Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Reg. Meas. ID:	461761
Place ID:	902122
WDID No.:	5A31CR00619
USACE No.:	SPK-2016-00448 LOP

Effective Date: 30 December 2025

Expiration Date: 29 December 2030

Program Type: Fill/Excavation

Project Type: Residential

Project: Leavell Property (Project)

Applicant: JMC Homes

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

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of JMC Homes (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 8 July 2025. The application was deemed complete on 28 August 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: **7 August 2025**
Date all requested information was received: **25 August 2025**

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

Date of Request for Supplemental Information: **2 December 2025**
Date all requested information was received: **2 December 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 18 July 2025 to 8 August 2025. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project Purpose is to construct residential dwelling units within the City of Lincoln.

IV. Project Description

Encompassing approximately 240.88 acres, the Project involves the construction of 1,050 single-family residential units across 180.38 acres of residential development, including 923 Village Low Density Residential (VLDR) units and 127 Village Medium Density Residential (VMDR) units. The Project also includes 8.98 acres of parks, 48.28 acres of open space, 2.25 acres of landscaped corridors, and 0.99 acres of right-of-way infrastructure. Additional work on adjacent parcels bring the total Project Area to 250.5 acres.

The Project will be constructed in three main phases, with sequencing adaptable to infrastructure readiness.

Phase 1

Phase 1 sets the foundation for the Leavell Ranch community and spans approximately 87.91 acres. This phase includes 68.33 acres of residential development, featuring 311 Village Low Density Residential (VLDR) and 127

Medium Density Residential (VMDR) homes. It also incorporates 3.68 acres of neighborhood parks, 12.89 acres of open space, and 2.02 acres of landscaped corridors, along with 0.99 acres of right-of-way improvements.

Phase 1 construction requires 25.1 acres of impacts to land outside of the Phase 1 area for grading, access, utility stubs, and stockpiling purposes, with some additional impacts being on subsequent Leavell Ranch phase areas and some on adjacent properties.

Phase 2

Phase 2 extends the neighborhood east of Phase 1 and encompasses approximately 65.93 acres. Of this, 48.2 acres are designated for residential development, featuring 263 Village Low Density Residential (VLDR) homes, with an additional 4.47 acres planned for neighborhood parks and 12.97 acres allocated to open space preservation. The phase also includes 0.20 acres of landscaped corridors to support neighborhood character and visual continuity.

Phase 2 construction requires impacts to land outside of the Phase 2 area for grading, access, utility stubs, and stockpiling purposes, with some additional impacts being on subsequent Leavell Ranch phase areas and some on adjacent properties.

This phase introduces a new entry point via the easterly gate along Leavell Ranch Road and continues the internal road network established in Phase 1, ensuring fluid circulation throughout the community.

Phase 3

Phase 3 finalizes the Leavell Ranch master plan and spans approximately 87.13 acres, featuring 349 Village Low Density Residential (VLDR) homes. It will accommodate 63.85 acres of residential development and introduce the community's largest contribution to open space, totaling 22.42 acres. Additionally, the phase provides 0.83 acres of neighborhood parks and 0.03 acres of landscaped corridors to complete the community's green infrastructure network.

A small off-site impact area associated with Phase 3 will accommodate utility stubs.

V. Project Location

Address: N/A

County: Placer

Assessor's Parcel Number(s): 021-247-066-000 and 021-274-067-000

Nearest City: Lincoln

Section 24, Township 12 North, Range 6 East, MDB&M.

Latitude: 38.876064° and Longitude: -121.253801°

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/). 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

Direct impacts result from the mass grading of the site to construct the residential development and associated features. Impacted stream channels include ephemeral drainages that will be fully converted by the development. Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.128	798.6	792
Vernal Pool	0.492	3,150.84	
Wetland	3.09	22,672.98	

VIII. 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. 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:

The project will comply with the conditions in the Placer County Conservation Program Master Conditions on Covered Activities Checklist.

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

On 3 December 2012, the City of Lincoln, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2010102018) for the Project and filed a Notice of Determination (NOD) at the SCH on 23 July 2025. 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.

XI. 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.

XII. Fees

A. An application fee of $4,212.00 was received on 15 July 2025. 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 $135,076.00 based on total Project impacts was received on 14 October 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. [1]

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/), under Water Quality Certification (WQC) Program Fees.

[1] Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).

XIII. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

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

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

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

1. Project Reporting

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

b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of the month 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[2]:

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:

[2] "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.)

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

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

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

b. Violation of Compliance with Water Quality Standards:

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

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

c. In-Water Work and Diversions:

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

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

d. Modifications to Project:

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

conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership:

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

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

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

f. Transfer of Long-Term BMP Maintenance:

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

C. Water Quality Monitoring

1. General:

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

a. when performing any in-water work;

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

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

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

waters.

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions

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

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

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

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

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

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

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

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

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

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

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling 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 XIII.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.

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

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[4]	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

[4] 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. If water is present, the area must be dewatered prior to start of work.

b. No dewatering will occur within the Project area.

c. This Order does not allow permanent water diversion or 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 XIII.B.3.a and XIII.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 the potential to occur near or within the Project area: Big-scale Balsamroot, Dwarf Downingia, Bogg's Lake Hedge Hyssop, Ahart's Dwarf Rush, Legenere, Pincushion Navarretia, Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, California Linderiella, Valley Elderberry Longhorn Beetle, Central Valley Steelhead, Western Spadefoot, Northwestern Pond Turtle, Tri-colored Blackbird, California Black Rail, Burrowing Owl, White-tailed Kite, and Swainson's Hawk.

12. Stabilization/Erosion Control

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

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

13. Storm Water

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

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

H. Site Specific- Not Applicable

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

J. Mitigation for Temporary Impacts- Not Applicable

K. Compensatory Mitigation for Permanent Impacts:

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

1. Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the 401 Application (Compensatory Mitigation Plan) dated 8 July 2025 and the response to the Notice of Incomplete Application dated 15 August 2025 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be

pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Irrevocable Letter of Credit- Not Applicable

3. Permittee-Responsible Compensatory Mitigation Responsibility- Not Applicable

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.

b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

7. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.128 acre of Stream Channel by purchasing 0.20 Riverine with Riparian In-Lieu Fee (ILF) Credits from the Placer County Conservation Program (PCCP) ILF Program.

b. The Permittee is required to provide compensatory mitigation for the authorized impact to 3.09 acre of Wetland by purchasing 4.64 Aquatic/Wetland Complex ILF Credits from the PCCP ILF Program.

c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.492 acre of Vernal Pool by purchasing 0.75 Vernal Pool ILF Credits from the PCCP ILF Program.

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

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	In-Lieu Fee Credits	Acres						0.20
Wetland	In-Lieu Fee Credits	Acres						4.64
Vernal Pool	In-Lieu Fee Credits	Acres						0.75

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.

XIV. Water Quality Certification

I hereby issue the Order for the Leavell Property Project, WDID # 5A31CR00619, 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.

Signed by Anne Walters for:

