



## Central Valley Regional Water Quality Control Board

---

### CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

---

**Effective Date:** 14 April 2025

**Expiration Date:** 13 April 2030

**Program Type:** Fill/Excavation

**Project Type:** Residential

**Project:** The Ranch Project (Project)

**Applicant:** WP Vineyard, LLC

**Applicant Contact:** Ryan O'Keefe  
WP Vineyard, LLC  
1420 Rocky Ridge Drive, Suite 265  
Roseville, CA 95661  
Phone: (916) 774-3400  
Email: [Ryan@wpcommunities.com](mailto:Ryan@wpcommunities.com)

**Applicant's Agent:** Sarah VonderOhe  
Madrone Ecological Consulting, LLC  
8421 Auburn Boulevard, Suite 248  
Citrus Heights, CA 95610  
Phone: (916) 822-3235  
Email: [SVonderohe@madroneeco.com](mailto:SVonderohe@madroneeco.com)

**Water Board Staff:** Nicholas Savino  
Environmental Scientist  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
Phone: (916) 464-4920  
Email: [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov)

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

Reg. Meas. ID:	459509
Place ID:	898108
WDID No.:	5A31CR00609
USACE No.:	SPK-2022-00402
Letter of Permission	

## Table of Contents

I. Order .....	3
II. Public Notice.....	3
III. Project Purpose .....	3
IV. Project Description .....	3
V. Project Location.....	4
VI. Project Impact and Receiving Waters Information.....	4
VII. Description of Direct Impacts to Waters of the State .....	4
VIII. Description of Indirect Impacts to Waters of the State.....	5
IX. Avoidance and Minimization .....	5
X. Compensatory Mitigation .....	11
XI. California Environmental Quality Act (CEQA).....	11
XII. Petitions for Reconsideration.....	11
XIII. Fees .....	11
XIV. Conditions .....	12
XV. Water Quality Certification.....	29
Attachment A – Project Maps .....	A-1
Attachment B – Receiving Waters, Impacts and Mitigation Information .....	B-1
Attachment C – CEQA Findings of Fact .....	C-1
Attachment D – Reports and Notification Requirements .....	D-1
Attachment E – Signatory Requirements.....	E-1
Attachment F – Certification Deviation Procedures .....	F-1
Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d).....	G-1

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of WP Vineyard, LLC (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 20 December 2024. The application was deemed complete on 6 March 2025. 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: **17 January 2025**  
Date all requested information was received: **3 April 2025**

**II. Public Notice**

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 20 December 2024 to 10 January 2025. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The purpose of the project is to develop a residential community in the 232.7 acre project area.

**IV. Project Description**

The Project consists of mass grading to prepare for constructing residential units, a school expansion site, a centrally located park, and an approximate 62 acre avoidance area (most of which will be designated as open space) over seven construction phases. Two vehicle crossings and a sewer main crossing of an unnamed intermittent tributary to Dry Creek will be constructed, as well as a footpath crossing over an unidentified ephemeral tributary to Dry Creek. Associated on-site improvements include parks, trails, landscaping, and utility installation. The proposed storm water system includes constructing stormwater quality treatment facilities, including low-impact development (LID) features. Off-site infrastructure elements include:

- Installing a 16-inch water line along Vineyard Road between the development area and Cook Riolo Road to the west and/or between the development area and the Brady Vineyard project boundary (approximately Misty Lane).
- Upgrading an existing sewer lift station adjacent to and south of Creekview Ranch School, west of the development area.
- Extending a multi-use trail as a part of the Dry Creek Greenway Regional Trail system, from the southwestern corner of the development area to Cook Riolo Road, including improvements at Cook Riolo Road at the trail's road crossing to connect to an existing segment of the Dry Creek Greenway

regional trail north of Dry Creek.

The Project has been developed in accordance with the Placer County Conservation Program (PCCP) Habitat Conservation Plan (HCP), and will comply with the requirements of the plan.

## **V. Project Location**

Address: Vineyard Road and Eva Lane

County: Placer

Assessor's Parcel Numbers: 474-080-004, -005, -006, -007, -019, and -020

Nearest City: Roseville

Section 4 and 9, Township 10 North, Range 6 East, MDB&M.

Latitude: 38.741528° and Longitude: -121.326170°

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/](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**

The majority of permanent impacts to aquatic resources will occur from mass grading the site in preparation for development. Permanent impacts will also occur from constructing the vehicle, footpath, and sewer main crossings. Temporary impacts to the intermittent drainage and an associated riparian wetland will also

occur from constructing the crossings.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

**Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts<sup>1</sup>**

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.18	283	275
Wetland	0.05	93	

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.2	308	1,500
Vernal Pool	1.98	3,195	
Wetland	0.38	604	
Pond	0.82	1,328	

## 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 may reduce the quality of receiving waters. The Project will be constructed consistent with Placer County's standards and PCCP conditions that require storm water control to prevent indirect water quality impacts. Uncontrolled runoff and untreated storm water will not be allowed to discharge to the on-site avoidance areas adjacent to an ephemeral drainage, an intermittent drainage, and Dry Creek. Construction will require compliance with the State's Construction General Permit, and the required storm water pollution prevention plan will include measures to ensure protection of downstream water quality.

## 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

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

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:

- General Condition 1, Watershed Hydrology and Water Quality: The Project will comply with the State of California General Construction Permit—including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP)—and applicable National Pollutant Discharge Elimination System (NPDES) program requirements as implemented by Placer County and the City of Lincoln.
- General Condition 2, Conservation Lands, Development Interface Design Requirements: Covered Activities that occur in or adjacent to the Reserve System, or adjacent to existing reserves, mitigation sites, and conservation banks, will incorporate design requirements to minimize the indirect effects of development on these types of conservation lands in the permit area.
- General Condition 3, Land Conversion: Covered Activities that would result in permanent conversion of natural land cover must pay fees or otherwise contribute to establishing the Reserve System and are subject to the maximum extent of take proposed under the Plan.
- General Condition 4, Temporary Effects: Covered Activities that result in temporary effects on natural land cover must pay fees and are subject to the maximum extent of take proposed under the Plan.
- General Condition 5, Conduct Worker Training: If project-specific conditions for avoidance or minimization apply during construction, all project construction personnel will participate in a worker environmental training program that will educate workers regarding the Covered Species and their habitats, the need to avoid impacts, state and federal protection, and the legal implications of violating environmental laws and regulations.
- Community Condition 1.1 Avoidance of Vernal Pool Complex Constituent Habitat: Covered Activities are required to mitigate for impacts, generally through payment of fees if project activities encroach on a vernal pool constituent habitat wetland or its immediate watershed.
- Community Condition 1.2 Avoidance of Aquatic/Wetland Complex Habitat: 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.
- Community Condition 1.3 Aquatic/Wetland Complex Impact Minimization Measures: Covered Activities that minimize effects on the Aquatic/Wetland Complex constituent habitat may qualify to count those effects as temporary

rather than permanent. If activities associated with Covered Activities are proposed to occur within other wetlands and their associated buffers, the activities must comply with Wetland Impact Minimization Criteria to have project effects count as temporary instead of permanent.

