Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 28 March 2025

Expiration Date: 27 March 2030

Program Type: Fill/Excavation

Reg. Meas. ID:	459113
Place ID:	897429
WDID No.:	5A34CR00904
USACE No.:	SPK-2025-19956
	Letter of Permission

Project Type: Restoration Bank Stabilization and/or Adjacent Upland Area

Project: Georgiana Slough Erosion Control and Habitat Enhancement Project (Project)

Applicant: Brannan-Andrus Levee Maintenance District

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Brannan-Andrus Levee Maintenance District (hereinafter Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 7 November 2024. The application was deemed complete on 29 January 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:	**3 December 2024**
Date all requested information was received:	**29 January 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 15 November 2024 to 6 December 2024. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to resolve upper slope erosion problems and a major lower slope undercutting issue along the right bank levee of Georgiana Slough, on Lower Andrus Island. Specifically, the Project will increase levee stability and improve the level of flood protection for the surrounding area by repairing areas of levee erosion, and implement and incorporate methods that provide enhanced riparian and wetland habitat in this reach of the Georgiana Slough.

Currently, this location provides limited fish habitat. Once completed, the Project will provide suitable erosion control on the waterside bank utilizing recognized and effective erosion control methodologies and support fish-friendly habitat through the creation of wetland and riparian shaded riverine aquatic (SRA) habitat on the channel margin.

IV. Project Description

The Proposed Project will be implemented in the following phases, occurring beginning upstream to downstream. Quarry stone, soil, and container plants will be imported from offsite locations and transported to the project site by barge and truck for use in the work area.

Mobilization

Project mobilization includes moving equipment and rock/soil supplies to both the Project Area primarily by barge, setting up the staging area adjacent to the project site, performing any necessary pre-construction surveys, and installing erosion control and other Best Management Practices (BMP) measures as required.

Site Preparation (Clearing/Grubbing/Trimming)

Initial site preparation includes removing trash and debris, mowing, trimming trees, grubbing in some areas, and clearing the waterside and landside levee slope. The Proposed Project may remove some mature trees and require some tree trimming to allow for construction activities to occur under the tree canopy. Grubbing will occur to remove any remnant stands of Himalayan blackberry and Arundo donax. Invasive vegetation will be trucked to a landfill or other appropriate disposal site.

Levee Slope and Bench Construction

Three phases of constructing the new levee slope will begin with removing excess overburden and vegetation accumulated on the levee face and replacing it on the back/landside slope. Rock slope protection (RSP) and a layer of 6-inch minus backfill material will be placed on the waterside levee slope, and soil planting will occur on the final grade on the wetland bench and the levee slope. Planging placement will be performed using barges, work boats, tugs, a long-reach excavator, dozer, and excavator.

Quarry Stone/RSP and 6-inch Minus Backfill Placement

Work will begin by removing excess overburden on the levee face with a long-reach excavator and replacing it on the back/landside slope of the levee to expand the levee and increase landward stability. The excavated waterside slope will form the foundation for placement of launchable rip rap at the levee toe where a key bench will be placed to support the rock being placed on the lower slope. Rip rap between 12-18 inches will be placed up to the bottom of the waterside bench. A triangular prism of quarry stone will be constructed to protect the wetland bench from wave wash. RSP will be keyed into a bench at that elevation and extend up to the Design Water Surface Elevation (DWSE). A 6-inch layer of 6-inch minus material will be placed over the rip rap to act as a natural filter material between the rock and soil. A minimum of 12 inches of imported/borrow fill will be provided and mixed as a ‘planting cap’ over the quarry stone. The launchable rip rap will be used to support armoring of the re-sloped embankment and create a new foundation for the wetland habitat bench as well as a 2-foot veneer of erosion protection below the bench. The wetland bench will be constructed following the placement of rock prism, rip rap and filter material. Wetland plants will be installed into the soil filled bench with a band of scrub shrub and/or SRA habitat planted on and above the wetland bench along the entire 1,500-foot length of the site.

Crown Raising and Landside Slope Improvement

The excavated material from the water side slope will be used to increase the crown height to elevation to account for the impacts of climate change and increase freeboard above the DWSE.

Wetland Bench - Freshwater Marsh

The freshwater marsh/wetland bench will be constructed above the middle low water mark (MLW) to allow frequent inundation and development of aquatic and semi-aquatic habitat. The area immediately above the bench will be planted with native riparian species (e.g. willow spp.) to provide long term habitat benefit as well as increase channel roughness to reduce wave velocity.

The project is anticipated to construct approximately 0.39 acres and 1,473 linear feet of freshwater marsh habitat. Species consist of native hydrophytes, grown and harvested locally where possible. Wetlands species, upon consult with the California Department of Fish and Wildlife (CDFW), will include species that can be frequently inundated (CDFW Zone ‘B’) such as: plants (e.g., American bulrush, California tule, and some rush species). The wetland bench to the DWSE will be faced with heavy coir fabric or another approved equivalent plantable erosion protection method to protect the lower slope from wave wash induced erosion until vegetation reaches full maturity and establishment.

Waterside Riparian Habitat

Waterside riparian habitat (combination of riparian forest, shrub scrub, and SRA habitat) provides opportunities for terrestrial species and an important source for food inputs for aquatic species that utilize Georgiana Slough. A band of riparian habitat will be planted/established above the wetland benches on the waterside slope across the entire length of the proposed Georgiana Slough erosion repair. Ecologically suitable species that can be submerged in high water events (CDFW Zone ‘C’) such as: creeping wildrye, Santa Barbara sedge, rush spp., Goodding’s black willow, arroyo willow, sandbar willow, button willow and pacific willow, will be planted using hand tools.