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

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

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Attachment A – Project Maps

Figure 1: Project Location Map

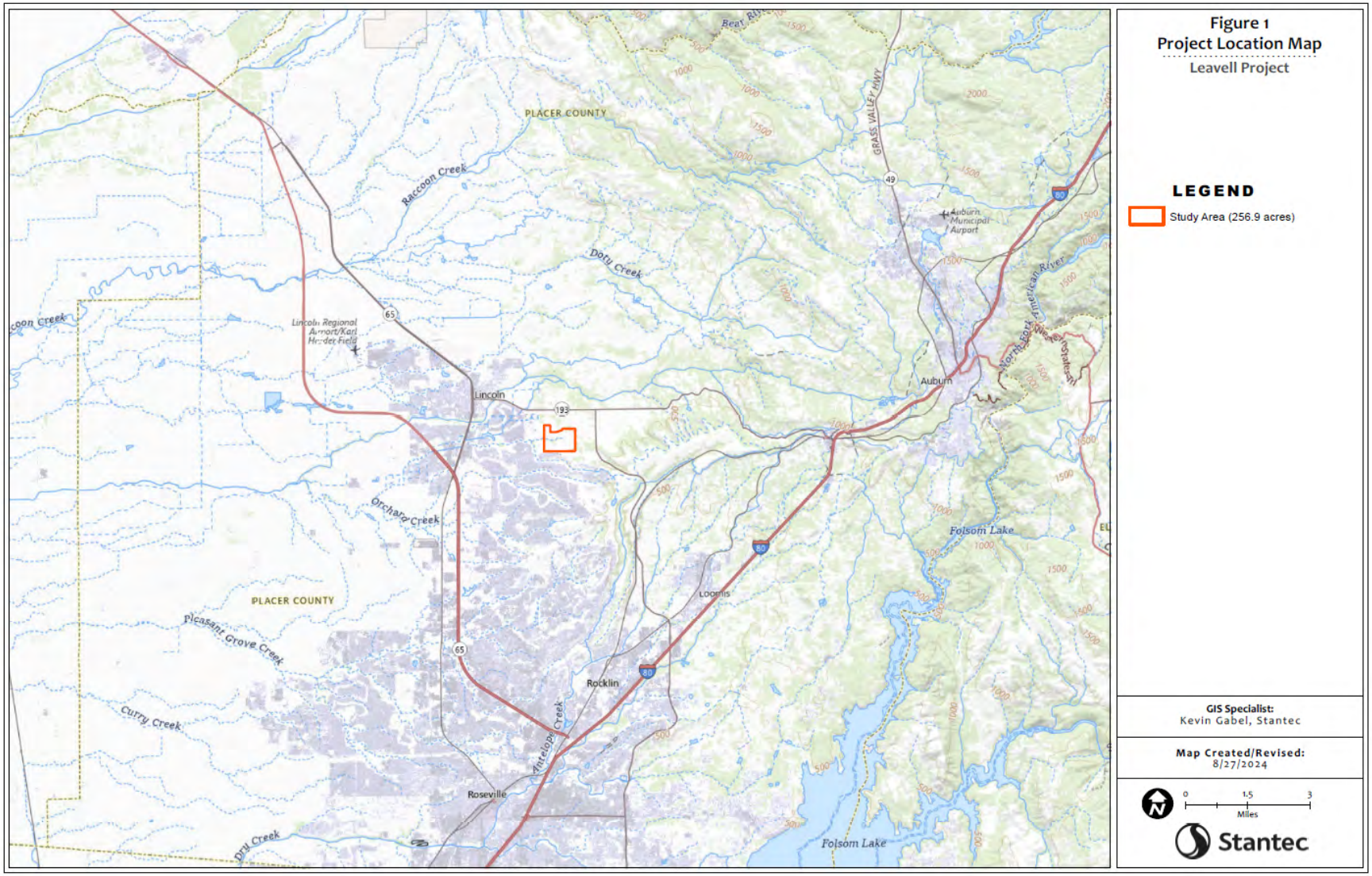


Figure 2: PCCP Land Conversion Map

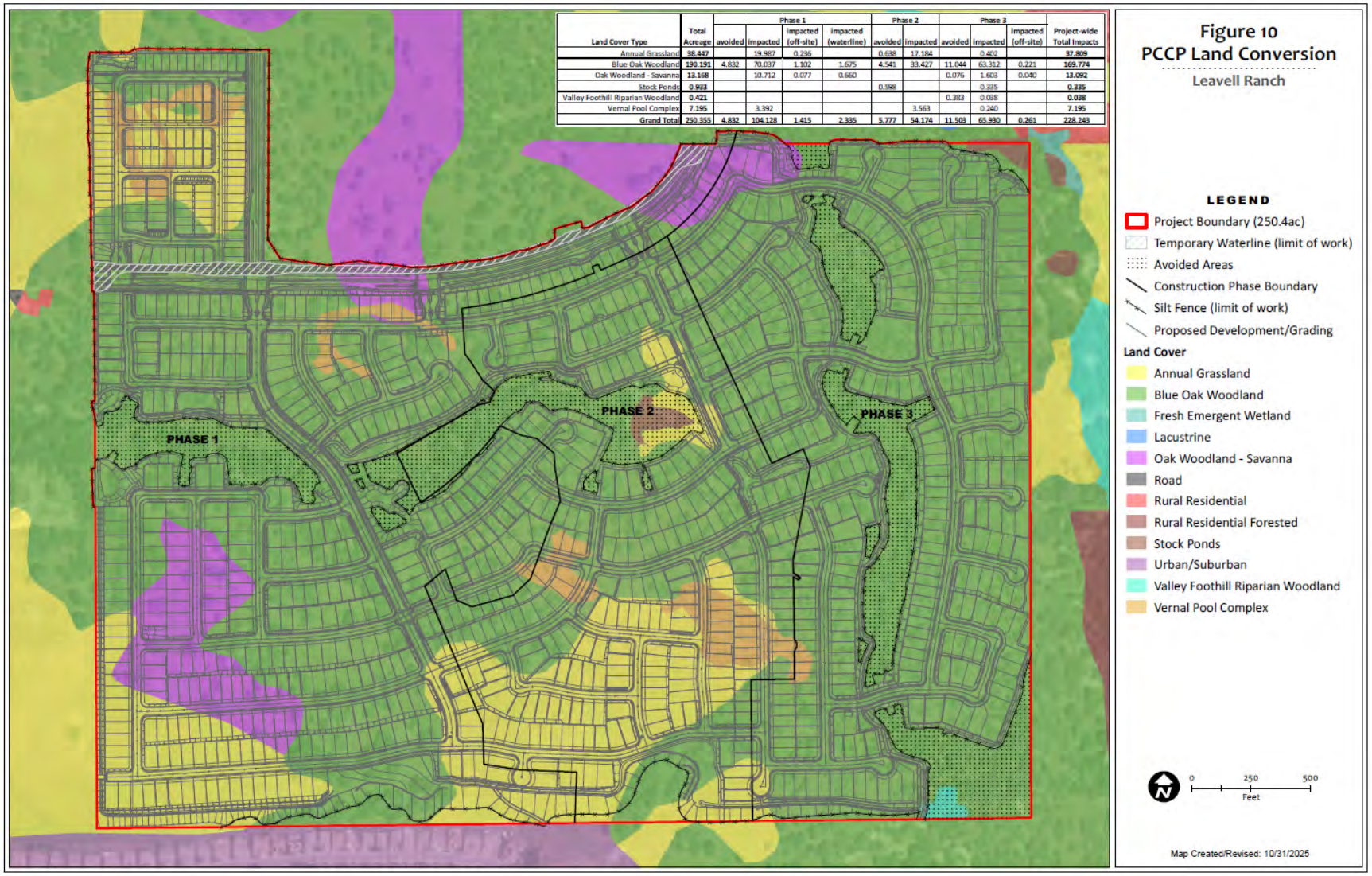
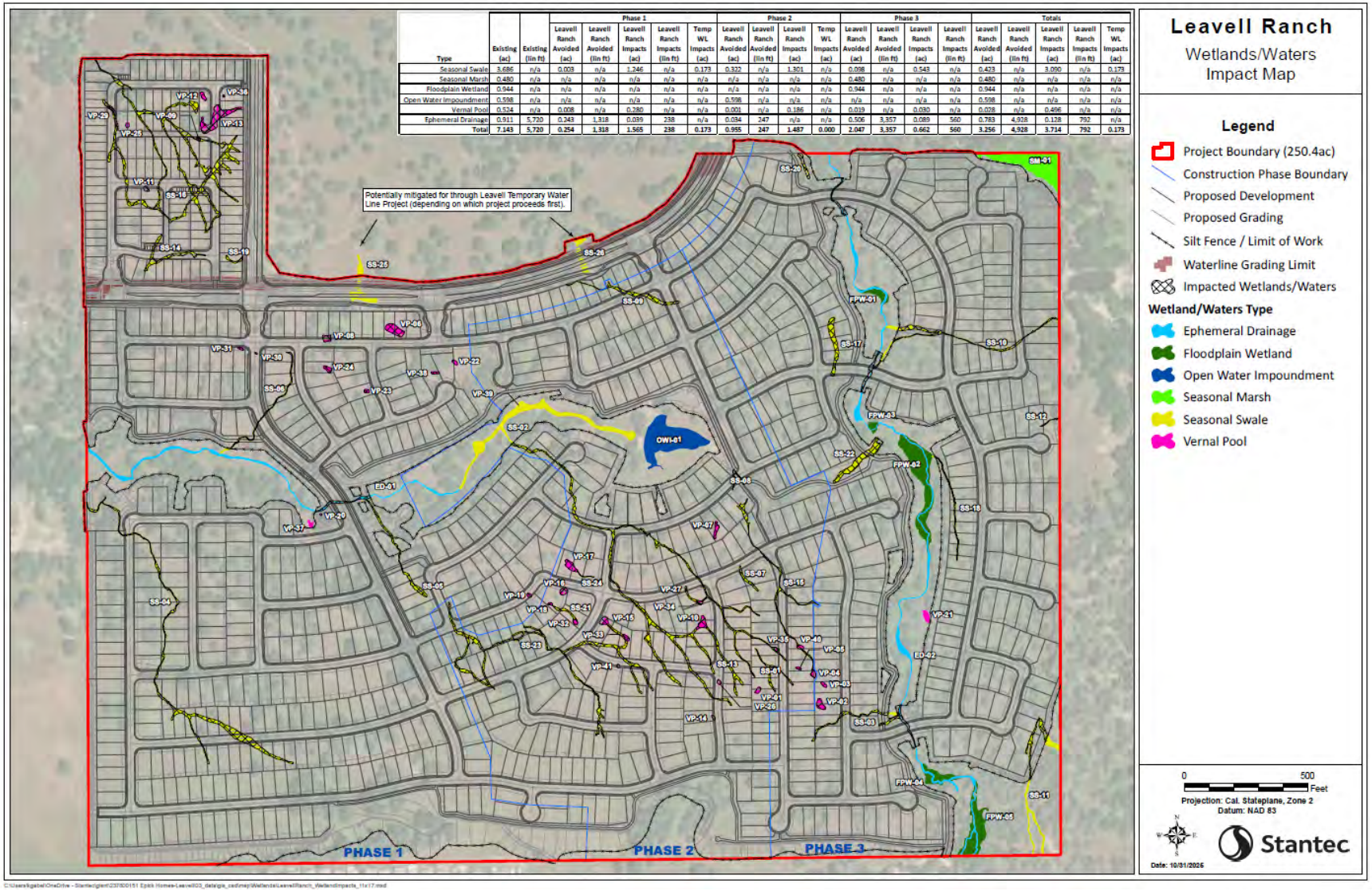


Figure 3: Wetland/Waters Impact Map



Type	Existing (ac)	Existing (lin ft)	Phase 1 Leavell Ranch Avoided (ac)	Phase 1 Leavell Ranch Avoided (lin ft)	Phase 1 Leavell Ranch Impacts (ac)	Phase 1 Leavell Ranch Impacts (lin ft)	Phase 1 Temp WL Impacts (ac)	Phase 2 Leavell Ranch Avoided (ac)	Phase 2 Leavell Ranch Avoided (lin ft)	Phase 2 Leavell Ranch Impacts (ac)	Phase 2 Temp WL Impacts (ac)	Phase 3 Leavell Ranch Avoided (ac)	Phase 3 Leavell Ranch Avoided (lin ft)	Phase 3 Leavell Ranch Impacts (ac)	Phase 3 Leavell Ranch Impacts (lin ft)	Totals Leavell Ranch Avoided (ac)	Totals Leavell Ranch Avoided (lin ft)	Totals Leavell Ranch Impacts (ac)	Totals Leavell Ranch Impacts (lin ft)	Totals Temp WL Impacts (ac)
Seasonal Swale	3.686	n/a	0.003	n/a	1.246	n/a	0.173	0.322	n/a	1.301	n/a	0.098	n/a	0.543	n/a	0.423	n/a	3.090	n/a	0.173
Seasonal Marsh	0.480	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.480	n/a	n/a	n/a	0.480	n/a	n/a	n/a	n/a
Floodplain Wetland	0.944	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.944	n/a	n/a	n/a	0.944	n/a	n/a	n/a	n/a
Open Water Impoundment	0.598	n/a	n/a	n/a	n/a	n/a	n/a	0.598	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.598	n/a	n/a	n/a	n/a
Vernal Pool	0.524	n/a	0.008	n/a	0.280	n/a	n/a	0.001	n/a	0.186	n/a	0.019	n/a	0.030	n/a	0.028	n/a	0.496	n/a	n/a
Ephemeral Drainage	0.911	5,720	0.243	1,318	0.039	238	n/a	0.034	247	n/a	n/a	0.506	3,357	0.089	560	0.783	4,928	0.128	792	n/a
Total	7.143	5,720	0.254	1,318	1.565	238	0.173	0.955	247	1.487	0.000	2.047	3,357	0.662	560	3.256	4,928	3.714	792	0.173

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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
Stream Channel	Unnamed tributary to Auburn Ravine	Stream Channel	5514.220205	Auburn Ravine		Indicator Bacteria
Vernal Pool	Unnamed vernal pools	Vernal Pool	5514.220205	Auburn Ravine		Indicator Bacteria
Wetland	Unnamed wetlands	Wetland	5514.220205	Auburn Ravine		Indicator Bacteria

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Stream Channel	38.876064	-121.253801	No	0.128	798.6	792
Vernal Pool	38.876064	-121.253801	No	0.492	3,150.84	
Wetland	38.876064	-121.253801	No	3.09	22,672.98	

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 3: In-Lieu Fee Program

In-Lieu Fee Program Name:	Placer County Conservation Program
Website:	Placer County Conservation Program | Placer County, CA (https://www.placer.ca.gov/3362/Placer-County-Conservation-Program)
In-Lieu Fee Program Contact Name:	Theresa Johnson
Phone:	(530) 906-8990
Email:	TJohnson@placer.ca.gov
In-Lieu Fee Program Location - County:	Placer

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Riverine with Riparian	0.128	792	TBD, 0.20 planned (1.5:1 ratio)
Vernal Pool	0.492		TBD, 0.75 planned (1.5:1 ratio)
Aquatic Wetland Complex	3.09		TBD, 4.64 planned (1.5:1 ratio)

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 3 December 2012, the City of Lincoln, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2010102018) for the Project and filed a Notice of Determination (NOD) at the SCH on 23 July 2025. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that City of Lincoln's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by City of Lincoln addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by City of Lincoln for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first-tier document for the FEIR, is available at: SCH Number 2010102018 (https://www.lincolnca.gov/Modules/Search/Index.aspx?query=Village+1+EIR).