- Community Condition 1.4 Salvage of Vernal Pool Constituent Habitat: Covered Activities that result in the conversion of vernal pool constituent habitat must grant adequate and timely access to allow for salvage as directed by the permitting jurisdiction or PCA.
- Community Condition 2.1 Riverine and Riparian Avoidance and Minimization: Covered Activities that avoid effects on the riparian constituent habitat by excluding construction or other ground disturbance from existing riparian vegetation are not subject to special habitat fees. If a project cannot avoid effects on riparian vegetation and surrounding buffer, Community Condition 2.2, Minimize Riverine and Riparian Effects, will apply.
- Community Condition 2.2 Minimize Riverine and Riparian Effects: Requires projects that cannot avoid riverine/riparian effects to minimize these effects. Projects with unavoidable impacts to riverine/riparian habitat will be required to adhere to minimization measures described in PCCP Table 6-1: In-stream and Stream System BMPs. Applicant must identify BMPs/AMMs specific to the project.
- Stream System Condition 1 Stream System Avoidance and Minimization: Design and implement Covered Activities in such a way as to avoid and minimize adverse effects on the Stream System.
- Stream System Condition 2 Stream System Mitigation Restoration: Where Covered Activities result in the permanent or temporary impacts on the Stream System, regardless of the community or constituent habitat type affected, effects shall be mitigated by appropriate restoration or enhancement.
- Species Condition 10, Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp: Surveys are required in vernal pools that will be lost to Covered Activities to determine the occupancy rate of vernal pool fairy shrimp and vernal pool tadpole shrimp in these wetlands.
- Vernal Pool Fairy Shrimp and Tadpole Shrimp 1: Wet season surveys will be conducted for vernal pool fairy shrimp and vernal pool tadpole shrimp in vernal pools, as determined by wetland delineation during the Initial Survey Phase.
- 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 U.S. Army Corps of Engineers (USACE) 404 permit if applicable, Water Quality Certification, or, if applicable, Waste Discharge Requirements (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.
- CARP Condition 5: All work in aquatic resources within the Stream System shall be restricted to periods of low flow and dry weather between 15 April and 15 October, 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 Central Valley Water Board. 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 15 April and shall be removed no later than 15 October, 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 California Department of Fish and Wildlife (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 1 September and 1 February 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, National Marine Fisheries Service (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.
- Lake and Streambed Alteration Agreement Conditions: Additional conditions may be required by CDFW if the Covered Activity is subject to a Lake and Streambed Alteration Agreement (LSAA).

- The Permittee shall implement all applicable best management practices (BMPs) for the Western Placer CARP.

The Project will add approximately 75 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: Dry Creek.

#### **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 14 December 2024, Placer County, as lead agency, certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (State Clearinghouse (SCH) No. 2023010339) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 December 2024. 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**

- A.** An application fee of \$4,212.00 was received on 23 December 2024. 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 \$130,946.00 based on total Project impacts was received on 26 February 2025.

- B. Annual Fees:** This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an

acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.<sup>2</sup>

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Certification are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the [State Water Board's Water Quality Fees website](https://www.waterboards.ca.gov/resources/fees/water_quality/) ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/](https://www.waterboards.ca.gov/resources/fees/water_quality/)), under Water Quality Certification (WQC) Program Fees.

#### **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 Tables 1 through 2.

##### **B. Reporting and Notification Requirements**

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto: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:** NOT APPLICABLE

**b. Annual Reporting:** The Permittee shall submit an Annual Report each

---

<sup>2</sup> Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).

year on the 1st day of May beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

## 2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for 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 Materials<sup>3</sup>:**

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](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)).
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

**b. Violation of Compliance with Water Quality Standards:**

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

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

---

<sup>3</sup> "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.)

**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 3 sampling parameters.<sup>4</sup> The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

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

---

<sup>4</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

**Table 3: Sample Type and Frequency Requirements**

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants <sup>5</sup>	Observations	Visual Inspections	Continuous throughout the construction period

**4. Post-Construction:**

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

**D. Standard**

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

---

<sup>5</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or

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

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

#### F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

- c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
- 4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
- 5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

#### **6. Lake or Streambed Alteration Agreement**

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

### **G. Construction**

#### **1. Dewatering**

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present, the area must be dewatered prior to start of work.

- e. Dewatering may occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

**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 a high potential to occur near or within the Project area: Central Valley steelhead, Central Valley fall-run chinook salmon, Western spadefoot, Northwestern pond turtle, Swainson's hawk, Northern harrier, Olive-sided flycatcher, White-tailed kite, Loggerhead shrike, Yellow warbler, Pallid bat, Silver-haired bat, Western red bat, and Hoary bat.

#### **12. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding 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 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)**

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads (TMDL) is an action plan to restore clean water that has been contaminated by mercury and has experienced or has the potential to produce methylmercury within waters of the state. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine specific water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. A copy of the Sacramento-San Joaquin Delta Methylmercury TMDL is located on the Central Valley Water Board website at: [Sacramento-San Joaquin Delta Methylmercury TMDL - TMDL Projects | Central Valley Regional Water Quality Control Board \(ca.gov\)](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/)

([https://www.waterboards.ca.gov/rwqcb5/water\\_issues/tmdl/central\\_valley\\_projects/delta\\_hg/](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/)).

#### **J. Mitigation for Temporary Impacts**

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Restoration plan dated 12 February 2025 and incorporated herein by reference.
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.
4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee Responsible	Acres		0.18				
Wetland	Permittee Responsible	Acres		0.05				

**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 20 December 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. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

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

**3. Total Required Compensatory Mitigation**

- a. The Permittee is required to provide compensatory mitigation for the authorized impacts to stream channel habitat, vernal pool habitat, wetland habitat, and pond habitat by purchasing in-lieu fee credits from the Western Placer County In-Lieu Fee (ILF) Program at a 1.5:1 ratio. ILF credits shall be purchased in a phased approach based on the impacts that will occur in each construction phase.
- b. Total required Project compensatory mitigation information for permanent

physical loss of area is summarized in Table(s) 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

**Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area**

Phase	Mitigation Type	Units	Vernal Pool Complex	Vernal Pool	Wetland	Lacustrine	Riverine
1	In-Lieu Fee Credits	Acres	0.15	-	-	1.23	0.12
2	In-Lieu Fee Credits	Acres	0.02	0.5	-	-	0.002
3	In-Lieu Fee Credits	Acres	0.06	0.05	-	-	-
4	In-Lieu Fee Credits	Acres	-	-	0.05	-	0.15
5	In-Lieu Fee Credits	Acres	0.29	1.94	0.02	-	0.005
6	In-Lieu Fee Credits	Acres	-	0.42	-	-	-
7	In-Lieu Fee Credits	Acres	0.05	0.08	-	-	0.03

#### **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 Ranch Project, WDID # 5A31CR00609, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

