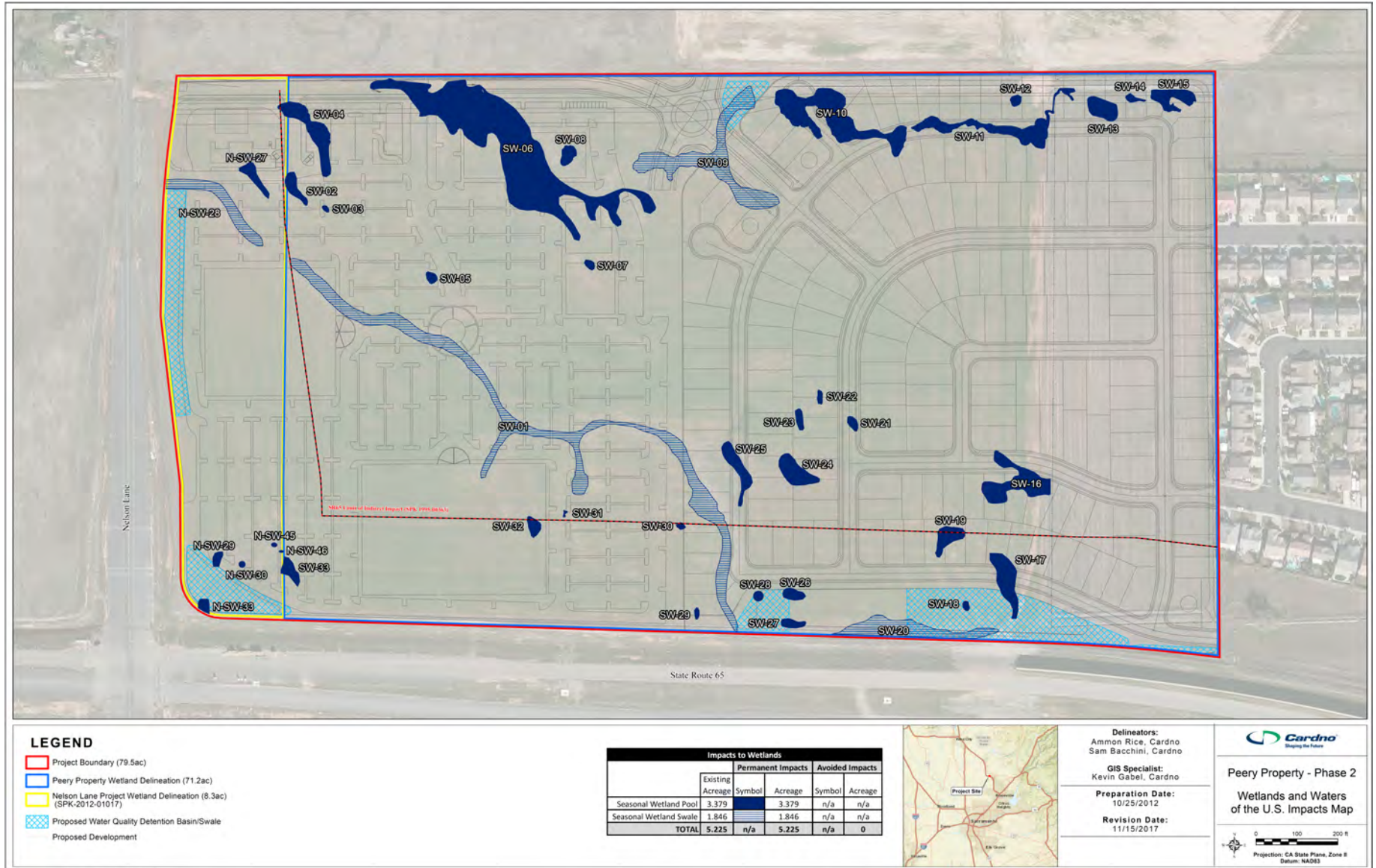


Figure 3: Offsite Impacts, Gill Property