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 proposed project would result in the filling or adverse modification of jurisdictional wetland/ other “waters of the U.S.”

a.ii. Facts in Support of Finding:

- Development of the full specific plan would result in the filling or adverse modification of jurisdictional wetland/ other “waters of the U.S.” or waters of the State.
- The loss of an estimated 16.94 acres of wetlands or other waters of the U.S. as a result of grading and other ground disturbance for the full Specific Plan for Village 1, which includes the Project site, would be considered a *significant impact*.
- Implementation of the following mitigation measures will reduce this impact to a *less-than significant level* by ensuring that the project achieves no net loss of wetlands through preservation and/or compensation. This could be achieved through the Section 404 permit process. Further, wetlands preserved on site in the open space areas and corridors would be protected from contaminants in urban and construction runoff by measures required in the following mitigation.
    - 4.4-1 a) For projects developed within the programmatic portion, the project applicant shall retain a qualified biologist to conduct a wetland delineation for each project prior to the issuance of a grading permit. This delineation shall be submitted to the US Army Corps of Engineers (Corps) for verification prior to the issuance of any grading permits for the programmatic portion of the project site. If no wetlands are determined to be present, no further mitigation would be required.
    - b) The project applicant shall prepare a wetland mitigation plan that ensures no net loss of wetlands, consistent with Lincoln General Plan Policies OSC-5.6, OSC-5.7, OSC-5.8, and OSC-5.9. The wetland mitigation plan shall be based on the wetland delineation verified by the Corps. This measure may be implemented through the 404 permit and/or Streambed Alteration Agreement processes. The plan shall include the following or equally effective components.

      Compensation

    - c) The project proponent shall compensate for the loss of wetland habitat through a combination of preservation of vernal pools and seasonal wetlands in open space preserves, on-site restoration/enhancement, and the purchase of mitigation credits at an approved mitigation bank. The ratio of compensation shall be

determined in consultation with the Corps and/or California Department of Fish and Wildlife (CDFW), as part of the 404-permit process, but shall not be less than 1:1.

- d) All preserved wetlands shall be dedicated to the City or a non-profit organization acceptable to the City and preserved through perpetual covenants enforceable by the City or other appropriate agencies, to ensure their maintenance and survival.

Reduction/Avoidance

- e) Prior to any construction activities on the site, a protective fence shall be erected around the boundaries of wetlands to be preserved in proximity to the areas that would be disturbed by construction. This fence shall remain in place until all construction activity in the immediate area is completed. No activity shall be permitted within the protected areas except for those expressly permitted by the Corps and/or CDFW.
- f) A buffer shall be provided along all preserved wetlands in accordance with the 404 permit. Only those uses allowed in the 404 Permit and/or the Streambed Alteration Agreements shall be permitted in the wetlands preserve and its buffer.
- g) Water quality in the wetlands preserve shall be protected using erosion control techniques including (as appropriate), but not necessarily limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats, during construction in the watershed. Additionally, urban runoff shall be managed to protect water quality in the wetlands preserve using techniques such as velocity dissipation devices, sediment basins and pollution collection devices.
- h) Landscape irrigation runoff shall only be permitted to directly enter the wetlands preserve according to the provisions of the 404 Permit and/or the Streambed Alteration Agreement.
- i) Mowing and other maintenance activities shall be limited to those detailed in the 404 Permit and/or the Streambed Alteration Agreement.

b.i. Potential Significant Impact:

- The proposed project could result in the loss of special-status vernal pool crustacean and amphibian species and degradation and/or loss of their habitat.

b.ii. Facts in Support of Finding:

- Development of the full Specific Plan could result in the loss of special-status vernal pool crustacean and amphibian species and degradation

and/or loss of their habitat. The project site contains a variety of habitats including non-native annual grasslands that likely contain seasonal wetlands and vernal pools, which could support vernal pool crustaceans, western spadefoot, and if vernal pool plants are present, the vernal pool andrenid bee. Additionally, the California Natural Diversity Database (CNDDB) contains occurrence records for vernal pool crustaceans including vernal pool fairy shrimp and California linderiella within the project boundaries, and vernal pool tadpole shrimp within one mile of the project boundaries. The potential acreage of the habitat within the programmatic portion cannot be quantified at this time because no focused surveys have been done on these properties, or the survey results have not been made available at this time. Because development of the proposed project could result in the loss of individual vernal pool crustaceans or their habitat through grading and conversion to urban development or landscaping, this would be considered a *significant impact.*

- Implementation of the following mitigation measures will reduce the impact on vernal pool crustaceans and western spadefoot to a *less-than-significant level* by either preserving habitat onsite or purchasing credits at an USFWS-approved conservation bank. This mitigation could be accomplished through the FESA Section 7 consultation process as part of the Section 404 permit.
    - 4.4-2 a) The project applicant for projects shall retain a qualified biologist permitted by the US Fish and Wildlife Service (USFWS) to conduct vernal pool crustacean surveys following current USFWS protocol. Alternatively, the project applicant could forgo the surveys and assume presence of vernal pool crustaceans in all appropriate habitat within the project site. The survey or assumption of presence shall occur prior to the issuance of any grading permits for the programmatic portion of the project site.
    - b) The project applicant for projects shall retain a qualified biologist to conduct aquatic surveys for the western spadefoot toad. Because a formal protocol does not exist for western spadefoot toad surveys, the scope of the surveys shall be determined in consultation with CDFW. At a minimum, the aquatic surveys for the western spadefoot toad shall include a search for spadefoot larvae during the appropriate season by a qualified biologist to determine presence or absence and potential project-related impacts to breeding sites.
    - c) The following or equally effective measures (as approved by the City and USFWS and/or CDFW) shall be required for any vernal pool crustacean and/or western spadefoot habitat identified through protocol surveys or assumed to be present in

lieu of surveys. The selected measures may be part of the permitting process.

- i) The project proponents shall obtain a Biological Opinion from the U.S Fish and Wildlife Service and comply with the conditions and mitigation requirements of the Biological Opinion to ensure that no net loss of habitat for vernal pool crustaceans occurs. Mitigation may include, but would not be limited to, both onsite and offsite preservation and creation of vernal pools and other suitable habitat for vernal pool crustaceans, purchase of credits at mitigation banks, payment of in lieu fees approved by the agencies, or other agency approved and required mitigation measures.
- ii) Orange exclusionary fencing shall be placed and maintained around any avoided (preserved) vernal pool crustacean or western spadefoot habitat during construction to prevent impacts from construction vehicles and equipment. This fencing shall be inspected by a qualified biologist throughout the construction period to ensure that it is in good functional condition. After construction, fencing around open space areas containing wetlands or other sensitive habitats shall be replaced by permanent fencing that will be maintained by the City, and/or the local home owners association.
- iii) Prior to beginning work in the project site, all on-site construction personnel shall receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.

c.i. Potential Significant Impact:

- The proposed project could result in the loss and/or degradation of rare plant populations.

c.ii. Facts in Support of Finding:

- The CNDDB contains occurrence records for pincushion navarretia, dwarf downingia, legenere, Boggs Lake hedge-hyssop, and big-scale balsamroot within two miles of the project site. Habitats in the project site such as seasonal wetlands or non-native annual grasslands could support these species, but no focused special-status plant surveys have been conducted to confirm whether there are occurrences. If these species are present and are not identified and appropriately managed, implementation of the proposed project would result in the removal of habitats that could support these species through grading or other ground disturbance related to the proposed project. This is

considered a *significant impact*.

- Implementation of the following mitigation measure would reduce impacts on special-status plants to a *less-than-significant level* by ensuring that any special-status plants in the project site are identified, if present, and by replacing the amount, type, and value of habitat lost to project construction through an accredited mitigation bank.
    - 4.4-3 a) The project applicant shall retain a qualified biologist to conduct focused surveys in seasonal wetlands and non-native annual grassland habitats within the project site for special-status plant species including but not limited to big-scale balsamroot, Boggs Lake hedge-hyssop, dwarf downingia, legenere, and pincushion navarretia during the appropriate time of year (March through June). If no special-status plants are located during the surveys, no further mitigation would be required.
    - b) If Boggs Lake hedge-hyssop is located during the surveys in areas that would be disturbed by project construction, those populations shall be avoided and preserved in place to the extent feasible.
    - c) If avoidance is not feasible, the project applicant shall consult with CDFW to obtain an incidental take permit, under Section 2081 of the CESA. Mitigation can be accomplished either in the onsite mitigation preserve area, or at an approved offsite mitigation bank. The ratio of mitigation credits shall be determined during this consultation, and may be conducted concurrently with Mitigation Measure 4.4-2.
    - d) If any other special-status vernal pool plant species, including, but not limited to dwarf downingia and legenere are located during the surveys in areas that cannot be avoided, the project applicant shall implement Mitigation Measure 4.4-2, with the addition of soil/seed bank salvage, for use in created wetlands in mitigation areas.
    - e) If the plants cannot be avoided, the project applicant shall consult with the City and CDFW regarding steps to take to offset the loss of the plants on the project site, such as transplantation, collecting seed or clippings and replanting species in an onsite location, prior to approval of a discretionary permit. At a minimum, at least ten (10) days prior to mass grading in the area that supports special-status plants, the project applicant shall notify the City and CDFW that grading is to occur and aid the CDFW with collection of the plant seeds, if the CDFW so chooses, pursuant to the California Native Plant Protection Act.

d.i. Potential Significant Impact:

- The proposed project could result in the loss of western pond turtles and/or degradation its habitat.

d.ii. Facts in Support of Finding:

- Potential habitat for western pond turtle exists in the project site. This species inhabits slow-moving portions of stream courses and will also use adjacent uplands for nesting and hibernation. Auburn Ravine and its tributaries, as well as other perennial drainages, irrigation canals, and stock ponds in and adjoining the project site would potentially provide habitat for this species. Although western pond turtle has not been documented in the project site, the CNDDB contains occurrence records for this species within one mile of the project boundaries. Auburn Ravine will be avoided as a part of project design for open space. However, stock ponds and other waters along with adjacent upland nesting habitat could be lost through grading or other construction-related activities. Western pond turtle is a state species of concern, and loss of individual western pond turtle or their habitat would be considered a *significant impact*.
- Implementation of the following mitigation measure would reduce impacts on the western pond turtle and its habitat to a *less-than-significant level* by determining if any western pond turtles are present, and either protecting them in place or relocating them.
    - 4.4-4 a) Prior to project construction that would disturb any drainages or stock ponds, the project applicant shall retain a qualified biologist to conduct preconstruction surveys of suitable habitat within the area of disturbance and immediately adjacent area on the project site within 30 days prior to project construction to ensure no western pond turtles have established territories. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be re-surveyed. If this survey does not identify any western pond turtles on the project site, no further mitigation is required.
    - b) If western pond turtles (WPT) are determined to be present within a drainage or stock pond, and the feature is to be retained, exclusionary fencing shall be used to prevent the turtle(s) from entering construction area. The location of the fence shall be determined by a qualified biologist. Any turtles found in or near the construction zone shall be relocated to an appropriate area of suitable habitat a minimum of 100 feet from any active construction zone. Measures shall be implemented to ensure that the drainages or stock ponds will continue to provide adequate habitat for the WPT by protecting water

quality and ensuring that the reduction of drainage from the project site does not substantially diminish the water levels in the pond.