*Original Signed by Anne Walters:*

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

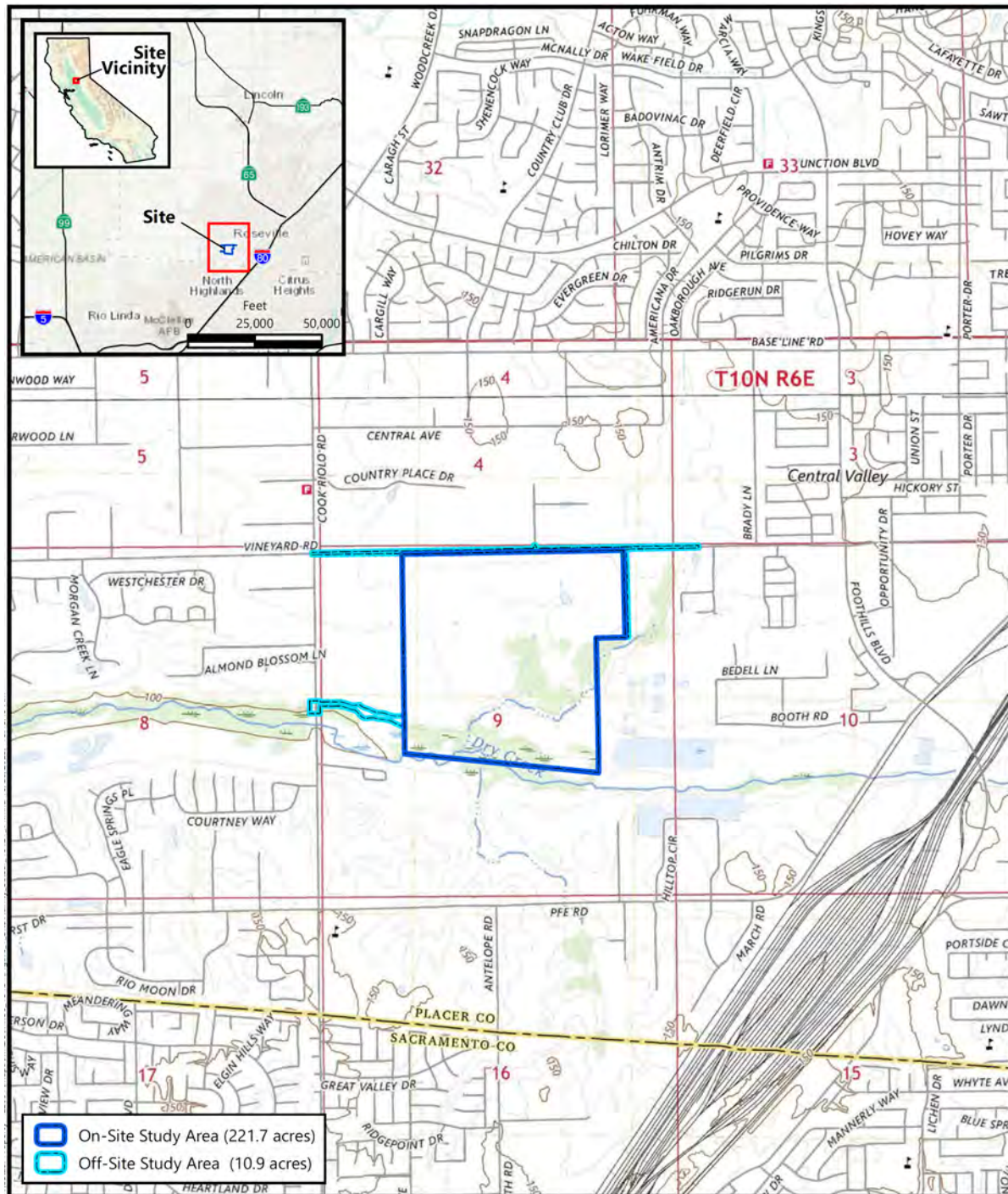
- Attachment A:** Project Maps
- Attachment B:** Receiving Waters, Impacts, and Mitigation Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment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

**(This page intentionally left blank)**



## Attachment A – Project Maps

Figure 1: Project Location



Source: United States Geologic Survey, 2023  
"Citrus Heights, California" 7.5-Minute Topographic Quadrangle  
Sections 3-5, 8, 9, Township 10 North, Range 6 East  
Longitude -121.326296°, Latitude 38.739939°