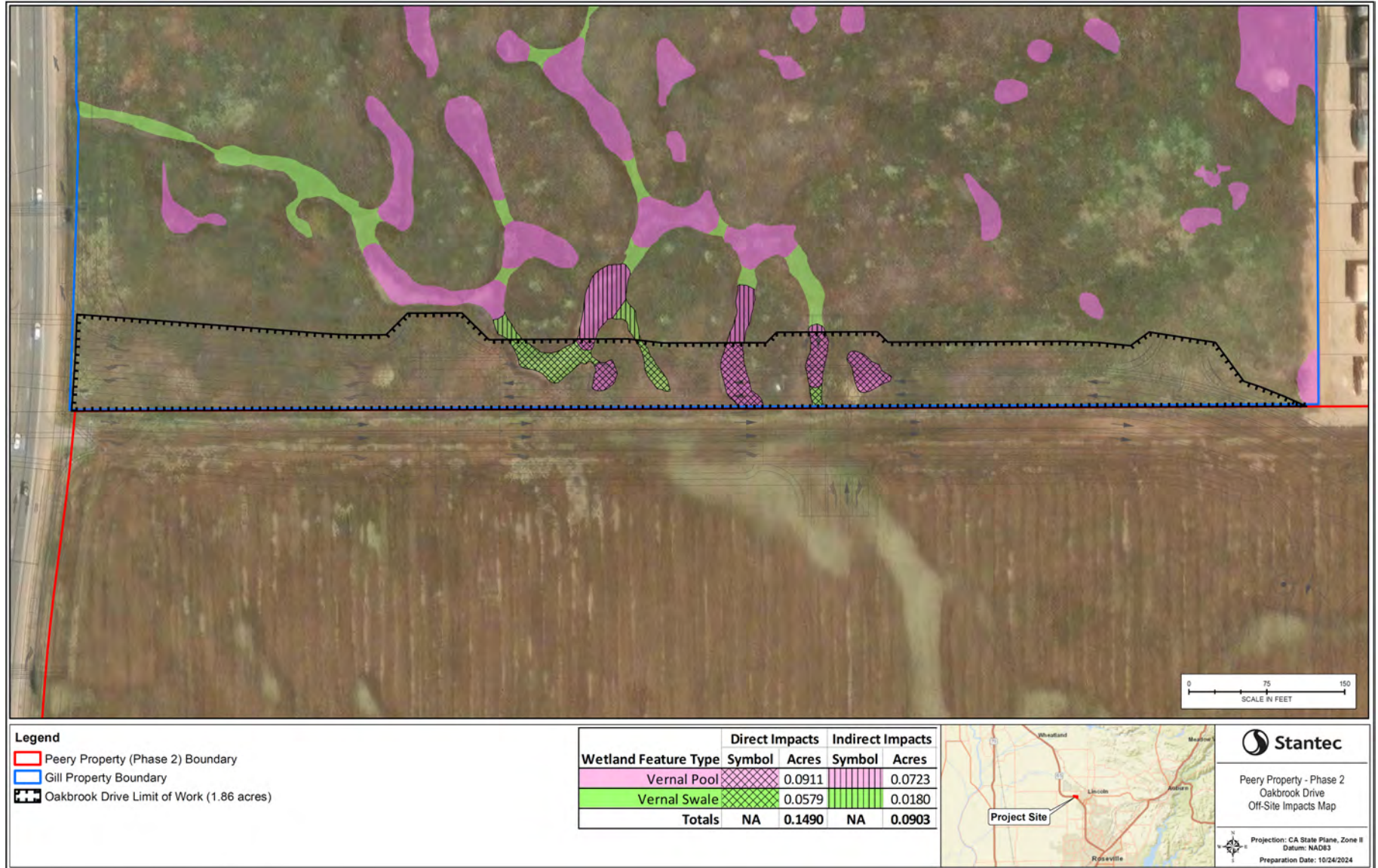
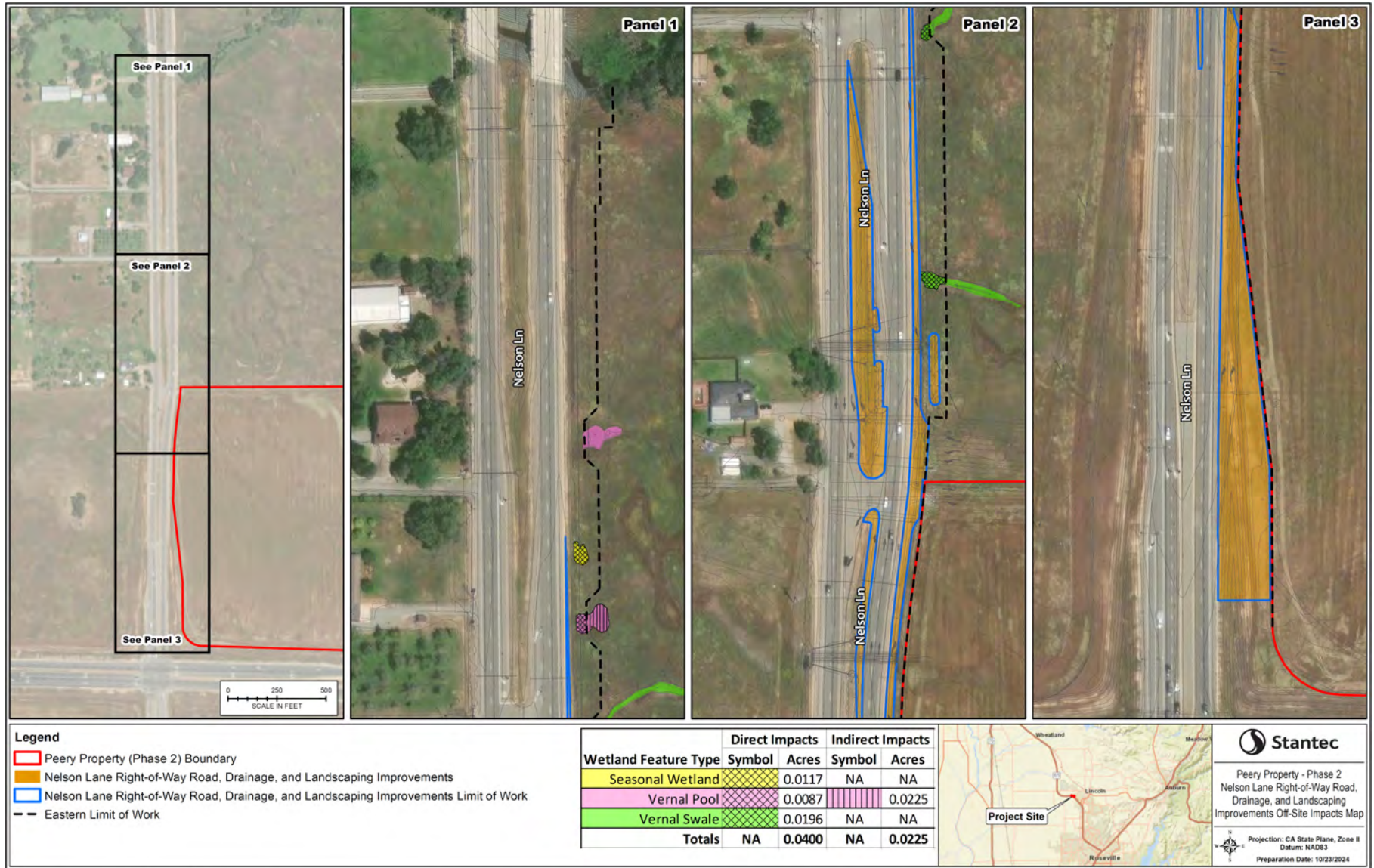