- c) If the drainage or stock pond cannot be retained, the project applicant shall relocate any WPT found during surveys in a manner developed by a qualified biologist and approved by the CDFW.

e.i. Potential Significant Impact:

- The proposed project could result in the direct loss or disturbance of nesting birds protected by the MBTA, including raptors (birds-of-prey).

e.ii. Facts in Support of Finding:

- Shrubs and trees in the project site could provide nesting habitat for protected raptors and migratory birds. While many of the riparian trees and shrubs as well as oak trees will be avoided and preserved in open space areas, some existing trees and shrubs would be removed during development of the proposed project. Tree and shrub removal associated with the proposed project could result in "take" caused by the direct mortality of adult or young birds, nest destruction, or disturbance of nesting native bird species (including migratory birds and other special-status species) resulting in nest abandonment and/or the loss of reproductive effort. Bird species are protected by both state (CDFW Code Sections 3503 and 3513) and federal (Migratory Bird Treaty Act of 1918) laws. Disruption of nesting birds, resulting in the abandonment of active nests, or the loss of active nests through structure removal would be considered a *significant impact*.
- Implementation of the following mitigation measures would reduce this impact to a *less-than significant* level by ensuring that nesting birds are identified, and that the birds would not be disturbed during the nesting season.
    - 4.4-5 a) If construction is to occur between March 15 and August 30, the project applicant shall conduct a pre-construction breeding-season survey of the project site within 30 days of construction onset. Surveys for nesting raptors shall be conducted within ¼ mile of proposed ground disturbance. The survey shall be conducted by a qualified biologist to determine if any, protected raptors are nesting on or directly adjacent to the project site. A nest survey for migratory birds shall be conducted within 500 feet of construction areas to determine if any migratory birds are nesting on or directly adjacent to the project site. The results of the survey shall be valid only for the season when it is conducted. New surveys shall be conducted if construction of the surveyed area extends into the following

season, unless all of the potential nesting trees have been removed. A report shall be submitted to the City of Lincoln, following the completion of the bird nesting survey that includes, at a minimum, the following information:

- i) A description of methodology including dates of field visits, the names of survey personnel with resumes, and a list of references cited and persons contacted.
- ii) A map showing the location(s) of any protected raptor or migratory bird nests observed on the project site.

o b) If the above survey does not identify any protected raptor or migratory bird nests on the project site, no further mitigation would be required. However, should any active nests be located on the project site, the project applicant, in consultation with the City of Lincoln and CDFW, shall avoid all protected raptor and migratory bird nest sites located in the project site disturbance area(s) during the breeding season (approximately March 15 through August 30) while the nest is occupied with adults and/or young. This avoidance could consist of delaying construction in close proximity to the nest during the nesting season. Any occupied nest shall be monitored by a qualified biologist to determine when the nest is no longer used. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone shall be determined in consultation with the City and CDFW. The buffer zone shall be delineated by highly visible temporary construction fencing.

f.i. Potential Significant Impact:

- The proposed project could result in the loss of nesting Swainson's hawk.

f.ii. Facts in Support of Finding:

- The CNDDB contains nesting records for Swainson's hawk within five miles of the project site. While none have been observed at the site, there are potentially suitable nest trees for this species within the project site and surrounding region. Swainson's hawk could establish nest in one or more of these trees prior to construction the individual phases of the proposed project. Should this occur, project related ground disturbance within ¼ mile of the nest tree, or tree removal associated with the proposed project, could result in "take" caused by the direct mortality of adult or young Swainson's hawk, nest destruction, or disturbance of nesting Swainson's hawk, resulting in nest abandonment and/or the loss of reproductive effort. Swainson's hawk is state listed as threatened pursuant to the CESA, which

prohibits “take” of this species. Disruption of nesting Swainson’s hawk, resulting in the abandonment of active nests, or the loss of active nests or nest trees through removal would be considered a *significant impact*.

- Implementation of the following mitigation measures to be implemented by the Project Applicant, would reduce the Project’s impact on nesting migratory birds to a *less-than-significant* level through ensuring that nesting Swainson’s hawks are protected from disturbance during the nesting season, and that any nest trees are replaced.
    - 4.4-6 a) The project applicant shall retain a qualified biologist to conduct a Swainson’s hawk nesting survey within the area to be disturbed, extending out to one quarter mile. The survey shall be conducted during the nesting season of the same calendar year that construction is expected to begin, and prior to the issuance of any grading permits. If this survey does not identify any nesting Swainson’s hawk in the area within the project site that will be disturbed plus the ¼-mile radius, no further mitigation would be required.
    - b) Should any active Swainson’s hawk nests be located within ¼ mile of the disturbance area, no intensive new disturbances (e.g. heavy equipment operation associated with construction, use of cranes or draglines, etc.) or other project-related activities that could cause nest abandonment or forced fledging, shall be initiated within the one quarter-mile (buffer zone) of an active nest between March 1 - September 15 (or until August 15 if a Management Authorization or Biological Opinion is obtained for the project). The
    - buffer zone should be increased to one half mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season).
    - c) Nest trees should not be removed to the extent feasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specified in the Management Authorization, generally from October 1 to February 1. If construction or other project related activities that could cause nest abandonment or forced fledging are necessary within the buffer zone, then the project applicant shall retain a qualified biologist to monitor the nest site (to determine if the

nest is abandoned).

- d) If an active nest is abandoned and if the nestlings are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within ¼ mile of an active nest shall not be prohibited.

g.i. Potential Significant Impact:

- The proposed project could result in the loss of burrowing owl individuals (eggs, nestlings or juveniles).

g.ii. Facts in Support of Finding:

- The most abundant natural habitat in the project site is non-native annual grassland, which occurs throughout the project site. Annual grasslands in the project site provide suitable nesting and foraging habitat for the burrowing owl. Burrowing owls have not been recorded on the site to date, but focused surveys for this species have not been conducted for the project. Additionally, the CNDDB contains occurrence records for burrowing owl within 5 miles of project site. Even if individuals do not currently occupy the site, they could readily establish nests prior to project implementation and construction activities could, therefore, lead to a loss of nest burrows and adjacent foraging habitat through grading and other ground disturbance related to project development. This potential loss of a burrowing owls or their habitat would be considered a *significant impact***.**
- Mitigation for impacts on burrowing owls must include the preparation of pre-construction surveys to provide for the replacement of nesting habitat. The following mitigation measures would reduce this impact to a *less-than-significant* level.
  - 4.4-7 a) The project applicant shall hire a qualified biologist to conduct both nesting and wintering season surveys for burrowing owl to determine if potential habitat within 500 feet of ground disturbance is used by this species. The timing and methodology for the surveys shall be based on the CDFW/Burrowing Owl Consortium Survey Guidelines and are detailed below. CDFW may require that these surveys be repeated annually if project construction is expected to span over two or more years.

    Winter Season (December 1 through January 31)

    - Four site visits on separate days, 2 hours before to 1 hour after sunset or 1 hour before to 2 hours after sunrise.

Nesting Season (February 1 to August 31)

- Four site visits on separate days, 2 hours before to 1 hour after sunset or 1 hour before to 2 hours after sunrise. At least two of the surveys shall be conducted during the peak nesting season between April 15 and July 15.

- b) In addition to the wintering and nesting season surveys, pre-construction surveys shall be conducted by an experienced biologist within 30-days prior to the start of work activities where land conversions are planned in known or suitable habitat areas. If construction activities are delayed for more than 30 days after the preconstruction surveys, then a new preconstruction survey will be required. All surveys shall be conducted in accordance with the CDFW/Burrowing Owl Consortium survey protocols (Burrowing Owl Consortium, 1993).
- c) If burrowing owls are discovered in either the Phase 1 or programmatic portions of the project site, the project applicant shall notify the City and CDFW. A qualified biologist shall implement a routine monitoring program and establish a fenced exclusion zone around each occupied burrow. No construction activities shall be allowed within the exclusion zone until such time that the burrows are determined to be unoccupied. The buffer zones shall be a minimum of 150 feet from an occupied burrow during the non-breeding season (September 1 through January 31), and a minimum of 250 feet from an occupied burrow during the breeding season (February 1 through August 31).
- d) The project applicant shall provide appropriate mitigation for project related effects on burrowing owl in consultation with CDFW. Mitigation can be conducted either onsite, or at an off-site location that is approved by the CDFW. Preference is for onsite within open space areas, if possible.
- e) The CDFW shall be consulted regarding the implementation of avoidance or passive relocation methods. All activities that will result in a disturbance to burrows shall be approved by CDFW prior to implementation.

<u>h.i. Potential Significant Impact:</u>

- The proposed project could result in the loss of foraging habitat for Swainson’s hawk, white tailed kite, burrowing owl and other raptors.

h.ii. Facts in Support of Finding:

- Swainson's hawk, white tailed kite, burrowing owl, and other raptors forage (search for food) over non-native annual grassland and other open habitats that support prey species. These habitats are present on the majority of the project site. Swainson's hawk forages up to 10 miles from their nests, and the CNDDB contains records for this species within 5 miles of the project site. Implementation of the proposed project could result in the loss of approximately 700 acres in the programmatic portion of the project site. This is considered a *significant impact.*
- Implementation of the following mitigation measure would reduce this impact to a *less-than significant level* through the acquisition and preservation of suitable foraging habitat.
    - 4.4-8 The project applicant shall preserve annual grasslands or other suitable raptor foraging habitat at a ratio of 0.75 to 1.0 (as approved by the City and CDFW). Preservation may occur through either:
    - Payment of a mitigation fee to the City of Lincoln through a negotiated agreement between the City, the project applicant, and CDFW. The monies would be held in a trust fund, and used to preserve mitigation land through the purchase, monitoring, maintenance, and remediation of lands that supports suitable foraging habitat for Swainson's hawk (consistent with CDFW guidelines); or
    - Purchase of conservation easements or fee title to suitable Swainson's hawk foraging habitat to protect the habitat from urban development; or
    - If adopted prior to issuance of the first grading permit for the proposed project, the project applicant may mitigate this impact through participation in the Placer County Natural Community Conservation Plan/Habitat Conservation Plan. If the plan is adopted prior to construction of a future phase, the project applicant for those phases may mitigate this impact through participation in the plan.

i.i. Potential Significant Impact:

- The proposed project could result in loss of Valley elderberry longhorn beetles and their habitat.

i.ii. Facts in Support of Finding:

- The CNDDB contains occurrence records for VELB within five miles of the project site. Elderberry shrubs have not been documented in the the project site, but elderberry shrubs could occur along project site

riparian corridors such as Auburn Ravine. VELB is listed as threatened under FESA and take of this species or its habitat is prohibited. Loss of individual VELB or their habitat (elderberry shrubs) would be considered a *significant impact*.

- Implementation of the following mitigation measure would reduce this impact to a *less-than significant level* by requiring identification of all potentially affected elderberry shrubs on or adjacent to the project site and by requiring no net loss of VELB habitat.
    - 4.4-9 a) Prior to any ground-disturbing activity, the project proponents shall conduct a survey for potential VELB habitat (elderberry shrubs) within 100 feet of the area to be disturbed.
    - b) Any ground disturbing activities within 100 feet of elderberry plants containing stems measuring 1.0 inch or greater in diameter at ground level shall conform to the following minimum avoidance measures:
        - i) Applicants shall provide a minimum setback of at least 20 feet from the drip line of each elderberry plant containing stems measuring 1.0 inch or greater in diameter at ground level. The setbacks shall be fenced and flagged to identify equipment and materials encroachment into the setback zone. Fire fuel breaks (disked land) may not be included within the 20-foot set back. Where encroachment within the 20 foot setback zone is unavoidable, the applicant shall provide compensatory mitigation at a 50 percent ratio of the standard requirements
        - ii) Construction contractors shall be briefed on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements.
        - iii) Work crews shall be instructed about the status of the beetle and the need to protect its elderberry host plant.
        - iv) No insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant shall be used in the buffer areas, or within 100 feet of any elderberry plant with one or more stems measuring 1.0 inch or greater in diameter at ground level.
        - v) Mowing of grasses/ground cover shall occur only from July through April to reduce fire hazard. No mowing shall occur closer than 5 feet to elderberry plant stems. Mowing must be done in a manner that avoids damaging plants (e.g., avoid stripping away bark through careless use of mowing/trimming equipment).