**Figure 1**  
**Site and Vicinity**

The Ranch  
Placer County, California





Figure 2: Project Impacts

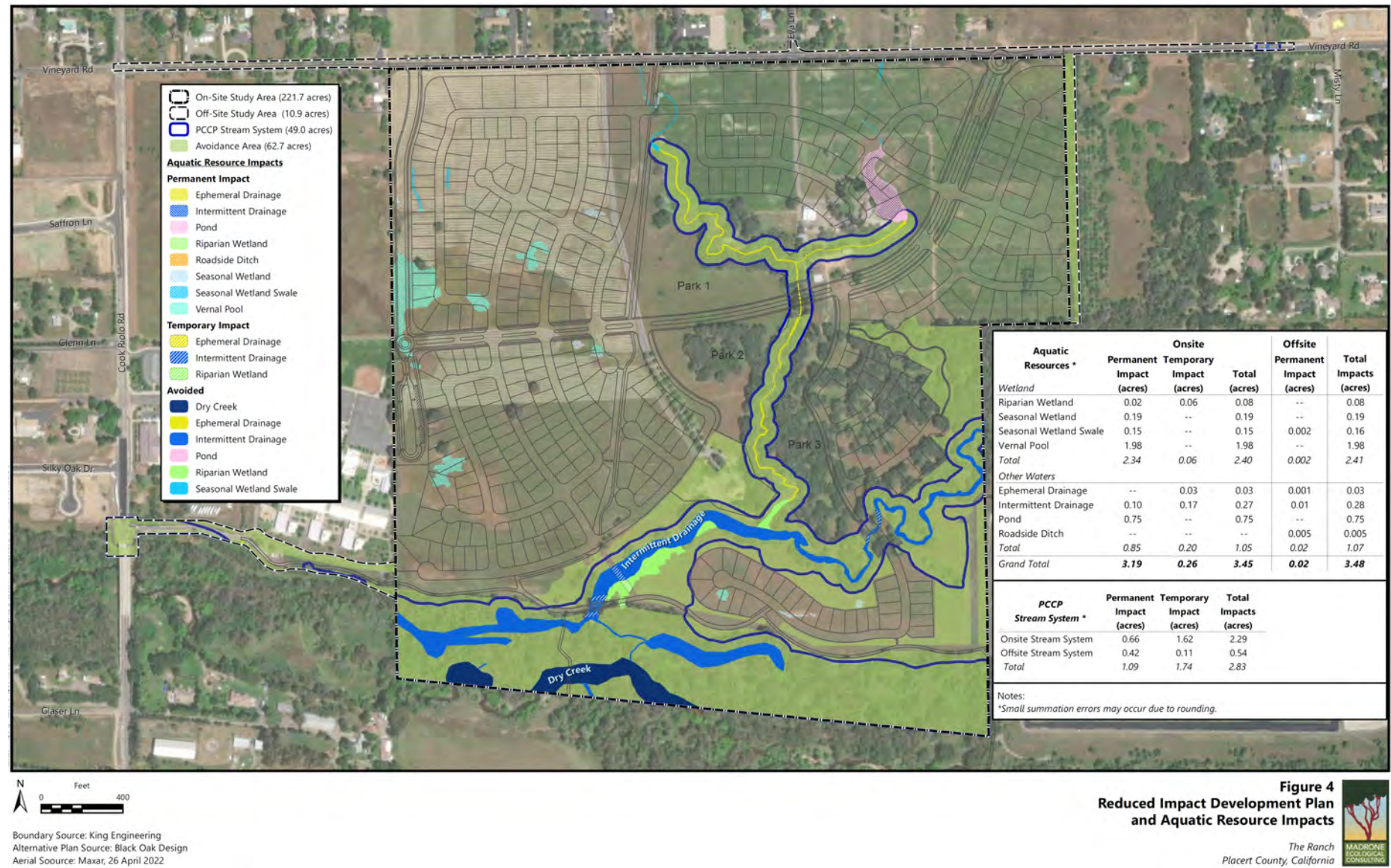




Figure 3: Construction Phases

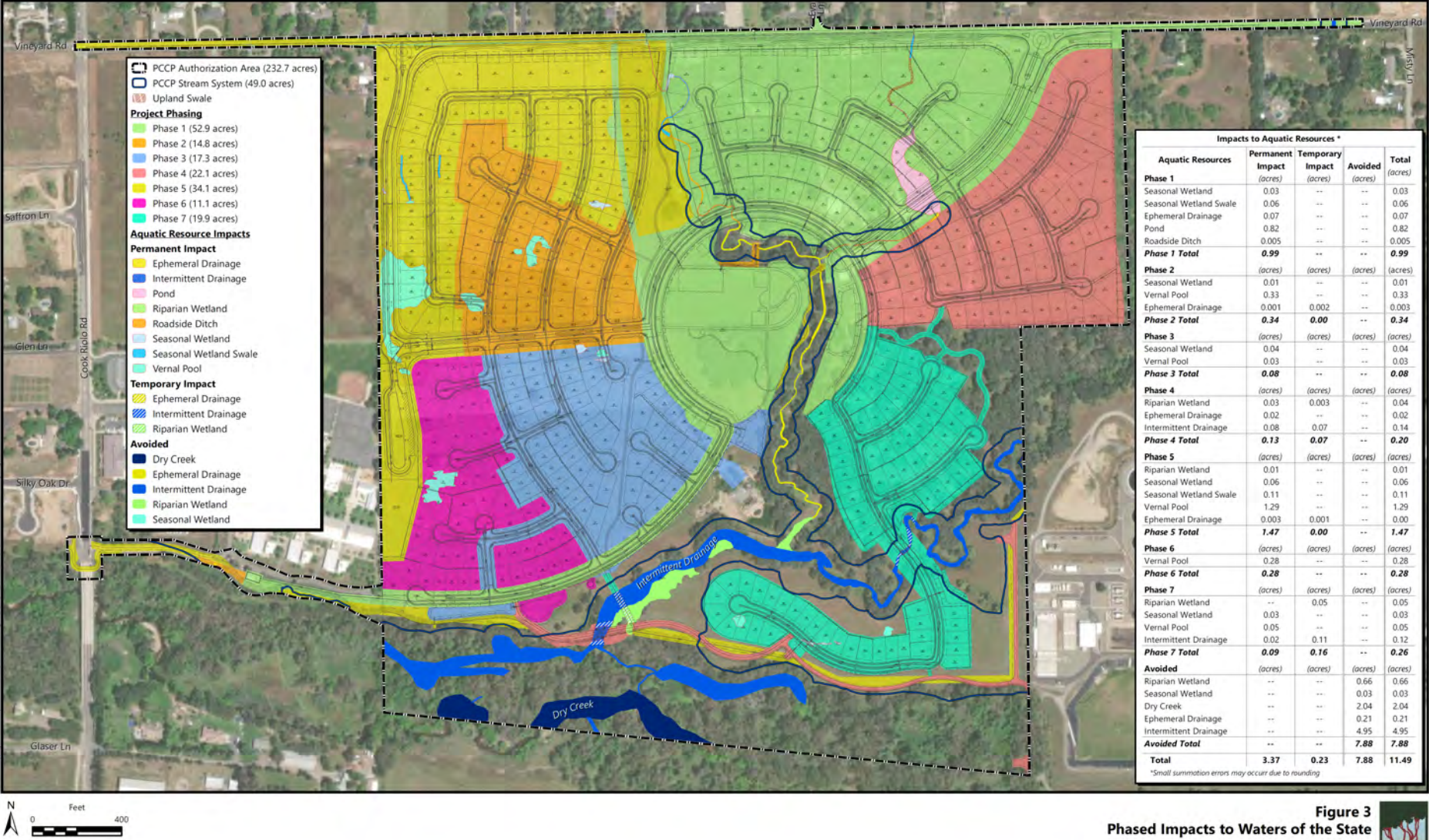


Figure 3  
Phased Impacts to Waters of the State

Boundary Source: King Engineering  
Aerial Source: Maxar, 26 April 2022

**(This page intentionally left blank)**

### 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	Stream Channel	Unnamed Tributary to Dry Creek	Stream Channel	519.21	Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Indicator Bacteria
No	Vernal Pool	Unnamed Tributary to Dry Creek	Vernal Pool	519.21	Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Indicator Bacteria
No	Wetland	Unnamed Tributary to Dry Creek	Wetland	519.21	Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Indicator Bacteria
No	Pond	Unnamed Tributary to Dry Creek	Pond	519.21	Sacramento River	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Indicator Bacteria

### **Individual Direct Impact Locations**

The following tables show individual impacts.

**Table 2: Individual Temporary Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Stream Channel	38.741528	-121.326170	No	0.18	283	275
Wetland	38.741528	-121.326170	No	0.05	93	

**Table 3: Individual Permanent Fill/Excavation Impact Information**

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Stream Channel	38.741528	-121.326170	No	0.20	308	1,500
Vernal Pool	38.741528	-121.326170	No	1.98	3,195	
Wetland	38.741528	-121.326170	No	0.38	604	
Pond	38.741528	-121.326170	No	0.82	1,328	

### **Compensatory Mitigation Information**

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

#### **In-Lieu Fee Compensatory Mitigation Information**

**Table 4: In-Lieu Fee Program**

In-Lieu Fee Program Name:	Western Placer County in-Lieu Fee Program
Website:	<a href="https://www.placer.ca.gov/3362/Placer-County-Conservation-Program">Placer County Conservation PROGRAM   Placer County, CA</a> (https://www.placer.ca.gov/3362/Placer-County-Conservation-Program)
In-Lieu Fee Program Contact Name:	Gregg McKenzie
Phone:	(530) 745-3074
Email:	<a href="mailto:GaMckenz@placer.ca.gov">GaMckenz@placer.ca.gov</a>
In-Lieu Fee Program Location - County:	Placer

**Table 5: Mitigation Type Information**

Aquatic Resource Credit Type	Acres	Number of Credits Purchased
Riverine	0.3	TBD
Vernal Pool	2.99	TBD
Vernal Pool Complex	0.57	TBD
Lacustrine	1.23	TBD
Wetland	0.07	TBD

**(This page is intentionally left blank)**



## **Attachment C – CEQA Findings of Fact**

### **A. Environmental Review**

On 17 December 2024, Placer County, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2023010339) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 December 2024. 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 Placer County'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 Placer County 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 Placer County 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: [The Ranch Subdivision | Placer County, CA](https://ca-placercounty.civicplus.com/8622/The-Ranch-Subdivision) (<https://ca-placercounty.civicplus.com/8622/The-Ranch-Subdivision>).