Figure 4: Offsite Impacts, Nelson Lane



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
No	Seasonal Wetland	Unnamed Tributary to Sacramento River	Seasonal Wetland	519.22	Sacramento River (Colusa Basin Drain to I Street Bridge)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Temperature, Toxicity
No	Seasonal Wetland Swale	Unnamed Tributary to Sacramento River	Seasonal Wetland	519.22	Sacramento River (Colusa Basin Drain to I Street Bridge)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Temperature, Toxicity
No	Vernal Pool	Unnamed Tributary to Sacramento River	Vernal Pool	519.22	Sacramento River (Colusa Basin Drain to I Street Bridge)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Temperature, Toxicity
No	Vernal Swale	Unnamed Tributary to Sacramento River	Vernal Pool	519.22	Sacramento River (Colusa Basin Drain to I Street Bridge)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlordane, DDT, Dieldrin, Mercury, PCBs, Temperature, Toxicity

Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Seasonal Wetland	38.888142°	-121.335894°	No	3.39	2,735	
Seasonal Wetland Swale	38.888142°	-121.335894°	No	1.85	1,492	
Vernal Pool	38.888142°	-121.335894°	No	0.1	81	
Vernal Swale	38.888142°	-121.335894°	No	0.08	65	

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	Western Placer County In-Lieu Fee Program
Website:	Placer County Conservation PROGRAM Placer County, CA (https://www.placer.ca.gov/3362/Placer-County-Conservation-Program)
In-Lieu Fee Program Contact Name:	Gregg McKenzie
Phone:	(530) 745-3074
Email:	gamckenz@placer.ca.gov
In-Lieu Fee Program Location - County:	Placer County

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Seasonal Wetland	7.86		TBD
Vernal Pool	0.27		TBD

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 28 May 2019, the City of Lincoln, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2015042008) for the Project and filed a Notice of Determination (NOD) at the SCH on 31 May 2019. 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 City of Lincoln's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Lincoln addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Lincoln for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: City of Lincoln Community Development Department, 600 Sixth Street, Lincoln, CA 95648.

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, including comments received during the public review process, 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).)