- vi) Trimming of elderberry stems less than 1 inch in diameter may occur between September 1 and March 14. The recommended period for trimming is between November through the first two weeks in February when the plants are dormant and after they have lost their leaves.

o c) In cases where removal of elderberry shrubs or their stems measuring 1-inch or greater (removal or trimming) is unavoidable, these impacts shall be compensated for by salvaging and planting the affected elderberry shrubs and planting additional elderberry shrubs and associated native riparian plants according to the ratios specified in the table, above. Mitigation planting shall occur, to the maximum extent practicable, in areas adjacent to the impact area and/or located to fill in existing gaps in riparian corridors.

j.i. Potential Significant Impact:

- The proposed project could result in loss of nesting habitat for tri-colored blackbird and black rail.

j.ii. Facts in Support of Finding:

- The project site supports areas of riparian and marsh communities associated with Auburn Ravine, Ingram Slough, and stock ponds that could provide nesting habitat for tri-colored blackbirds or black rail. Alterations to this habitat that would occur during construction of the proposed project could remove nesting habitat and/or disrupt active nesting/breeding activities, resulting in nest abandonment if the birds occur on site. Tricolored blackbirds are protected under the MBTA and are a California species of concern, and destruction of active nests is considered a violation of the MBTA. The California black rail is State listed as threatened, as well as protected under the MBTA. Destruction of active nests is considered a violation of the CESA and the MBTA, and, consequently, impacts to nesting tricolored blackbird and black rail would be considered a *significant impact*.
- Implementation of the following mitigation measure would reduce this impact to a *less-than significant level* by protecting any nesting tri-colored blackbird and black rail habitat until the young have left the nest.
- 4.4-10 a) For portions of the project where the onset of construction occurs between April 1 and August 31, the project applicant shall retain a qualified biologist conduct preconstruction nesting surveys for tri-colored blackbird colonies and black rail within the disturbance areas on the project site. The survey shall be conducted no more than 30 days from the onset of construction. If ground-disturbing activities are

delayed or suspended for more than 30 days after the preconstruction survey, the site shall be re-surveyed. If the survey does not identify any colonies of nesting tricolor blackbirds or black rail on the project site, no further mitigation would be required.

- b) Should any active tricolor blackbird colonies or black rail be found nesting on the project site, the project applicant, in consultation with the City of Lincoln and CDFW, shall avoid all active nest sites located in the project site during the breeding season while the nest site is occupied with adults and/or young. This avoidance could consist of delaying construction to avoid the nesting season or establishing a buffer around the nest site. If the construction cannot be delayed, avoidance shall include the establishment of a non-disturbance buffer zone around the nest site. The size of the buffer zone will be determined in consultation with the City and CDFW, and will be, at a minimum, 250 feet. The buffer zone shall be delineated by highly visible temporary construction fencing. Any occupied nest shall be monitored by a qualified biologist to determine when the nest is no longer used.

k.i. Potential Significant Impact:

The proposed project could result in substantial interference with the movement of resident and migratory wildlife species.

k.ii. Facts in Support of Finding:

- The proposed project could impede the movement of wildlife through the project site through the creation of urbanized landscapes that act as barriers. While the proposed project design includes a series of open space corridors that follow Auburn Ravine, and Ingram Slough, as well as some of their tributaries to retain wildlife movement corridors through the site and retain connectivity with adjacent and regional areas of wildlife habitat, the construction of a new bridge across Auburn Ravine at Oak Tree Lane, and the installation of culverts along Ingram Slough could result in additional barriers to wildlife movement through those corridors. These barriers could force common and special-status wildlife species to cross roadways or move through urban areas to cross from one area of natural habitat to another.
- The CDFW, pursuant to Section 1602 of the Fish and Game Code, regulates any diversion or obstruction of natural flow or changes in the channel, bed, or bank of any river, stream or lake. Any construction activities within the stream would require a Streambed Alteration Agreement. In addition, the Corps has jurisdiction over any construction activities that occur within waters of the U.S. (see impact 4.4-1). Project site waterways would be considered a water of the U.S. and any work within the channel would require approval from the Corps. The CVRWQCB would also have jurisdiction under Section 401

of the CWA and would require a certification.

- Alteration of project site corridors during construction of the new bridge across Auburn Ravine at Oak Tree Lane or the installation of new culverts across Ingram Slough would be considered a *significant impact,* as it could restrict use of this habitat as movement corridors by special-status and other wildlife species.
- Implementation of the following Mitigation Measures would reduce the severity of this impact to a level that is *less than significant* through the maintenance of a clear corridor along Auburn Ravine, Ingram Slough and their unnamed tributaries.
    - 4.4-12 a) To the extent feasible, the bridge crossing of Auburn Ravine and culverts on Ingram Slough shall be designed to minimize the restriction of wildlife movement through the project site. This would include design measures that provide the greatest amount of space feasible underneath bridge or culvert structures such that wildlife species are not forced to cross roadways or move into urban areas to move from one area of natural habitat to another.
    - b) In addition to pre-construction surveys for special-status species, as described in Mitigation Measures 4.4-3 through 4.4-7 and 4.4-9 through 4.4-11, the project applicant shall obtain all necessary permits to alter project site waterways, including a CDFW Streambed Alteration Agreement, a Corps Section 404 permit, a Regional Water Quality Control Board Section 401 Certification and a SWPPP and any FESA/CESA take permits, should special-status species be identified.

l.i. Potential Significant Impact:

- Occupancy of the proposed project could result in an increase in ambient light in adjacent undeveloped areas, which could affect wildlife.

l.ii. Facts in Support of Finding:

- The proposed project would result in an increase in ambient nighttime light levels in adjacent undeveloped areas from residential, commercial, office/industrial and traffic sources. While the effects of artificial lighting on wildlife are largely unexplored, it is known that such increases can result in general disruptions in daily activity cycles, reductions in dispersal, foraging, and reproductive opportunities for wildlife. Secondary effects could occur on prey species, offspring rearing, and habitat reductions. As habitat continues to be fragmented by roads and other development, the effects of artificial lighting will be exacerbated. This increase in ambient light levels in the adjacent undeveloped natural habitats would be considered a *significant impact*.

- Implementation of the following measure would require that nighttime lighting be directed downwards, which would reduce ambient night light levels and would reduce the impact to a *less than-significant level*.
    - 4.4-13 Implement Mitigation Measure 4.1-3(a), which requires that light standards be shielded and directed to ensure that light does not fall on adjacent parcels.

m.i. Potential Significant Impact:

- The proposed project could result in loss of protected oak trees and oak woodlands.

m.ii. Facts in Support of Finding:

- Oak woodlands are present throughout the project site.
- The Specific Plan includes the Oak Woodland Mitigation and Management Plan (OWMMP), which provides for the preservation, enhancement and replacement of oak woodlands within the plan area. The OWMMP focuses on oak woodlands rather than individual oak trees in order to protect and enhance habitat value and wildlife corridors. The OWMMP sets specific criteria for replacement of oak woodlands lost to development in the plan area. Plan-wide, oak woodland canopy protected in open space would be credited at a 1.5:1 ratio. The 284 acres of oak woodland that would be preserved in open space would be credited as 189 acres (284/1.5). This credit would be applied plan-area wide. This credit represents 52 percent of the total impact on oak woodland. Assuming that 364 acres of oak woodland are developed, 175 acres would need to be created through replanting at a 2:1 ratio on or off site. Under this scenario, there would be a total of 634 acres of oak woodland, including the existing canopy preserved in open space and the new plantings. The OWMMP requires a detailed planting plan and monitoring to ensure that the replanting is successful. Another option would be payment of the City's tree mitigation fee, or a combination of replacement and the fee. Measures for protection of oak trees that are to be retained are also included.
- The OWMMP would reduce the impact on oak trees and oak woodlands by requiring that new trees be planted. However, oak woodlands take years to be established, and existing woodlands would be permanently lost. Therefore, the impact is considered *significant.*
- As discussed above, implementation of the following mitigation measure would reduce the magnitude of this impact on individual trees and on oak woodlands by avoiding and/or protecting woodlands that would be preserved on-site, and by planting replacement trees for those that would be lost. However, individual oak trees and, particularly, oak woodlands are a slowly renewable resource.

Therefore, this would remain a *significant and unavoidable impact*.

- 4.4-14 Implement the Village 1 Specific Plan Oak Woodland Mitigation and Management Plan.

n.i. Potential Significant Impact:

- The proposed project would contribute to the cumulative loss of habitat for special status plant and wildlife species.

n.ii. Facts in Support of Finding:

- The historic and ongoing loss of special-status species and native habitat on a regional scale has occurred as natural habitats have been converted to urban and agricultural development. Much of the suitable habitat for native species was lost over the last 150 years due to the conversion to agricultural uses and settlement by Europeans. The incremental loss of the remaining special-status species and suitable habitat is therefore significant. The loss of special-status species and suitable habitat in the region is considered a significant cumulative impact without factoring in the project's contribution.
- Determinate surveys have been conducted for vernal pool crustaceans only on the Walkup Ranch and La Bella Rosa properties in the Phase 1 portion of the project. While the results of these surveys were negative, the CNDDB contains records for vernal pool crustaceans within the programmatic portion of the project, and vernal pools were observed on properties south of SR 193 during the June 24, 2011 survey. The project site also supports potentially suitable habitat for a variety of other special-status species including, but not limited to special-status plants, Central Valley steelhead, western spadefoot, western pond turtle, tri-color blackbird, Swainson's hawk, burrowing owl and special-status bats. The loss of habitat on the project site would be a permanent and considerable contribution, which would be a *significant cumulative impact*.
- Implementation of the following mitigation measures would reduce the project contribution to the cumulative loss of habitat for special-status species. These measures require that surveys for special-status species be conducted at the appropriate time, and, if any such species are present, that they be avoided, relocated and/or protected from harm. For rare plant populations, the species would be preserved onsite and/or their seed bank would be collected for offsite restoration. For VELB, if avoidance could not be achieved, the mitigation would require transplantation and additional plantings of elderberry shrubs and other riparian vegetation. The measures are consistent with federal and state laws described previously and would apply to other projects that also require this kind of mitigation.
- Nonetheless, the loss of habitat on the project site would be a

permanent and considerable contribution, and this would remain a *significant and unavoidable cumulative impact*.

- 4.4-15 Implement Mitigation Measures 4.4-1 through 4.4-14.

o.i. Potential Significant Impact:

- The proposed project would contribute to the cumulative loss of habitat for nesting raptors and migratory birds.

o.ii. Facts in Support of Finding:

- It is not known at this time how many trees in the project area are used for nesting habitat by raptors and other migratory birds. There were no recorded occurrences of nesting birds in the project area. Construction and occupation of the proposed project could preclude use of suitable nest trees for raptor or migratory bird nesting due to an increase in overall activity in the area. The reduction in suitable nest sites in the cumulative context would result in a *potentially considerable contribution* to this cumulative impact.
- Implementation of Mitigation Measure 4.4-5(a) and (b), which calls for measures to avoid or reduce disturbance to active raptor or migratory bird nests, would reduce the magnitude of this project's contribution. However, because the proposed project would result in the loss of over 90 acres of woodlands, the project's contribution to this significant cumulative impact would be *significant and unavoidable.*

- 4.4-16 Implement Mitigation Measures 4.4-5(a) and 4.4-5(b).

p.i. Potential Significant Impact:

- The proposed project would contribute to the cumulative loss of wetland habitat.

p.ii. Facts in Support of Finding:

- The historic and ongoing loss of wetlands on a regional scale occurs as natural habitats are converted to urban and agricultural development, and watercourses are altered for flood control and water supply purposes. The loss of wetland resources on a regional scale is considered a significant cumulative impact. The proposed project's potential contribution to this cumulative impact, although small, is still potentially considerable due to the rapid loss of wetland habitat throughout the foothills, resulting in a *significant cumulative impact.*
- Implementation of Mitigation Measure 4.4-1(a) through 4.4-1(j) would ensure no-net-loss of the values and/or functions of wetlands and waters of the U.S., through avoidance and offsite compensatory mitigation consistent with applicable state and federal laws. With mitigation, the proposed project's contribution to this impact would be *less than significant.*

- 4.4-17 Implement Mitigation Measure 4.4-1(a) through 4.4-1(j).