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 may result in impacts to special-status branchiopods either directly or through substantial habitat modifications or substantial reduction in the number or range of the species.

a.ii. Facts in Support of Finding:

Implementation of the following mitigation measures, understood against the backdrop of the PCCP objectives, would reduce the above potential impact to a less-than-significant level by ensuring the avoidance of any net loss of special-status branchiopod species that could be affected by the proposed project:

- 7-3(a): The Permittee shall apply for and be issued coverage under the PCCP to mitigate for all impacts to Covered Species, land cover, and sensitive natural communities. Prior to application approval, additional species surveys may be necessary, and prior to construction, land cover and special habitat fees shall be paid. The Permittee shall comply with the terms of the PCCP Coverage Certificate, including compliance with all avoidance, mitigation, and minimization measures, which may include pre-construction surveys, construction monitoring, and BMPs.

PCCP General Condition 3: The proposed project shall pay a land conversion fee for the permanent conversion of natural land cover including Vernal Pool Complex (VPC) Low, VPC Intermediate, Blue Oak Woodland, Cropland, Pasture, Riparian, and Rural Residential. The fees to be paid shall be those in effect at the time of ground disturbance authorization for each project phase and shall be based on the effect to modeled species habitat at the parcel scale.

In addition to land conversion, the project would result in permanent direct effects and temporary effects to PCCP Special Habitats as estimated in Table 6 of the Biological Resources Assessment (BRA) prepared for the proposed project. The total special habitat fee obligation including temporary effect fees shall be paid prior to issuance of a land conversion authorization that allows ground disturbance.

- 7-3(b): PCCP Community Condition 1.1: Prior to land conversion authorization approval, the unavoidable effects to vernal pool type wetlands or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid to the PCA shall be those in effect at the time of land conversion authorization issuance.



b.i. Potential Significant Impact:

The Project may result in impacts to special-status salmonids either directly or through substantial habitat modifications or substantial reduction in the number or range of the species.

b.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by avoiding adverse water quality effects on Dry Creek.

- 7-4(a): Implement the following Mitigation Measure set forth in this EIR:
  - 7-3(a)
- 7-4(b) PCCP General Condition 1: Prior to ground disturbance, rough grade plan approval, or improvement plan approval, whichever comes first, the proposed project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ), including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP) and applicable NPDES program requirements as implemented by the County. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

The project shall comply with the West Placer Storm Water Quality Design Manual (Design Manual). The project shall implement the following BMPs. This list shall be included on the notes page of the improvement/grading plans and shall be shown on the plans:

1. When possible, vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas. When vehicle parking areas are to be established as a temporary facility, the site shall be recovered to pre-project or ecologically improved conditions within one year of start of groundbreaking to ensure effects are temporary (refer to Section 6.3.1.4, General Condition 4, Temporary Effects, for the process to demonstrate temporary effects).
2. Trash generated by Covered Activities shall be promptly and properly removed from the site.
3. Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to reduce siltation and runoff of contaminants into avoided wetlands, ponds, streams, or riparian vegetation.
  - a) Erosion control measures shall be of material that will not entrap wildlife (i.e., no plastic monofilament). Erosion control

blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.

- b) Erosion control measures shall be placed between the area of disturbance and any avoided aquatic feature, within an area identified with highly visible markers (e.g., construction and erosion-control fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification will be properly maintained until construction is completed and the soils have been stabilized.
  - c) Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture or any agency that is a successor or receives delegated authority during the permit term as weed free.
  - d) Seed mixtures applied for erosion control shall not contain California Invasive Plant Council–designated invasive species (<http://www.cal-ipc.org/paf/>) but shall be composed of native species appropriate for the site or sterile non-native species. If sterile non-native species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive non-natives.
4. If the runoff from the development will flow within 100 feet of a wetland or pond, vegetated storm water filtration features, such as rain gardens, grass swales, tree box filters, infiltration basins, or similar LID features to capture and treat flows, shall be installed consistent with local programs and ordinances.
- 7-4(c) PCCP Community Condition 2.2: Prior to land conversion authorization, the applicant shall coordinate with the PCA to determine which InStream and Stream System Best Management Practices (BMPs) from Table 6-1 of the Placer County Conservation Plan apply to the proposed project. The applicant shall identify the applicable BMPs on the project's improvement or grading plans. The selected BMPs shall be incorporated into the project's Land Conversion Authorization letter.  
  
Prior to land conversion authorization approval, the unavoidable effects to riverine and riparian habitat or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid shall be those in effect at the time of land conversion authorization.
  - 7-4(d) PCCP Stream System Condition 1: The project shall be designed to minimize development activities within the stream system to the maximum extent possible.

- 7-4(e) PCCP Stream System Condition 2: The project's development footprint is directly impacting the Stream System. The area of encroachment is subject to the Stream System Encroachment Special Habitats Fee as described in Chapter 5 of the PCCP User's Guide. Fees shall be paid to the PCA prior to the issuance of any permit or authorization that results in ground disturbance within the Stream System.

c.i. Potential Significant Impact:

The Project may result in impacts to western spadefoot either directly or through substantial habitat modifications.

c.ii. Facts in Support of Finding:

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level by ensuring that, if individual western spadefoots are determined to be present on the project site, they are either relocated to suitable habitat of equivalent or greater value or are protected from construction activities.

- 7-5: During the spring prior to the commencement of construction activities, one nocturnal acoustic survey of all areas within 300 feet of vernal pools and seasonal wetlands shall be conducted. The acoustic survey shall consist of walking through the area and listening for the distinctive snore-like call of the species. Timing and methodology for the acoustic survey shall be based on those described in Distribution of the Western Spadefoot (*Spea hammondi*) in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology. The results of the survey shall be submitted to the Placer County Community Development Resource Agency.