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental

effect as identified in the FEIR.

a.i. Potential Significant Impact:

The project has the potential to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

Through the implementation of the following mitigation measures (MM), potentially significant impacts will be reduced to a less than significant level.

- MM-BIO-1 Workers Environmental Awareness Program: All workers shall receive worker environmental awareness training (WEAP) conducted by a qualified biologist or an environmentally trained construction foreman. WEAP may also be conducted through a video created by a qualified biologist specifically for this project. WEAP shall instruct construction workers to recognize all special-status species potentially present in the project area, identify their habitat, and the nature and purpose of protective measures including best management practices (BMPs) and other required mitigation measures described in the EIR. They shall also be instructed to avoid Markham and Auburn Ravines, prevent construction-related fuel spills, and receive contact information for the qualified biologist in the event a special-status species is harmed or identified during project construction.
- MM-BIO-2 Biological Monitor: During project construction activities, a biological monitor shall monitor all construction activities in or adjacent to Auburn and Markham Ravines, as well as perform regular nesting bird surveys throughout the project area. The monitor shall have the authority to immediately stop any activity that is likely to impact special-status species or order any reasonable measure to avoid or minimize impacts to fish and wildlife resources. If any previously unknown special-status species are found within the project area during project construction, the monitor shall inform the USFWS and/or CDFW within 1 day, as appropriate for the species.
- MM-BIO-3 Wetlands and Waters of the U.S: Wetlands and waters of the U.S. lost as a result of construction activities shall be replaced on a “no-net-loss” basis in accordance with USACE regulations and one of the following methods:
 - a) If the PCCP is adopted and approved by the agencies, participation in the PCCP shall satisfy all mitigation

requirements under CEQA.

- b) If the PCCP has not been adopted and approved by the agencies at the time the project applicants wish to proceed with permitting, the following process shall be used in planning for replacement:
- i. For new wetlands created on site in open space areas, a conceptual on-site wetlands mitigation plan shall be prepared by a qualified biologist pursuant to, and through consultation with, the USACE, including an agreed-upon replacement ratio of wetlands with the USACE. The mitigation plan shall quantify the total jurisdictional acreage lost, describe creation/replacement ratio for acres filled, annual success criteria, potential mitigation-sites, and monitoring and maintenance requirements.
 - ii. The plan may include funding mechanisms for future maintenance of the wetland and riparian habitat, which may include an endowment or other funding from the project applicant.
 - iii. For those acres of wetlands or waters of the U.S. lost to development that cannot be replaced on site, the project applicant shall compensate for the loss of wetland habitat through the purchase of mitigation credits at a USACE-approved mitigation bank or otherwise USACE-approved location. The ratio of compensation shall be determined in consultation with the USACE as part of the CWA Section 404 permit process, but shall not be less than 1:1. The project applicant may pay in-lieu fees to the U.S. Army Corps of Engineers (ACOE), CDFW, and Regional Water Quality Control Board according to their established fee structures to compensate for the removal of jurisdictional wetland features within the project area. Additionally, off-site permittee-responsible compensatory mitigation in the form of preservation, creation, enhancement or restoration will be accepted as outlined in the ACOE Permittee Responsible Mitigation Guidance May 26, 2016 (Draft) document.
 - iv. Prior to the City issuing a grading permit, the project applicant shall acquire the appropriate CWA Section 404 permit for filling of wetlands and other waters of the U.S. in the project area. In addition to the CWA Section 404 Wetland Fill permit, a CWA Section 401 water quality certification shall also be required in conjunction with the Section 404 permit.
 - v. For any construction activities affecting the bed, bank, or

associated riparian vegetation of any streams or lakes subject to CDFW jurisdiction (such as Markham Ravine and Auburn Ravine), then a Streambed Alteration Agreement shall be obtained from CDFW, pursuant to Section 1600 of the California Fish and Game Code. If required, the project applicant shall coordinate with CDFW in developing appropriate mitigation and shall abide by the conditions of any executed permits for any work related to on-site streams or associated riparian areas.

- MM-BIO-4 Native Oak Tree Planting: The project applicant shall, to the extent feasible, design the project to retain protected trees and to protect on site trees during construction activities. If these trees cannot be retained in place, then the project applicant shall compensate for the loss of oaks on the project site based on the fee structure and guidance stated in the City of Lincoln Municipal Code. This may require either a fee payment to the City, or planting/establishment of native oak trees outside of the project area.
- MM-BIO-5 Location of Construction Activities: Wherever feasible, construction and stockpiling of materials shall be located away from Markham and Auburn Ravines, outside of the 100-year floodplain, and other sensitive habitats, as determined by the qualified project biologist. In areas that cannot be feasibly avoided, the project biologist shall monitor the activity on a daily basis to ensure impacts to native wildlife are avoided.
- MM BIO-6 Rare Plant Surveys and Mitigation: The project applicant shall retain a qualified biologist/botanist to conduct protocol-level plant surveys. Suitable habitat may occur on the northerly 72.6 acres of the project site for the following species: dwarf downingia (*Downingia pusilla*), Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), Red Bluff dwarf rush (*Juncus leiospermus* var. *leiospermus*), and Legenere (*Legenere limosa*).