q.i. Potential Significant Impact:

- The proposed project would contribute to the cumulative loss of trees.

q.ii. Facts in Support of Finding:

- The historic and ongoing loss of trees on a regional scale occurs as natural habitats are converted to urban development. Urban development also prevents the natural process that allows for new tree growth. The loss of native trees on a regional scale is considered a significant cumulative impact.
- Compliance with the Village 1 Specific Plan Oak Woodland Mitigation and Management Plan, described above, City of Lincoln's tree ordinance and the development of a site-specific tree mitigation program in consultation with the City would require replanting of trees, the development of a monitoring plan, and/or payment into the City's tree mitigation fund. While this would reduce the magnitude of this impact, the loss of trees would not be fully avoidable. Thus, the project's contribution would be cumulatively considerable, which would be a *significant cumulative impact*.
- While the following mitigation measure would reduce the project contribution to the loss of oak woodlands, the new oak trees and oak woodlands would take years to mature. Therefore, this cumulative impact would remain *significant and unavoidable.*
    - 4.4-18 Implement Mitigation Measure 4.4-14.

r.i. Potential Significant Impact:

- The proposed project could damage or destroy known historic-period resources.

r.ii. Facts in Support of Finding:

- Development of the Village 1 Specific Plan would include ground-disturbing activities to construct residential areas, mixed uses, a school, public facilities, park/recreation areas, and roads. Construction activities could require removal of historic resources to accommodate new development, or the resources could be damaged or destroyed by construction activities. Construction of new buildings could also alter the integrity of an historical resource due to proximity to modern structures and facilities.
- The resources in the programmatic portion have not been evaluated for their eligibility for listing on the CRHR and thus their status as historical resources is unknown. If any of these resources in the programmatic portion are determined to be eligible, their destruction would result in the loss of a significant cultural resource. Damage to or

disturbance of significant resources, even if they are not destroyed, could cause a substantial adverse change in the significance of the resource. The loss of and/or substantial damage to significant historic resources is considered a *significant impact*.

- Implementation of the following mitigation measure could reduce significant impacts for the programmatic portion by identifying which resources are historically significant. If any of the resources in the programmatic portion are determined to be significant, the mitigation would require the project applicant to hire a qualified professional to prepare and implement a design plan to reduce impacts to historical resources. However, introduction of a modern community would permanently disrupt the integrity of the historic-period setting of the resources and result in an adverse change in their significance. Therefore, this is considered a *significant and unavoidable impact* for the full Specific Plan.
    - 4.5-1 a) As part of the subsequent CEQA review for any small lot tentative map, or grading or improvement plans for projects that do not require a small lot tentative map, within the programmatic portion of the Village 1 Specific Plan, the project applicant shall hire a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Historic Architecture to perform the following:
        - i) conduct an historical architectural survey for areas that have not been subject to comprehensive investigation meeting professional standards.
        - ii) identify and evaluate the historic-period resources identified in the cultural resource investigation for the property subject to the grading permit and/or improvement plans. Resources that have been identified to date, but not evaluated, include P-31-0965, P-31-1679-H, P-31-1680, P-31-1682, P-31-1683, P-31-1684, P-31-1686, P-31-1687, P-31-1688, P-31-1689, P-31-1691-H, P-31-1695, P-31-1696, P-31-1698-H, P-31-1708, P-31-1710, P-31-1719, P-31-1721, P-31-1723, P-31-2611-H, and P-31-2612-H.
    - If none of the identified historic resources within the property subject to the grading permit and/or improvement plans are found to be eligible for listing on the NRHP or CRHR, no further action is required.
    - b) A design plan shall be prepared by a professional meeting Secretary of Interior standards for all resources found to be eligible for listing pursuant to Mitigation Measure 4.5-1(a). The design plan shall incorporate methods determined appropriate

and feasible by the historic architecture professional in coordination with the City of Lincoln. Methods to reduce impacts on historic-period resources shall include, but not be limited to,

- i) If feasible, the resources shall be preserved in place, and, as appropriate, incorporated into parks and open space/corridors;
- ii) If it is not feasible to preserve the resource in place, it shall be recorded pursuant to Secretary of Interior standards, and architectural features and /or artifacts shall be made available to an appropriate museum and/or historical organization;
- iii) If the significant historical resource is retained and reused, all rehabilitation, renovation and additions shall be meet Secretary of Interior standards to the extent feasible;
- iv) Project development adjacent to significant historical resources that are to be retained shall be designed to be in character with the historic setting of the resources, consistent with Secretary of Interior standards;
- v) Commemorative markers and interpretive exhibits shall be used to educate the public about the history of the plan area. The content of the commemorative markers and interpretive exhibits could include subjects such as mining, ranching, and Native American activities in the plan area. Markers and exhibits shall be prepared by a historic architecture professional or equally qualified professional.

s.i. Potential Significant Impact:

- The proposed project could damage or destroy identified pre-historic archaeological resources.

s.ii. Facts in Support of Finding:

- Approximately 75 percent of the project area has been subject to archaeological investigations, during which 25 archaeological resources and prehistoric components of the five multiple component resources were identified. Only five of these resources have been evaluated to determine if they meet the criteria for a historical resource; none of the evaluated resources meet the criteria. It is not known at this time whether any of the other sites would meet the criteria.
- Archaeological resources that are in areas subject to development could be damaged or destroyed during excavation, trenching or

grading. If archaeological resources meet eligibility criteria, they could be destroyed during construction activities before being recovered, studied and/or appropriately treated. This is considered a *significant impact.*

- For the programmatic portion, implementation of the following mitigation measure would reduce impacts by identifying which resources are pre-historic archaeological resources pursuant to CEQA and ensuring that they are treated in an appropriate manner. If all resources that are determined to be eligible for listing can be avoided, then the impact on them would be less than significant. However, because the extent and significance of the resources in the programmatic portion is not known at this time, it cannot be determined whether such resources should or could be avoided. This would remain a significant and unavoidable impact for the programmatic portion.
    - 4.5-2 a) As part of the subsequent CEQA review for any small lot tentative map, or grading or improvement plans for projects that do not require a small lot tentative map, in the programmatic portion of the Village 1 Specific Plan that has not been subject to comprehensive investigation meeting professional standards, the project applicant shall hire a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeologist to survey all previously unsurveyed portions to identify and evaluate any other archaeological resources that could be present. The evaluation conducted by the professional shall include subsurface testing if warranted based on the surface survey. For any site that qualifies as a historical resource or unique archaeological resource, mitigation of impacts on the resource shall follow standard professional procedures, including, but not limited to, avoidance, protection, data recovery, written and photographic documentation, or other measures identified in California Public Resources Code section 21083.2.
    - b) As part of the subsequent CEQA review for any small lot tentative map, or grading or improvement plans for projects that do not require a small lot tentative map, a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeologist shall evaluate the resources identified as P-31-1678, P-31-1681, P-31-1688, P-31-1690, P-31-1693, P-31-1694, P-31-1696, P-31-1699, P-31-1700, P-31-1718, P-31-1720, P-31-1722, P-31-1724, P-31-1725, P-31-1726, P- 31-1729, P-31-1730, P-31-1731, P-31-1732, P-31-1733, P-31-1734, P-31-1735, and P-31-1737. The evaluation

conducted by the professional shall include subsurface testing. For any site that qualifies as a historical resource or unique archaeological resource, mitigation of impacts on the resource shall follow standard professional procedures, including, but not limited to, avoidance, protection, data recovery, written and photographic documentation, or other measures identified in California Public Resources Code section 21083.2.

t.i. Potential Significant Impact:

- The proposed project could cause a substantial adverse change in the significance of previously undiscovered prehistoric or historic-period archaeological resources.

t.ii. Facts in Support of Finding:

- Based on the intensity of documented prehistoric and historic-period use and occupation of the Village 1 Specific Plan area as well as surrounding development, the project site is highly sensitive for the presence of previously undiscovered prehistoric and historic-period archaeological resources. If encountered during construction, such resources could be damaged or destroyed. This is considered a *potentially significant impact* because it is unknown whether resources meeting significance criteria could be affected.
- Implementation of the following mitigation measure would reduce impacts to previously unidentified potential historical resources or unique archaeological resources; however, for subsurface cultural resources that would be required to be preserved intact in order to avoid significant effects, the impact would be *potentially significant and unavoidable*.
    - 4.5-3 a) Construction personnel shall be informed of the possibility of buried cultural resources anywhere within the project site and the protocol to be followed if a cultural resource is encountered. Prior to the onset of grading, the project applicant shall distribute a cultural resources handbook that explains the procedures to follow if cultural resources and human remains are encountered, provide a list of important contact information and phone numbers, and include written descriptions and photographic examples (where possible) of cultural resources. The project applicant may also hire a professional who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to conduct a pre-construction training of all construction personnel involved in grading and excavation activity.
    - b) In the event that any previously unidentified subsurface archaeological resources are discovered during construction-

related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Lincoln (the City) shall be notified. The City shall consult with the archaeologist to assess the significance of the find. If the find is determined to be significant by the archaeologist (i.e., because the find is determined to constitute either a historical resource or a unique archaeological resource), then representatives of the City, and the qualified archaeologist shall meet to determine the appropriate course of action, with the City making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards.

- c) If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Public Resources Code §5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (Public Resources Code Section 5097.993), the archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts to it, including any or a combination of the following:
    - i) Avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization, if such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
    - ii) An agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
    - iii) Other measures, short of full or partial avoidance or preservation, intended to minimize impacts to the Native American Cultural Place consistent with land use assumptions and the proposed design and footprint of

the development project for which the requested grading permit has been approved.

- d) After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. In reaching conclusions with respect to these recommendations, the City shall consult with both the project applicant and the most interested and appropriate tribal organization.
- e) Implement Mitigation Measure 4.5-4, in the event human remains are discovered.

u.i. Potential Significant Impact:

- The proposed project could disturb human remains.

u.ii. Facts in Support of Finding:

- Based on the intensity of documented prehistoric use and occupation of the project site, and the presence of human remains in previously identified sites, the project is highly sensitive for the presence of human remains, including those interred outside of formal cemeteries. If encountered during construction activities, the remains could be damaged or destroyed. This is considered a *potentially significant impact*.
- Implementation of the following mitigation measure would reduce this impact to a *less-than significant level.*
  - 4.5-4 If human remains are discovered at any project construction sites during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted immediately, and the City of Lincoln (the City) and the Placer County coroner shall be notified immediately. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The project applicant shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA

Guidelines section 15064.5(e) and Public Resources Code section 5097.98. The project applicant shall implement approved mitigation, to be verified by the City, before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.

v.i. Potential Significant Impact:

- The proposed project could directly or indirectly destroy unique paleontological resources.

v.ii. Facts in Support of Finding:

- There is a small area of Laguna Formation in the northern part of the programmatic portion. While no fossils have been discovered at the project site, based on the sensitivity of these formations, fossils could be present. Therefore, the possibility exists that unique paleontological resources could be directly or indirectly destroyed by ground-disturbing activities related to future development of the project. This is considered a *potentially significant impact*.
- Implementation of the following mitigation measure would reduce this impact to a *less-than significant level* by ensuring that if any fossils are uncovered during construction, they are appropriately treated.
- 4.5-5 a) Construction personnel shall be informed of the possibility of discovering fossils anywhere within the project site, and the protocol to be followed if a fossil is encountered. This information shall be included in the “cultural resources handbook” prepared under Mitigation Measure 4.5-3. It shall describe procedures to follow if fossils are encountered, provide a list of important contact information and phone numbers, and include written descriptions and photographic examples (where possible) of the fossils. The project applicant may also hire a professional who meets the Society of Vertebrate Paleontology standards to conduct a pre-construction training of all construction personnel involved in grading and excavation activity.
- b) In the event that paleontological resources are discovered during earth-moving activities, ground-disturbing activity within 50 feet of the resources shall be halted until the project applicant hires a qualified paleontologist to examine the resources and assess its significance. If the resource is determined to be significant, representatives of the City of Lincoln (the City) and the qualified paleontologist shall determine the appropriate course of action (i.e., any additional exploratory measures deemed necessary for the further evaluation of and/or mitigation of adverse impacts to the resources), with the City making the final decision. All significant paleontological resources recovered shall be subject to scientific analysis and professional curation; a report of these activities shall be prepared for the City by the paleontologist

according to current professional standards.