If the nocturnal acoustic survey is negative, further mitigation shall not be necessary. If western spadefoots are observed within aquatic habitat proposed for impact, the tadpoles shall be captured and relocated by the applicant's qualified biologist to an off-site open space preserve with suitable habitat of equivalent or greater value in the vicinity of the overall project site. If western spadefoots are observed within aquatic habitat proposed for avoidance, then the project applicant may either relocate the tadpoles to an off-site open space preserve with habitat of equivalent or greater value (e.g., vernal pools and seasonal wetlands in a grassland/woodland matrix) in the vicinity of the overall project site, or install silt fence along the edge of the proposed area of disturbance within 300 feet of the occupied aquatic habitat to prevent metamorphosed individuals from dispersing into the construction area.

d.i. Potential Significant Impact:

The Project may result in impacts to northwestern pond turtle either directly or through substantial habitat modifications.

d.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by protecting water quality in aquatic habitat that might be occupied by northwestern pond turtle, by minimizing development within stream systems, by providing protective buffers adjacent to habitat during both construction and operation, by requiring fee payments to offset impacts to habitat, and by providing for the relocation of affected individual members of the species pursuant to permit conditions imposed by USFWS or CDFW:

- 7-6(a): Implement the following Mitigation Measures set forth in this EIR:
  - 7-3(a)
  - 7-4(b) PCCP General Condition 1
  - 7-4(c) PCCP Community Condition 2.2
  - 7-4(d) PCCP Stream System Condition 1
  - 7-4(e) PCCP Stream System Condition 2
- 7-6(b): PCCP Community Condition 2.1: To the maximum extent possible, the proposed project shall not modify any area within a buffer that extends 50 feet outward from the outermost bounds of the riparian vegetation. The improvement or grading plans shall show the location of the riverine/riparian buffer.
- 7-6(c): A northwestern pond turtle survey shall be conducted by a qualified biologist no more than 48 hours prior to construction where construction activities overlap with Dry Creek, intermittent drainages, and woodlands within 150 feet of these aquatic resources.

The results of the survey shall be submitted to the Placer County Community Development Resource Agency.

If northwestern pond turtles or nests are not found, further mitigation is not necessary. If a northwestern pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to habitat of equivalent or greater value (e.g., riparian wetlands or riparian woodlands adjacent to a perennial creek or intermittent drainage) outside of the proposed impact area prior to construction. If a northwestern pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.

e.i. Potential Significant Impact:

The Project may have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or U.S. Fish and Wildlife Service (USFWS).

e.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by ensuring the avoidance of any substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

- 7-11(a) Implement the following Mitigation Measures set forth in this EIR:
  - 7-3(a)
  - 7-4(c)
  - 7-6(b)
- 7-11(b) PCCP General Condition 4: The applicant shall restore all temporarily disturbed areas and, one year after project groundbreaking, provide the County with a written assessment of how the performance standards were met. The project would result in temporary effects to special habitats, including riverine/riparian, riverine/riparian buffer, and stream system (which includes blue oak woodland). Prior to issuance of land conversion authorization, the project shall pay a fee based on the acres of impact. The fee to be paid shall be that in effect at the time of land conversion authorization issuance. If it is determined by the County or the PCCP biologist that the effects remain one year after groundbreaking activities have commenced, the effects shall be considered permanent, and the County project lead shall reassess fees based on those effects.
- 7-11(c): Prior to the commencement of ground-disturbing activities, the applicant shall apply for, obtain, and comply with a Section 1600 Lake or Streambed Alteration Agreement from CDFW for the entire project or by phase as needed. The Lake and Streambed Alteration Agreement program is not fully integrated into the PCCP and must be applied for separately and apart from the PCCP. The information provided shall include a description of all activities associated with the project, not just those closely associated with the drainages and/or riparian vegetation. Impacts shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this document. Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided as well as a description of storm water

treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation shall be determined by CDFW and result in no net loss of riparian habitat.

f.i. Potential Significant Impact:

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

f.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by ensuring that the proposed project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means:

- 7-12(a) Implement the following Mitigation Measures set forth in this EIR:
  - 7-3(a)
  - 7-3(b) PCCP Community Condition 1.1: Prior to land conversion authorization approval, the unavoidable effects to vernal pool type wetlands or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid to the PCA shall be those in effect at the time of land conversion authorization issuance.
  - 7-4(c) PCCP Community Condition 2.2:
  - 7-4(d) PCCP Stream System Condition 1:
  - 7-4(e) PCCP Stream System Condition 2:
  - 7-6(b) PCCP Community Condition 2.1:
  - 7-11(b) PCCP General Condition 4:
- 7-12(b) PCCP Community Condition 1.2: Prior to land conversion authorization approval, the unavoidable effects to non-vernal pool wetlands or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid to the PCA shall be those in effect at the time of land conversion authorization issuance.
- 7-12(c) PCCP Community Condition 1.3: Prior to land conversion authorization, the project shall demonstrate compliance with the following measures. These measures shall be included on the (improvement or grading) plans.
  1. Personnel conducting ground-disturbing activities in or around other

wetlands must be trained by a qualified biologist in these minimization measures and the permit obligations of project applicants working under the Plan.

2. Construction and maintenance vehicles or equipment cannot be refueled within the wetland or its buffer unless a bermed and lined refueling area is constructed and hazardous material absorbent pads are available in the event of a spill.
3. No equipment will be present in the wetted portion of the aquatic feature. Equipment may only enter the area when the aquatic feature is dry and there is no forecasted rain within 72 hours. Vehicles will be checked for leaks prior to entering or traveling around the aquatic feature.
4. All organic matter must be removed from nets, traps, boots, vehicle tires, and all other surfaces that have come into contact with aquatic features, or potentially contaminated sediments. Items shall be rinsed with clean water before leaving each study site (U.S. Fish and Wildlife Service 2005).
5. Measures to minimize the spread of disease and non-native species shall be implemented based on current Wildlife Agency protocols (e.g., Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog, Appendix B, Recommended Equipment Decontamination Procedures [U.S. Fish and Wildlife Service 2005]) and other best available science.
6. Used cleaning materials (e.g., liquids) must be disposed of safely and, if necessary, taken off site for proper disposal. Used disposable gloves shall be retained for safe disposal in sealed bags (U.S. Fish and Wildlife Service 2005).
7. Native vegetation (shrubs and small trees) must be planted between other wetlands and the development such that the line of sight between other wetlands and the development is shielded. This measure is only required when the reviewing Permittee deems it necessary to shield other wetlands from adjacent development or to avoid direct or indirect effects from the adjacent development (e.g., trespass).
8. The reviewing Permittee will determine if fencing shall be required on a case-by-case basis. If needed, the type of fencing will match the activity and impact types. For example, projects that have the potential to cause erosion will require erosion-control barriers, and projects that may bring more household pets to a site must have permanent fencing to exclude pets. The temporal requirements for fencing also depend on the activity and impact type. For example, fencing to minimize permanent effects will be permanent, and fencing to minimize short-

term effects will be removed after the activity is completed. Permanent fencing will be installed after grading or other construction activities in the area have been completed. If installed, a party responsible for maintenance will be identified prior to construction.

- 7-12(d) PCCP Community Condition 1.4: Prior to ground disturbance, the applicant shall schedule grading and construction in coordination with the PCA to provide the PCA the opportunity to salvage topsoil from the vernal pool wetland if they choose to do so. The applicant shall notify the PCA of their construction schedule within 30 days of the construction start date to allow the PCA the opportunity to salvage soils while the pools are completely dry (generally July through September) and the PCA must make salvage plans sufficiently far in advance so as to not unreasonably impair construction.
- 7-12(e) PCCP Community Condition 2.3: Covered Activities that affect riverine or riparian constituent habitat shall contribute to restoration as mitigation to compensate for loss of riverine or riparian constituent habitat.