The surveys shall be conducted during the appropriate blooming periods (May to November). These plant surveys shall be conducted in accordance with 2009 California Department of Fish and Wildlife (CDFW) rare plant survey protocols. The results of the survey shall be summarized in a report and submitted to CDFW and USFWS, and would be valid for two years.

If rare plants are present and cannot be avoided, the project applicant compensate for the loss of habitat, either on-site or off-site at a minimum of ratio of 1:1. Mitigation for losses could include replacing the amount, type, and value of habitat lost to project construction through an accredited mitigation bank, if approved by

USFWS and CDFW.

- MM BIO-7 Vernal Pool Crustacean Avoidance and Mitigation: If suitable habitat for vernal pool crustaceans cannot be avoided during construction activities, the project applicant shall comply with applicable federal ESA regulations for mitigation of vernal pool crustaceans. The project applicant can either assume presence of vernal pool crustaceans within suitable habitat or can conduct protocol-level surveys for vernal pool invertebrate species. The project applicant shall be responsible for offsetting the loss of any vernal pool crustacean habitat using one of the following methods:
 - a) If the PCCP has been adopted by the County, the City, and approved by the agencies, the project applicant shall comply with the PCCP and that participation shall satisfy all of the mitigation requirements for this impact.
 - b) If the PCCP has not been adopted by the County and City and/or has not been approved by the agencies, the extent of any necessary compensatory mitigation shall be determined in consultation with the USFWS, but shall not be less than 1:1. Typically, recommended mitigation for the loss of vernal pool crustacean habitat has been at a ratio of 2:1 acres for preservation and 1:1 acres for creation.
- MM BIO-8 Western Pond Turtle Avoidance and Relocation:
 - a) Prior to any work in suitable habitat, the project applicant/contractor shall arrange for a pre-construction survey for western pond turtles (WPT) to be conducted by a qualified biologist not more than 48 hours prior to the commencement of site disturbance.
 - b) If WPT are determined to be present within the stream or pond, and the feature is to be retained, exclusionary fencing shall be used to prevent the turtle(s) from entering the construction area. The location of the fence shall be determined by a qualified biologist. Any turtles found in or near the construction zone shall be relocated to an appropriate area of suitable habitat a minimum of 100 feet from any active construction zone. Measures shall be implemented to ensure that the drainages or irrigation pond shall continue to provide adequate habitat for the WPT during and after construction by protecting water quality and ensuring that the reduction of drainage from the project site does not substantially diminish the water levels in the pond.
 - c) If the stream or irrigation pond cannot be retained, the project applicant shall relocate any WPT found during

surveys in a manner developed by a qualified biologist and approved by the CDFW to a suitable body of water in Placer County.

- MM BIO-9 Nesting Bird Avoidance:
 - a) If construction would occur during the bird nesting season (generally 1 March – 30 August for the native bird species likely to occur on the project site), a pre-construction nest survey shall be conducted within 14 days prior to the beginning of construction activities by a qualified biologist to identify active nests within 100 feet of construction activities (for songbirds) and within 300 feet for raptors. If active nests are found, a temporary buffer shall be established by a qualified biologist around the nest and all ground-disturbing and other construction-related activities shall be postponed/halted until the nest is vacated and juveniles have fledged and are no longer dependent upon the nest, as determined by the biologist from ongoing monitoring, and there is no evidence of a second attempt at nesting. The no-disturbance buffer shall generally be 100 feet for passerine bird species and 300 feet for raptor species (other than Swainson's hawk; see MM BIO-10) or as otherwise determined by the biologist taking into consideration such factors as topography, the type, duration, and extent of disturbance, and the species of bird potentially affected. The buffer zone shall be delineated by high visibility temporary construction fencing. If no active bird nests are identified within the survey area, no further mitigation would be required.
 - b) A report shall be submitted to the City of Lincoln, following the completion of the bird nest survey that includes, at a minimum, the following information:
 - i. A description of the methodology and results of the survey including dates of field visits, the names of survey personnel (and their qualifications), survey results, and a list of references cited and persons contacted.
 - ii. A map showing the location(s) of any protected bird nests observed on the project site.
- MM-BIO-10 Swainson's Hawk Nest Avoidance and Mitigation:
 - a) The project applicant shall retain a qualified biologist to conduct a Swainson's hawk nest survey during the nesting season of the same calendar year that construction is

expected to begin, and prior to the issuance of any grading permits. The survey shall be conducted pursuant to timing and methodology criteria outlined in the Swainson's Hawk Technical Advisory Committee 2000 survey protocol which includes all suitable nest habitat within ½ mile of the construction envelope. If this survey does not identify any nesting Swainson's hawk within the survey area, no further mitigation would be required.