w.i. Potential Significant Impact:

- The proposed project could contribute to the cumulative loss and/or degradation of historical or archaeological resources or human remains.

w.ii. Facts in Support of Finding:

- According to previous cultural resource surveys and research, the greater Sacramento region (which includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties) has been inhabited by prehistoric and historic-period peoples for thousands of years. Urban development that has occurred over the past several decades in the greater Sacramento region has resulted in the demolition and alteration of innumerable significant historical resources, and it is reasonable to assume that present and future development activities would continue to damage and/or destroy significant cultural resources, which would be a significant cumulative impact. The proposed project could contribute to this loss of significant cultural resources. Because all significant cultural resources and human remains are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. For example, a Nisenan site may be best understood in the context of the entire archaeological record for Nisenan culture. Proper recordation, planning, and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, state, and local laws are also in place, as discussed above, that protect these resources in most instances. Even so, it is not always feasible to protect these resources, particularly when preservation in place would preclude implementation of development projects and for this reason the cumulative effects of the proposed project and related projects in the region would be considered a significant cumulative impact.
- Because the proposed project has the potential to adversely affect significant cultural resources that are unique and non-renewable members of finite classes, the project's incremental contribution to these cumulative effects would itself be potentially cumulatively considerable, and thus *potentially cumulatively significant*.
- Compliance with Mitigation Measure 4.5-6 would limit the project's contribution to this cumulative impact by requiring that qualified cultural resource professionals implement appropriate treatment of any resources that are discovered (e.g., prepare a research paper on

historic-period mining in the project area, conduct additional archaeological surveys, and provide measures to preserve the integrity or minimize damage or destruction of significant resources) in the project area. However, because the project has the potential to substantially alter or remove significant cultural resources that are unusual and non-renewable members of finite classes the impact would remain significant and unavoidable.

- 4.5-6 Implement Mitigation Measures 4.5-1 through 4.5-4.

x.i. Potential Significant Impact:

- The proposed project would contribute to the cumulative loss of unique paleontological resources.

x.ii. Facts in Support of Finding:

- Paleontological resources have been discovered in the region. Significant paleontological resources are non-renewable, and adverse impacts on them, such as indiscriminate, undocumented fossil collecting, further reduce an already diminished resource base. Although there are no recorded fossil localities at the project site, because the proposed project has the potential to adversely affect significant paleontological resources that are unique and non-renewable members of finite classes, the project's incremental contribution to these cumulative effects would itself be potentially cumulatively considerable, and thus *potentially significant*.
- Implementation of the mitigation measure would substantially limit the project's contribution to cumulative adverse effects on paleontological resources and this cumulative impact would be reduced to a *less-than-significant level* by requiring that such resources be identified and treated appropriately if they are encountered.

- 4.5-7 Implement Mitigation Measure 4.5-5.

y.i. Potential Significant Impact:

- The proposed project would increase the amount of impervious surfaces and alter drainage patterns, which could increase the potential for localized and downstream flooding.

y.ii. Facts in Support of Finding:

- Development of the Village 1 Specific Plan would increase the amount of impervious surface coverage over that which currently exists by converting undeveloped land to urban uses. This increase in the amount of impervious surface coverage would increase the rate of surface runoff entering Auburn Ravine and Ingram Slough. In addition, grading and installation of storm drains would alter the existing runoff patterns and conveyance capacities on the project site. The full

Specific Plan could result in higher flow rates in Auburn Ravine, Ingram Slough, Orchard Creek, the 193 Drain, and NID Diversions. At some locations, flow would increase by at least one percent above baseline levels. Increased flows and altered drainage patterns could increase the potential for localized and downstream flooding. Development within these flood storage areas could pose a risk to people and structures. This is a *potentially significant impact*.

Recommended Peak Flow and Flow Volume Mitigation Measures

- Mitigation measures were identified in the V1SP DMP to address potential effects on increased peak flows and flow volume. Recommended mitigation includes overbank excavation in Auburn Ravine for development of the full Specific Plan; some overbank floodplain excavation and roadway culvert constrictions for more floodplain storage and mitigation of potential increases in flood volumes in North Ingram Slough; and bridge crossing design for extended Oak Tree Lane. These are in addition to the planned SR 193 bridge improvements. These design assumptions were incorporated into the models to predict flows with those features in place, along with the SR 193 bridge improvements.
- Implementation of proposed mitigation identified in the V1SP DMP, in conjunction with the SR 193 bridge improvements, would reduce potential effects compared to baseline. According to the V1SP DMP, with mitigation, these increases in peak flow rates would not result in substantial increases in Auburn Ravine water surface elevations (less than 0.04 feet increase) within the project site or downstream of project site boundaries. Figure 4.8-2 shows the estimated floodplain limits with implementation of the mitigation measures. In the event the SR 193 bridge improvements are delayed or do not occur, Mitigation Measure 4.8-2(b) establishes performance standards for providing on-site mitigation.
- The potential flood risk hazard for Ingram Slough can be reduced through implementation of mitigation that would prohibit development of structures within the modeled floodplains of North and South Ingram Slough, as provided for in Mitigation Measure 4.8-2(c).
    - 4.8-1 a) i) Project applicant(s) shall provide for peak flow mitigation as defined in Village 1 Specific Plan, City of Lincoln, CA, Drainage Master Plan Table II.F.1B for the programmatic portion in order to mitigate potential on-site flooding from increased peak flows associated with development of the projects. Prior to issuance of a grading permit, project applicants shall demonstrate that provisions for peak flow mitigation in the preliminary grading plan, as defined in Village 1 Specific Plan, City of Lincoln, CA, Drainage Master Plan Table II.F.1B and

Tables III.A.3A to III.A.3F, as applicable for the project. The City Engineer shall review plans for compliance with the applicable portions of Table II.F.1B and Tables III.A.3A to III.A.3F, as applicable, prior to issuance of a grading permit. Prior to issuing a building permit for any project in the Village 1 Specific Plan, overbank excavation and stabilization of channels that will receive runoff from the area(s) to be developed shall be completed. The City Engineer shall confirm that peak flow mitigation has been constructed in accordance with the approved plans.

- ii) The project applicant for projects within the programmatic portion of the project site shall prohibit development of structures within the modeled floodplains of North and South Ingram Slough as identified in the Village 1 Specific Plan, City of Lincoln, CA, Drainage Master Plan Post-Project 100-Year Floodplain Alt. 193 Fix figures.

z.i. Potential Significant Impact:

- The proposed project would increase stormwater volumes in Auburn Ravine, Ingram Slough, Orchard Creek, and ultimately the Natomas Cross Canal.

z.ii. Facts in Support of Finding:

- Stormwater runoff generated by new development in the full Specific Plan would increase the amount (volume) of stormwater runoff that would enter Auburn Ravine and Ingram Slough. Runoff from the V1SP area ultimately drains to the Natomas Cross Canal before entering the Sacramento River. The V1SP DMP noted that the Cross Canal Watershed Study determined that development within these watersheds could make an existing flooding problem within Sutter County worse by increasing the volume of runoff. Results of the hydrologic and hydraulic modeling for the V1SP DMP indicate that development in accordance with the V1SP would generate an increase in runoff volume of 125.2 acre-feet for the 8-day 100-year storm.
- At the time the V1SP DMP was prepared, excavation of Phase 1 of the LFVMF had been completed to accommodate the planned total flow storage volume of 1,050 acre feet; however, final improvements that are needed to operate the Phase 1 portion of the LFVMF have not yet been initiated. It is expected that final improvements would be implemented by buildout of the programmatic portion of the Specific Plan and the LFVMF would be operational.
- There are currently 450 acre-feet of unallocated capacity at LFVMF. If operational prior to full Specific Plan buildout, the LFVMF would have sufficient available capacity to accommodate the 125.2 acre-feet from

the full Specific Plan. However, if the LFVMF if not operational by buildout of the full Specific Plan, the addition of 125.2 acre-feet of runoff to the Natomas Cross Canal could cause a recurrence of downstream flooding, which would be a *potentially significant impact*.

- Implementation of the following mitigation measures would mitigate the increase in runoff volume from the proposed project to a *less-than-significant level* by providing for the necessary amount of storage volume to capture project-generated flows.
    - 4.8-2 a) Prior to approval of the first final map, the Applicant shall identify 87.1 acre-feet of storage capacity in the watershed to accommodate increased stormwater runoff volumes associated with the programmatic portion of the Village 1 Specific Plan. Storage capacity may be incorporated into on-site design, obtained at the approved LFVMF, if operational at the time of development, or at a location approved by or acceptable to the City.
    - The Applicant shall be required to cover its fair share of costs associated with construction, operation, and maintenance of the LFVMF to offset increased stormwater volume generated by the Village 1 Specific Plan. For capital improvements, funding shall be through the City's existing PFE program. Fees for operation and maintenance shall be through an assessment district established during the Final Map processing. Fees shall be paid in conjunction with issuance of building permits.
    - If, at the time the first final map is submitted for approval, the regional facilities are not available or operational, or if additional capacity is required, the Applicant shall incorporate in to the final design sufficient on-site storage capacity, or a combination of on-site and off-site capacity, to fully mitigate the 87.1 acre-feet.
    - If off-site facilities are used, the Applicant shall be required to cover its fair share of costs associated with construction, operation, maintenance, and management of the regional retention facilities to offset increased stormwater volume generated by the Village1 Specific Plan. Assuming the regional facility has been constructed, Applicant shall pay the appropriate fees.

<u>aa.i. Potential Significant Impact:</u>

- The proposed project would increase the types and amounts of pollutants in stormwater runoff that could be discharged to Ingram Slough and its tributaries and Auburn Ravine, which could degrade water quality.

aa.ii. Facts in Support of Finding:

- Development of the proposed project would result in the conversion of undeveloped land to urban uses including residences, school, parks and open spaces, mixed uses, and roadways and parking areas. During the operational phase of the proposed project, the major source of pollution in stormwater runoff would be contaminants that have accumulated on rooftops and other impervious surfaces, such as driveways, parking areas, and pedestrian walkways, although landscape chemical pollutants could also contribute to polluted runoff. Additionally, the increase in impervious surfaces resulting from the construction of buildings and paved areas would increase the rate and amount of stormwater runoff.
- When the project reaches the point in processing at which the City is reviewing plan documents, a final Master Drainage Plan would be required that updates the Village 1 Specific Plan, City of Lincoln, CA, Drainage Master Plan for the final planned improvements. The Final Master Drainage Plan must include detailed analysis of the storm drainage system allowing for detailed specification of stormwater quality and runoff reduction BMPs. However, until specific BMPs have been identified and approved by the City, impacts of the proposed project on surface water quality remain *potentially significant.*
- Implementation of the following mitigation measures would ensure BMPs specific to the land uses in the proposed project are implemented and are monitored for their effectiveness in reducing urban pollutants in runoff so that Basin Plan objectives and water quality standards are not violated, and to ensure consistency with NPDES Phase 2 requirements and City ordinance. Further, these mitigation measures would ensure that water quality improvements would be operated and maintained into the future. This would reduce potential operational water quality effects from urban runoff to a *less-than-significant level*.
    - 4.8-4 Low Impact Development BMPs. Project Conditions of Approval shall specify that appropriate Best Management Practices (BMPs) be incorporated into project design prior to approval of final grading/improvement plan(s) to reduce urban pollutants in runoff, consistent with goals and standards established under federal and State non-point source discharge NPDES regulations and Basin Plan water quality objectives, the City's Post-Construction Stormwater Runoff Control Ordinance No. 826B, and Low-Impact Development (LID) alternatives for stormwater quality control per Public Facilities and Services Implementation Measure 3.0 of the adopted 2050 General Plan.
    - The proposed water quality facilities shall be identified and

designed in a Water Quality Management Plan prepared in accordance with Section 8.60.40 of the City's Municipal Code for City review and approval. All water quality facilities identified in the Water Quality Management Plan shall be constructed with the installation of the infrastructure.