Projects that affect riverine and riparian shall contribute to replacement of these resources. Riverine restoration measures shall be located in the same watershed and salmonid habitat type (e.g., spawning or migrating if the effects occur in a salmonid stream) in which the effects occur.

Generally, restoration and replacement actions shall be undertaken by the PCA and funded by additional fees imposed on projects. Riverine and riparian restoration to offset project effects may be implemented on-site to replace the functions of the riparian woodland degraded or lost to the Covered Activity. Riparian restoration implemented on-site will be credited to Plan restoration targets if the restoration helps to meet the biological goals and objectives of the Plan. When it is deemed infeasible to implement restoration at the project site, in-kind restoration shall be required at an off-site location or through the payment of fees to the PCA. Stream enhancement shall be implemented in concert with Community Condition 2.2, Minimize Riverine and Riparian Effects.

- 7-12(f): Depending on the acreage of aquatic resources within the project area the USACE considers jurisdiction when project permitting occurs, the project applicant shall either apply for coverage under the streamlined PCCP Letter of Permission (LOP) process directly with the USACE using avoidance and minimization guidance from the CARP, a component of the PCCP, or the applicant shall utilize the Western Placer County HCP/NCCP Programmatic General Permit 18 in compliance with the CARP.
- 7-12(g): The applicant shall submit an application to the Central Valley Water Board for water quality certification of the PCCP LOP or utilize General Order R5-2020-0048, the Waste Discharge Requirements of the



Clean Water Act Section 401 Water Quality Certification for the Western Placer County HCP/NCCP Programmatic General Permit, as applicable, and adhere to the certification conditions.

- 7-12(h) PCCP CARP Authorization Conditions: The project applicant shall comply with the PCCP CARP Authorization Conditions, which are as follows:
  - 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 CARP application, Water Quality Certification, and, if applicable, WDRs. All changes to those plans shall be reported to Placer County. Minor changes may require an amendment to the CARP Authorization, Water Quality Certification, and, if applicable, WDRs. Substantial changes may render the authorization, Water Quality Certification, and, if applicable, WDRs, void, and a new application may be required.
  - CARP Condition 1b: All deviations from plans and documents provided with the Application and approved by Placer County CDRA must be reported to Placer County CDRA 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 shall not be 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 15 April and 15 October, unless otherwise permitted by

Placer County CDRA 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 Placer County CDRA 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 Central Valley Water Board. 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 Placer County CDRA and approved by the appropriate State and federal regulatory agency. This work window could be modified at the discretion of Placer County and the CDFW.
- CARP Condition 10: No vehicles shall be allowed within the Stream System. If the project requires in channel work, 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 system, 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 Placer County CDRA. Placer County CDRA 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 Placer County CDRA. Placer County CDRA 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 Placer County CDRA before use. The PCCP does not authorize the use of herbicides; herbicide application is not a Covered Activity.
- 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 Placer County CDRA'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 Placer County CDRA.

- CARP Condition 19: Placer County CDRA shall be notified immediately if threatened or endangered species that are not Covered Species are discovered during construction activities. Placer County CDRA 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 in the area and notify Placer County CDRA immediately. Work will not continue in the area until the County coroner and a qualified archaeologist have evaluated the remains, conducted a survey, prepared an assessment, and required consultations are completed.

g.i. Potential Significant Impact:

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

g.ii. Facts in Support of Finding:

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level by ensuring compliance with federal, State, and County regulatory requirements intended to reduce pollution and erosion from stormwater during the construction phase of the project.

- 12-1: Implement the following Mitigation Measures set forth in this EIR:
  - 10-2(a): Prior to construction commencing, the applicant shall provide evidence to the Engineering and Surveying Division (ESD) of a Waste Discharge Identification (WDID) number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application & Reports Tracking

System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the NPDES construction stormwater quality permit.

- 10-2(b): The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual (LDM) that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval of each project phase. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and offsite. All existing and proposed utilities and easements, onsite and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees and Placer County Fire Department improvement plan review and inspection fees with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

The Final Subdivision Map(s) shall not be submitted to the ESD until the Improvement Plans are submitted for the second review. Final technical review of the Final Subdivision Map(s) shall not conclude until after the Improvement Plans are approved by the ESD.

Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are approved by the ESD.

Prior to the County's final acceptance of the project's improvements, submit to the ESD one copy of the Record Drawings in digital format (on compact disc or other acceptable media) along with one blackline hardcopy (black print on bond

paper) and one PDF copy. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record.

- 10-2(c): The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by the County. All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the ESD concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from 1 April to 1 October, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the

ESD to determine substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

- 10-2(d): Prior to ground disturbance, rough grade plan approval, or Improvement Plan or approval, whichever comes first, the applicant shall prepare and submit an erosion and sediment control plan or SWPPP, including site-specific construction site BMPs, for County review and approval, as required by the NPDES Phase II MS4 Permit. The County shall review and approve any proposed revisions to the approved erosion and sediment control plan or SWPPP. The plan or SWPPP shall include the rationale used in selecting BMPs including supporting soil loss calculations, if necessary. The plan or SWPPP shall also include a list of applicable permits directly associated with the grading activity, including, but not limited to the State Water Board's Construction General Plan, State Water Board 401 Water Quality Certification, USACE 404 permit, and CDFW LSAA. The applicant shall submit evidence to the County that all permits directly associated with the grading activity have been obtained.

h.i. Potential Significant Impact:

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

h.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by ensuring that storm drainage shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, and other features for entrapment of sediment, debris and oils/greases, or other identified pollutants, and by ensuring, further, that source control measures avoid or reduce water quality degradation before stormwater enters the landscape:

- 12-2(a): The Improvement Plans shall show water quality treatment facilities/ BMPs designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/ Redevelopment, and for Industrial and Commercial (or other similar source as approved by the ESD).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality

basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for sizing of permanent post-construction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, right-of-way, or Multipurpose Easement, except as authorized by project approvals.

All permanent BMPs shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to ESD upon request. The project owners/permittees shall provide maintenance of these facilities and annually report a certification of completed maintenance to the County Department of Public Works Stormwater Coordinator, unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan approval or Final Subdivision Map recordation, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

- 12-2(b): The Improvement Plans shall include the message details, placement, and locations showing that all storm drain inlets and bio-retention planters within the project area shall be permanently marked/embossed with prohibitive language such as “No Dumping! Flows to Creek.” or other language and/or graphical icons to discourage illegal dumping as approved by the ESD. ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowners’ association is responsible for maintaining the legibility of stamped messages and signs.
- 12-2(c): This project is located within the permit area covered by Placer County’s Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board NPDES). Project-related storm water discharges are subject to all applicable requirements of said permit.

The project shall implement permanent and operational source control measures as applicable. Source control measures shall be designed for pollutant generating activities or sources consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the



#### Improvement Plans.

The project is also required to implement LID standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management as outlined in the West Placer Storm Water Quality Design Manual.