- b) Should any active Swainson's hawk nests be located within the survey area, no construction activity (e.g., heavy equipment operation associated with construction, human activities, etc.) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within 1/4- mile (buffer zone) of an active nest, or as otherwise determined by the biologist taking into consideration such factors as topography, the type, duration, and extent of disturbance, and the age of any young in the nest. Such activity shall be postponed until the nest is vacated and juveniles have fledged and are no longer dependent upon the nest, as determined by the biologist from ongoing monitoring, and there is no evidence of a second attempt at nesting. The buffer zone may be increased if, as determined by the biologist during ongoing nest monitoring, the adult birds exhibit behavior that could lead to unnatural prolonged absences from the nest or nest abandonment. The buffer zone shall be delineated by high visibility temporary construction fencing.
 - c) Nest trees should not be removed to the extent feasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained from CDFW with the tree removal period specified in the Management Authorization, generally from October 1 to February 1.
- MM BIO-11 Swainson's Hawk Foraging Habitat Mitigation: The project applicant, in consultation with CDFW, shall mitigate for loss of any Swainson's hawk foraging habitat by one of the following methods:
 - a) If the PCCP has been adopted by the County, the City, and approved by the agencies, the project applicant shall comply with the PCCP and that participation shall satisfy all of the mitigation requirements for this impact.
 - b) If the PCCP has not been adopted by the County and City and/or has not been approved by the agencies, the project

applicant shall mitigate at a ratio of at least one acre of suitable foraging habitat for every one acre developed by the proposed project. The project applicant shall provide for the long-term endowment of compensatory mitigation lands by funding a management endowment (the interest on which shall be used for managing the mitigation lands) at a per acre rate (adjusted annually for inflation and varying interest rates). The project applicant shall submit a letter of approval from CDFW for the mitigation program for Swainson's impacts to the City of Lincoln prior to the issuance of grading permits. As an alternative, the project applicant may purchase conservation easements or fee title to suitable Swainson's hawk foraging habitat to protect the habitat from urban development, or purchase Swainson's hawk habitat credits at an agency-approved mitigation bank.

- MM-BIO-12 Markham and Auburn Ravines: Markham and Auburn Ravines shall both be avoided during project activities to reduce impacts of noise, light and habitat destruction to wildlife species that regularly use these areas for local migration, cover and foraging. For any work that would involve disturbance of Auburn or Markham Ravine the City shall ensure grading permits and/or improvements plans, as appropriate, include the following requirements:
 - a) To the extent feasible, the project shall be designed to avoid direct or indirect impacts to Auburn or Markham Ravines, or to the water quality flowing to Auburn or Markham Ravines. If work in Auburn or Markham Ravines cannot be avoided, then the following mitigation measures shall apply.
 - b) Restrict work in Auburn or Markham Ravines to low-flow periods between June 15 and October 15 to avoid effects on adult or juvenile steelhead and salmon life stages during their migratory seasons.
 - c) Store all equipment outside of all waterways. Install a silt fence around the perimeter of all waterways where construction is to occur adjacent to waterways. The staging areas shall be situated a minimum of 50 feet from existing drainages.
 - d) Install Environmentally Sensitive Area (ESA) fences in the vicinity of work along Auburn or Markham Ravines. The ESA fencing shall be delineated on the final plans and the fence shall be installed and remain on-site until the project is completed.
 - e) Install silt fences and/or fiber rolls on the slopes adjacent to

the work area to prevent silt from entering Auburn or Markham Ravines.