- The Water Quality Management Plan shall include a description of all non-structural BMPs and include Covenants, Codes, and Restrictions (CC&Rs), or similar regulatory mechanism, to enforce implementation of non-structural BMPs. Non-structural BMPs shall include, but not be limited to, "good housekeeping" practices for materials storage and waste management, storm drain system stenciling, landscape chemical use guidelines, and street sweeping.
- The Water Quality Management Plan shall also include the method or methods for funding the long-term maintenance of the proposed water quality facilities. The City shall formally adopt and implement a funding mechanism specifically to fund the long-term maintenance of the proposed water quality facilities as proposed by the Stormwater Management Plan.
- The project Applicant shall submit a site-specific BMP plan showing the on-site locations and effectiveness of the BMP facilities proposed for long-term water quality impact reduction prior to project approval. The plan shall include a method or methods for financing the long-term maintenance of the proposed site-specific facilities.
- All BMPs for water quality protection, source control, and treatment control shall be developed in accordance with the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (or other similar source approved by the City) for the project. The BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the PCFCWCD and City standards and shall be included for long-term maintenance of BMPs. All BMPs shall reflect the Best Available Technologies (BAT) available at the time of implementation and shall reflect site-specific limitations. The City shall make the final determinations as to the appropriateness of the BMPs proposed for the proposed project and the City shall ensure future implementation, operation, and maintenance of the BMPs.
- To comply with the requirements of the Placer County Mosquito and Vector Control District, all BMPs shall be designed to discharge all waters within 96 hours of the completion of runoff

from a storm event. All graded areas must drain so that no standing water can accumulate for more than 96 hours within water quality facilities.

- Stormwater runoff from the proposed project's impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (i.e. sediment, oil/grease, etc.), as approved by the City. The Applicant shall verify that proposed BMPs are appropriate to treat the pollutants of concern from the proposed project and shall provide for the establishment of vegetation, where specified, by means of proper irrigation, for effective performance of BMPs. Maintenance of these facilities shall be provided by the City. Prior to project approval or Final Map approval, easements shall be created and offered for dedication to the City for maintenance and access to these facilities in anticipation of possible City maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

bb.i. Potential Significant Impact:

- The proposed project could degrade water quality as a result of erosion and siltation and changes in runoff patterns.

bb.ii. Facts in Support of Finding:

- Stormwater runoff from the Specific Plan would result in higher runoff rates within drainages on the project site for small storm events (2-year) up to large storm events (100-year), as well as alterations in drainage patterns. This would increase and would potentially contribute to stream bed and bank erosion in the larger streams as wells as the smaller tributaries and drainages in the project site.
- The Phase II General Permit that applies to the project requires that post-development peak storm water runoff discharge rates must not exceed the estimated pre-development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion. This would help reduce post-construction erosion and sedimentation. The proposed project is also required to comply with Provision XIII (Post-Construction Standards) of the Construction General Permit, which requires post-construction runoff match pre-construction runoff for the small storm events. Provision XIII requires that non-structural and structural BMPs be implemented to replicate the pre-project water balance. This "runoff reduction" approach is analogous in principle to Low Impact Development (LID) and would serve to protect related watersheds and

waterbodies from both hydrologic-based erosion and sedimentation impacts associated with the post-construction landscape at the project. The LID practices optimize a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to where it originates.

- As described in Impact 4.8-4, the project intends to incorporate LID practices, but the specific BMPs have not been identified. Therefore, changes in runoff patterns and erosion/siltation could adversely affect water quality, which would be a *potentially significant impact*.
- Implementation of the following mitigation measure would reduce post-construction erosion and siltation impacts associated with changes in drainage patterns to a *less-than-significant level* by ensuring the appropriate LID BMPs have been incorporated into the project.
    - 4.8-5 Implement Mitigation Measure 4.8-4 (Low Impact Development BMPs).

cc.i. Potential Significant Impact:

- The proposed project would contribute to cumulative increases in channel bed and bank erosion and siltation, which could adversely affect water quality and aquatic habitat.

cc.ii. Facts in Support of Finding:

- Urban development results in increased impervious surfaces which increase the rate and amount of runoff. Increased runoff for smaller storm events (e.g., up to the 10-year storm event) can affect stream channel morphology and bed and bank erosion, and siltation. The majority of development within the Auburn Ravine watershed would be subject to the Phase 2 General Permit; however, requirements for post-construction stormwater quality BMPs are not explicitly defined and no hydrograph modification management standard has been identified. In accordance with the Construction General Permit, runoff reduction controls would be required for the 85th percentile storm event for projects with one or more acre of land disturbance and drainage density requirements would apply for sites more than two acres. This would help minimize potential creek erosion and siltation effects for the smallest runoff events, but may not be sufficient for larger storm events, such as the 10-year storm event. Therefore, potential effects on cumulative bed and bank erosion are cumulatively significant.
- The proposed project would alter drainage characteristics and increase flow rates and likely duration of flows for up to the 10-year storm event, which would contribute to cumulative impacts. This is a *potentially significant cumulative impact*.

- Implementation of the following mitigation measure would reduce potential effects and flows would not be more that 10 percent above baseline levels at all off-site locations. Therefore, the proposed project with mitigation would not contribute considerably to cumulative impacts and cumulative impacts would be *less than significant.*
    - 4.8-9 Implement Mitigation Measure 4.8-4 (Low Impact Development BMPs).

dd.i. Potential Significant Impact:

- The proposed project would contribute to cumulative increases in urban pollutants that could degrade water quality.

dd.ii. Facts in Support of Finding:

- Cumulative urban development in the Auburn Ravine watershed would involve soil-disturbing construction activities such as vegetation removal, grading, and excavation. These soil disturbances would expose soil to wind- and water-generated erosion, possibly at accelerated rates. Therefore, surface runoff would carry increased sediment loads. The proposed project would comply with the General Permit requirements, so its contribution to cumulative increases in construction-related pollutants would be less than cumulatively considerable.
- Urban development results in more impervious surfaces, which contribute to higher runoff flow rates and amount. New impervious area also results in more surface area that accumulates pollutants readily available for transport in runoff.
- Cumulative development within the Auburn Ravine watershed would be subject to the Phase 2 General Permit requirements for post-construction water quality protection. Permittees (such as the City of Lincoln and Placer County) must require that long-term post-construction BMPs that protect water quality and control runoff be incorporated into development and significant redevelopment projects to the maximum extent practicable. In accordance with Attachment 4 of the Phase 2 General Permit, all discretionary development and redevelopment projects that fall into one of the following categories are subject to design standards because they have greater potential for contributing to water quality degradation: single-family hillside residences; 100,000 square foot commercial developments; automotive repair shops; retail gasoline outlets; restaurants; home subdivisions with 10 or more housing units; and, parking lots 5,000 square feet or more or with 25 or more parking spaces and potentially exposed to storm water runoff. Development that falls within one or more of these categories is required to implement BMPs to reduce pollutants in stormwater runoff.

- Placer County currently has established procedures for applying and enforcing post-construction stormwater pollution controls, including site plan reviews, requiring post-construction (locally called ‘permanent’) BMPs, inspections, and enforcement of violations. These occur per the County’s Grading and Erosion Prevention Ordinance (County Code Chapter 29), the County Land Development Manual, and environmental review processes. In addition, development elsewhere in southern Placer County also implements the measures identified in the *Stormwater Quality Design Manual for the Sacramento and South Placer Regions* (Design Manual) to comply with state and federal regulatory urban runoff standards. However, compliance with Attachment 4 requirements is not standardized, acceptable BMPs are not identified, and projects that do not fall into the above mentioned categories are not required to implement minimum BMPs.
- The proposed project would contribute to stormwater pollution levels would be potentially significant.
- Implementation of the following mitigation measures would reduce the project’s contribution to *less than-significant levels* by providing structural water quality features in the proposed project drainage design.
    - 4.8-9 Implement Mitigation Measure 4.8-4.

D. Determination

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

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

A. Central Valley Regional Water Quality Control Board's Adopted Orders Web page (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**

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

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Carter.Cook@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Carter Cook; Project Name; and WDID No. 5A31CR00619.

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:

30 December 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: Leavell Property Project

Permittee: JMC Homes

WDID: 5A31CR00619

Reg. Meas. ID: 461761

Place ID: 902122

Order Effective Date: 30 December 2025

Order Expiration Date: 29 December 2030

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report

Report Type 2 ☐ Annual Report

B. Part B – Project Status Notifications

Report Type 3 ☐ Commencement of Construction

Report Type 4 ☐ Request for Notice of Completion of Discharges Letter

Report Type 5 ☐ Request for Notice of Project Complete Letter

C. Part C – Conditional Notifications and Reports

Report Type 6 ☐ Accidental Discharge of Hazardous Material Report

Report Type 7 ☐ Violation of Compliance with Water Quality Standards Report

Report Type 8 ☐ In-Water Work/Diversions Water Quality Monitoring Report

Report Type 9 ☐ Modifications to Project Report

Report Type 10 ☐ Transfer of Property Ownership Report

Report Type 11 ☐ Transfer of Long-Term BMP Maintenance Report

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

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

Signature	**Date**

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

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

Permittee's Signature	**Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

a. Report Purpose - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.

b. When to Submit - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control If construction has not started, provide estimated start date.

ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

iii. Photo Summary

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

iv. Compliance Summary

- List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
- List associated monitoring reports for the reporting period.
- Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
- Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

2. Report Type 2 - Annual Report

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 January 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.

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

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

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

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

i. Annual Report Topic 1 - Construction Summary

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

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

1) Map showing general Project progress.

2) If applicable:

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

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

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

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

Report Contents -

1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.

2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

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

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

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

1) Part A. Permittee Responsible

a) Planned date of initiation of compensatory mitigation site installation.

b) If installation is in progress, a map of what has been completed to date.

c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

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

a) Status or proof of purchase of credit types and quantities.

b) Include the name of bank/ILF Program and contact information.

c) If ILF, location of project and type if known.

B. <u>Part B – Project Status Notifications</u>

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 XIII.C.4.

C. <u>Part C – Conditional Notifications and Reports</u>

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 XIII.C.3.

4. **Report Type 9 - Modifications to Project Report**

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

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

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

5. **Report Type 10 - Transfer of Property Ownership Report**

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

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

ownership.

c. Report Contents -

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

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

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

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

6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report

a. Report Purpose - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. When to Submit - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. Report Contents - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

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

A. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.

2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.

3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

B. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

1. The authorization is made in writing by a person described in items 1.a through 1.c above.

2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

3. The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIII 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. <u>Post-Discharge Certification Deviation Reporting:</u>

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. <u>Annual Summary Deviation Report:</u>

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

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Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)

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

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

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

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

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

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

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

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

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

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)- Not Applicable

J. Mitigation for Temporary Impacts – Not Applicable

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).