- 12-2(d): Pursuant to the State of California NPDES Phase II MS4 Permit, this project is a Regulated Project that creates and/or replaces 5,000 square feet or more of impervious surface. A final Stormwater Quality Plan (SWQP) shall be submitted, either within the final Drainage Report or as a separate document that identifies how this project will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, pursuant to the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromodification management of stormwater such that postproject runoff is maintained to equal or below pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bio-retention, and other LID measures that result in post-project flows that mimic pre-project conditions.

#### i.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 or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff either during construction or in the post-construction condition.

#### i.ii. Facts in Support of Finding:

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level by ensuring that increased on- and off-site peak runoff flows resulting from the project will not result in flooding on- or off-site, will not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, and will not provide substantial additional sources of polluted runoff either during construction or in the post-construction condition.

- 12-4(a): As part of the Improvement Plan submittal process, the preliminary drainage report provided during environmental review shall be submitted in final format. The final drainage report may require more detail than that provided in the preliminary report, and will be

reviewed in concert with the Improvement Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of Improvement Plan submittal.

- 12-4 (b): The final Drainage Report shall evaluate the following off-site drainage facilities for condition and capacity and shall be upgraded, replaced, or mitigated as specified by the ESD. The Improvement Plans shall provide details of the location and specifications of all proposed off-site drainage facility improvements and drainage easements to accommodate the improvements. Prior to Improvement Plan or Final Subdivision Map(s) approval, the applicant shall obtain all drainage easements and necessary permits required by outside agencies.
  - The culverts and associated grading under Vineyard Road along the project frontage.
- 12-4(c): The Improvement Plans shall show that drainage facilities, for purposes of collecting runoff on individual lots, are designed in accordance with the requirements of the County Stormwater Management Manual that are in effect at the time of submittal, and shall comply with applicable storm water quality standards, to the satisfaction of the ESD. These facilities shall be constructed with subdivision improvements. Prior to Improvement Plan approval for projects without Final Subdivision/Parcel Maps or Final Subdivision/Parcel Map(s) recordation, easements shall be created and offered for dedication as required by the ESD. Maintenance of these facilities shall be provided by the homeowners'/property owners' association and annual notification to the County ESD that annual maintenance of the storm water quality BMPs has occurred is required.
- 12-4(d): This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, Placer County Code). The current estimated development fee is \$99,904 (\$224 per single family residential unit), payable to the ESD prior to Building Permit issuance for each single-family residential unit.

The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete.

- 12-4(e): This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting such annual assessments. The current estimated annual fee is \$15,610 (\$35 per single family residential unit).
- 12-4(f): On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show the limits of the future, unmitigated, fully developed, 100-year floodplain (after grading) for the Dry Creek Vineyard Road Tributary Reach and the Federal Emergency Management Agency (FEMA) floodplain and designate same as a building setback line unless greater setbacks are required by other conditions contained herein.
- 12-4(g): On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show that finished house pad elevations for all Lot's along the floodplain shall be a minimum of two feet above the 100-year flood plain line (or finished floor -three feet above the 100-year floodplain line). The final pad elevation shall be certified by a California registered civil engineer or licensed land surveyor and submitted to the ESD. This certification shall be done prior to construction of the foundation or at the completion of final grading, whichever comes first. No building construction is allowed until the certification has been received by the ESD and approved by the floodplain manager. Benchmark elevation and location shall be shown on the Improvement Plans and Informational Sheet(s) to the satisfaction of Placer County.
- 12-4(h): The final Drainage Report shall demonstrate that the proposed project will not increase the limits or water surface elevation of the off-site 100 year floodplain upstream and downstream of the project site, on both sides, to the satisfaction of the Engineering and Surveying Department and Placer County Flood Control District.

j.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 or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows or expose people or structures to risk of loss, injury or death involving flooding through the placement of housing in a flood hazard area, or risk release of pollutants due to project

inundation.

j.ii. Facts in Support of Finding:

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level by ensuring that the project complies with all regulations needed to ensure that new impervious surfaces created by the project do not impede or redirect flood flows.

- 12-5: Prior to rough grade plan approval, or Improvement Plan approval, whichever comes first, and if required by the FEMA, the Placer County Flood Control District, or the County Floodplain Administrator, the applicant shall obtain from FEMA, a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering and Surveying Division. A Letter of Map

**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).)

**(This page intentionally left blank)**

## 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/](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/))
- B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

### II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
- **Part A (Annual 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](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Nicholas.Savino@waterboards.ca.gov](mailto:Nicholas.Savino@waterboards.ca.gov).
  - Include in the subject line of the email:  
ATTN: Nicholas Savino; Project Name; and WDID No. 5A31CR00609.

### **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:**

14 April 2025

### **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:** The Ranch Project  
**Permittee:** WP Vineyard, LLC  
**WDID:** 5A31CR00609  
**Reg. Meas. ID:** 459509  
**Place ID:** 898108  
**Order Effective Date:** 14 April 2025  
**Order Expiration Date:** 13 April 2030

**VI. Report Type Submitted**

**A. Part A – Project Reporting**

Report Type 1 ☐ Monthly Report – NOT APPLICABLE  
Report Type 2 ☐ Annual Report

**B. Part B – Project Status Notifications**

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

**C. Part C – Conditional Notifications and Reports**

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

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

---

**Print Name<sup>1</sup>**

**Affiliation and Job Title**

---

**Signature**

**Date**

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

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

---

**Permittee's Signature**

**Date**

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

**A. Part A – Project Reporting**

**1. Report Type 1 - Monthly Report – NOT APPLICABLE**

**2. Report Type 2 - Annual Report**

- a. Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
- b. When to Submit** - Annual reports shall be submitted each year on the 1st day of May beginning one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

**During the Active Discharge Period**

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

**During the Post-Discharge Monitoring Period**

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

**i. Annual Report Topic 1 - Construction Summary**

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

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

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

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

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

**Report Contents -**

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

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

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

**1) Part A. Permittee Responsible**

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

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

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

**B. Part B – Project Status Notifications**

**1. Report Type 3 - Commencement of Construction**

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

- iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

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

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

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

impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

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



**(This page intentionally left blank)**

### **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.”

**(This page intentionally left blank)**

## **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).

**(This page is intentionally left blank)**

**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**

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

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

operation, maintenance, or other actions associated with the activity.

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

**2. Directional Drilling – NOT APPLICABLE**

**3. Dredging – NOT APPLICABLE**

**4. Fugitive Dust**

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

**5. Good Site Management “Housekeeping”**

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



## **6. Hazardous Materials**

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

## **7. Invasive Species and Soil Borne Pathogens**

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

## **8. Post-Construction Storm Water Management**

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

## **9. Roads**

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19,

3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

#### **10. Sediment Control**

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

#### **11. Special Status Species**

See F.2 above.

#### **12. Stabilization/Erosion Control**

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

#### **13. Storm Water**

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

degradation of waters or violate water quality standards.

#### **H. Site Specific – NOT APPLICABLE**

#### **I. Total Maximum Daily Load (TMDL)**

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. 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.

#### **J. Mitigation for Temporary Impacts**

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

#### **K. Compensatory Mitigation for Permanent Impacts**

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

Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

#### **L. Certification Deviation**

- 1. Minor modifications of Project locations or predicted impacts . . . .**
- 2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates . . . .**

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