- f) If dewatering is necessary along portions of Auburn or Markham Ravines, use appropriate temporary coffer dams to dewater the construction sites and divert water through the area during the construction period to prevent impeding creek flow or water flow through the work areas. If dewatering at a site is required, a qualified biologist shall be present during the dewatering period to inspect and ensure that steelhead shall not be trapped within the temporary coffer dams. If steelhead are found, a qualified biologist shall capture and relocate these fish to an appropriate area away from the construction site. The project applicant or their representative shall submit for approval the dewatering and fish capture and relocation plans to the NOAA and CDFW once the design plans are finalized.
- g) Maintain erosion controls during the construction periods.
- h) At the completion of the construction project, remove from the streambed all materials used to maintain flow and divert water from the area during the construction period, including coffer dams, pipes, filter fabric, and gravel.
- i) Dispose of all excess soil at an approved upland site.
- j) Remove all project-introduced material once the work is complete.
- k) Recontour any disturbed stream channel areas, to the extent practicable, to pre-project conditions or better. l) Use reflectors on portable light towers to focus the light on the work area and to minimize the amount of light spilling over to adjacent areas during any night work.

b.i. Potential Significant Impact:

The project has the potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

b.ii. Facts in Support of Finding:

Implementation of mitigation measures BIO-1, BIO-2, BIO-4, BIO-5, and BIO-12 will reduce potential significant impacts to a less than significant level.

c.i. Potential Significant Impact:

The project has the Potential to have a substantial adverse effect on

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

c.ii. Facts in Support of Finding:

Implementation of mitigation measure BIO-3 will reduce potentially significant impacts to a less than significant level.

d.i. Potential Significant Impact:

The project has the potential to interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

d.ii. Facts in Support of Finding:

Through the implementation of mitigation measures BIO-12 and BIO-13, potentially significant impacts will be reduced to a less than significant level.

- MM BIO-13. Wildlife Movement Corridor Protection. To the extent feasible, construction of the project's open space shall be designed to minimize the restriction of wildlife movement through the project area, specifically along and through Markham and Auburn Ravines. This shall include design measures that provide the greatest amount of space feasible underneath bridge or culvert structures such that wildlife species are not forced to cross roadways or move into urban areas to move from one area of natural habitat to another.

All outdoor lighting associated with the project shall be designed to minimize light pollution into the open space or adjoining undeveloped land, except where it is necessary for public safety or security. Minimization measures may include light fixture placement (e.g., as low to the ground as possible), lamp designs (e.g., shielding, low glare, or no lighting), directing light away from open space or undeveloped lands, or other means to avoid or minimize light pollution.

e.i. Potential Significant Impact:

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

e.ii. Facts in Support of Finding:

Through the implementation of mitigation measure BIO-4, potential significant impacts will be reduced to a less than significant level.

f.i. Potential Significant Impact:

The project has the potential to have a cumulative effect on biological resources.

f.ii. Facts in Support of Finding:

Through the implementation of mitigation measures BIO-1 through BIO-13, potentially significant impacts will be reduced to a less than significant level.

g.i. Potential Significant Impact:

The project has the potential to violate water quality standards or waste discharge requirements.

g.ii. Facts in Support of Finding:

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

- HYD-1 Storm Water Quality Plan: Through all phases of construction, development, and operation of the proposed project, the project applicant or designee, homeowners' association (HOA), and/or project contractor, as applicable, shall conduct planning, design, construction, and maintenance activities consistent with the performance criteria, design standards, and water quality best management practices contained in the project's Master Drainage Study and Storm Water Quality Plan (SWQP) (Appendix F). For each phase of development, a project specific SWQP shall be developed and approved by the City of Lincoln to show parcel-level source control measures, structural treatment controls, and low-impact development (LID) designs, refined as necessary from the master SWQP. This includes meeting or exceeding the requirements of the Small Municipal Separate Storm Sewer System (MS4) Permit (SWRCB Order 2013-0001-DWQ, as amended), Section 8.6 of the City's Municipal Code (Post-Construction Storm Water Runoff Control), and the West Placer County Storm Water Quality Design Manual.

The developers, their contractors, and the planned community's governance entities shall be required to select, size, and maintain the LID designs and implement water quality best management practices (BMPs) to address the following, consistent with Appendix F:

- Post-Construction Source Control BMPs: Source control BMPs shall be incorporated into site development plans and maintenance operations to avoid pollutant generating sources and activities. Examples include ensuring the

protection of waste and hazardous materials from contact with stormwater, minimizing the use of pesticides and fertilizers through integrated pest management and landscape design, ensuring vehicle maintenance occurs indoors or in covered areas, and plumbing interior floor drains to the sewer system.

- LID Treatment BMPs: Site preservation practices coupled with small-scale distributed treatment measures that rely on vegetation and soils, or systems that mimic the treatment obtained by soils and vegetation and soils, shall comprise the LID control approach. LID BMPs include strategies such as stream setbacks, tree and natural landscape preservation, disconnection of impervious surfaces, green roofs, porous pavement, vegetated swales, and infiltration/bioretention swales/basins. LID BMPs shall be sized to treat the volume of stormwater runoff produced from the 85th percentile, 24-hour storm event (water quality design volume), and on-site LID retention BMPs shall be selected to retain the water quality design volume to the extent feasible. If it is infeasible to retain all or part of the water quality design volume, LID biotreatment BMPs shall be used and shall be sized to capture and treat the remaining portion of the water quality design volume. LID BMPs may be located on site or at one of the water quality basins shown in Appendix F. The hydromodification performance standard shall be achieved through on-site or regional LID BMPs, on-site or regional flow control facilities, or a combination thereof.
- Stormwater Facility Operation and Maintenance: Depending on the type and location of stormwater quality BMPs, either the commercial land lessor or HOA shall be responsible for maintenance of all LID, treatment, and hydromodification control facilities. Maintenance responsibility shall be documented in the project's conditions, covenants, and restrictions. The commercial leases or HOAs shall also prepare a written operations and maintenance plan that identifies the anticipated inspection/monitoring and maintenance activities and frequencies for each BMP, including coordination requirements with City of Lincoln.

Prior to the vesting of subdivision maps and issuance of building permits, the City of Lincoln shall verify that all applicable water quality measures have been integrated into applicable plans and maintenance agreements in accordance with Appendix F, the MS4 Permit, and City ordinances pertaining to stormwater quality.

- HYD-3: Implement of Mitigation Measure BIO-12.

h.i. Potential Significant Impact:

The project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial erosion or siltation on or off-site.

h.ii. Facts in Support of Finding:

Implementation of mitigation measure HYD-1 will reduce potentially significant impacts to a less than significant level.

i.i. Potential Significant Impact:

The project has the potential to place within a 100-year flood hazard area structures which would impede or redirect flood flows.

i.ii. Facts in Support of Finding:

Implementation of mitigation measure HYD-2 will reduce potentially significant impacts to a less than significant level:

- HYD-2 Floodplain Modifications: Prior to issuance of grading and building permits, parcel-level drainage studies shall be submitted to the City of Lincoln Public Works Department for review and approval. Structures and fill within the fringes of the Markham Ravine floodplain shall be considered in a detailed hydraulic analysis for their impacts on FEMA base flood elevations and flood extents. Final maps and improvements plans shall not be approved by the City if the analysis shows the project would increase base flood elevations more than 1 foot or otherwise place private property or public facilities at additional risk of flooding in a 100-year storm. In addition, the applicant shall process through FEMA a new Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) in order to map the new floodplain based on the future development and all of the proposed improvements such as bridges and drainage outfalls. FEMA shall be provided with detailed hydraulic analyses, Base Flood Elevation Data and revised floodplain maps showing the new floodplain and floodway limits. The applicant shall also coordinate with the Central Valley Flood Protection Board to obtain a permit prior to City approval of improvement plans.

k.i. Potential Significant Impact:

The project has the potential to have a cumulative effect on hydrology or water quality resources.

k.ii. Facts in Support of Finding:

Implementation of mitigation measures HYD-1, HYD-2, and HYD-3 will

reduce potential significant impacts to a less than significant level.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water 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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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

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

II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
 - **Part A (Monthly Reports):** This report will be submitted monthly until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Nicholas Savino; Project Name; and WDID No. 5A31CR00577.

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:

27 November 2024

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project

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

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS 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: Peery Property Phase 2 Project
Permittee: Lincoln 100, LLC
WDID: 5A31CR00577
Reg. Meas. ID: 447091
Place ID: 880118
Order Effective Date: 27 November 2024
Order Expiration Date: 26 November 2029

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 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**

***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 15th day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
 - i. Construction Summary
Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.
 - ii. Event Summary
Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.
 - iii. Photo Summary
Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
 - iv. Compliance Summary
 - List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
 - List associated monitoring reports for the reporting period.
 - Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
 - Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

2. Report Type 2 - Annual Report - NOT APPLICABLE

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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Attachment E – Signatory Requirements

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

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

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

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

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

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

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

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

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

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

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

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

II. Specific Justification for Section XIV Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the

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

D. Standard

1. This Order is subject to modification or revocation

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

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

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

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

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

E. General Compliance

1. Failure to comply with any condition of this Order

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

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

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board’s Basin Plan. The Basin Plan’s water quality

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

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

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

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

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

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

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

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

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

7. Construction General Permit Requirement

Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

F. Administrative

1. Signatory requirements for all document submittals

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

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

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

3. The Permittee shall grant Central Valley Water Board staff

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

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

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

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

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

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

6. Lake or Streambed Alteration Agreement

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

G. Construction

- 1. Dewatering – NOT APPLICABLE**
- 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

Ecological Restoration and Enhancement

Mitigation Bank Development/In-Lieu Fee Project Development

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

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts

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

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