Approximately 1.12 acres/1,500 linear feet of riparian habitat (riparian forest, shrub scrub, and SRA) will be created.

Native Grassland

Native grassland habitat will be planted above the wetland benches and extend to the edge of the levee crown. The species include California fescue, small barley, creeping wildrye, salt grass, and one-sided bluegrass. In addition, the backside of the levee slope will be hydroseeded providing additional acreage of native grassland.

A total of 0.75 acres of grasslands will be enhanced at the project site.

Site Demobilization

Site demobilization will include removing all equipment and associated site best management practice (BMP) materials.

V. Project Location

Address: Georgiana Slough right bank

County: Sacramento

Assessor's Parcel Number(s): 15600900010000, 15600800420000

Nearest City: Isleton

Section 1, Township 3 North, Range 3 East, MDB&M.

Start: Latitude: 38.129721° and Longitude: - 121.587691°

End: Latitude: 38.129592° and Longitude: -121.582281°

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

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	1.95	14,807	1,500

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Temporary impacts include short-term increases in turbidity and settleable matter suspension for placement of rock slope protection, and soil fill for the creation of new riparian and wetland habitat benches; however, most impacts will be minimized with Best Management Practices and other avoidance measures. Low levels of turbidity are expected. Turbidity curtains will be implemented as needed to limit sediment transport beyond the project area. A vertical rock cap/prism will also be built to the elevation of the ordinary high water mark on the waterside edge of the wetland bench prior to the placement of 6-inch minus rock natural filter material or soil fill to limit the transport of sediment into the waterway.

IX. Avoidance and Minimization

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

Direct Impact Avoidance and Minimization:

The following measures will be implemented to minimize and avoid any direct impacts that may occur due to the implementation of the project.

Timing of Work

The following measures related to the timing of work will be implemented:

- All in-water construction activity will be conducted between 1 August and 31 October to ensure protection of anadromous salmonids. This time period is the suggested work window for waterways located within the Delta.
- As much work below the ordinary high watermark (OHWM) work as possible will be performed during low tide to reduce potential impacts to water quality.
- Work, including equipment operation, will generally occur Monday through Saturday during normal working hours (07:00-19:00).
- Equipment maintenance may occur before and after working hours and on Sunday.

- In-water construction activities will be limited to daylight hours, leaving a nighttime period for anadromous salmonids and green sturgeon to migrate past the Project area.

Worker Training

The following worker training measures will be implemented:

- All contractors and equipment operators will participate in a Worker Environmental Awareness Program (WEAP) training regarding potential environmental impacts to make them aware of the ecological value of the area, including the potential for special status species and their habitat to be present near the Proposed Project area.
- The WEAP training will cover, at a minimum, the special status species listed that have the potential to occur in the Proposed Project area during construction, including but not limited to anadromous fishes, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and avoidance measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information will be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees will sign a form provided by the trainer documenting they have attended the WEAP training and understand the information presented to them.
- The WEAP training will be conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the project site and vicinity.
- Personnel involved in the Proposed Project will be trained in emergency response and spill containment techniques.

Construction BMPs and Monitoring

The following construction BMPs will be implemented:

- Staging, and both temporary and long-term material disposal areas will be located away from Waters of the United States.
- Equipment will be refueled, maintained, and serviced at designated staging areas away from the erosion repair site. All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from bodies of water and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Fuel transfer vehicles will have absorbent pads, pillows, socks, booms or other spill containment materials placed under the fueling operation.

- Petroleum products will be stored in non-leaking containers at impervious storage sites from which runoff is not permitted to escape.
- Movement of heavy equipment to and from the Proposed Project area will be restricted to established roadways and equipment shall be stored in established staging areas away from Georgiana Slough.
- All feasible avoidance and minimization measures (AMM) will be implemented to control erosion and runoff from areas associated with construction activities. Specifically, use of straw wattles, silt fences, or other erosion control measures will be used to ensure that constructed-related materials do not reach Georgiana Slough. All areas of temporary impacts and all other areas of temporary disturbance that may result in a discharge to Georgiana Slough will be restored.
- Soil disturbance activities will cease if adverse weather conditions substantially increase the likelihood of transporting soil off site.
- Active water quality monitoring will occur during the construction portion of the project. Should construction create conditions that exceed standard water quality thresholds, remedial actions will be employed to reduce them back to threshold limits.
- A planting and monitoring plan will be submitted to Resource Agencies.
- Wildlife observed within the project site will be allowed to leave on their own unharmed.
- Fugitive dust will be minimized by watering or implementing other dust control measures, limiting construction vehicle speeds to 15 miles per hour or less, covering haul vehicles, installing wheel washers, or other similar methods where vehicles exit the construction site onto paved roads.
- Construction activities will be limited to the designated work area, which would be clearly identified on the construction drawings and marked with fencing, stakes, and/or flags before ground-disturbing activities begin.
- All construction equipment will have sound-control devices no less effective than those provided on the original equipment; no equipment shall have an unmuffled exhaust system.
- No pets will be allowed at the project site.
- All trash that may attract predators will be properly contained in covered containers and removed from the work site on a regular basis.

- During construction, no litter or construction debris will be placed within jurisdictional areas. All such debris and waste will be picked up daily and properly disposed of at an appropriate site. In addition, all project-generated debris, building materials, and rubbish will be removed from jurisdictional areas and from areas where such materials could be washed into them.

Protection of Landside Wetland Areas

The following measures to protect the non-jurisdictional wetlands identified on the landside of the levee in the Project area will be implemented:

- Non-jurisdictional wetlands will be fenced off and no construction activities will occur within the fenced area.
- No construction equipment, staging materials, vehicles, spoil piles, etc., will be allowed within protected buffer areas.
- Wetland areas will remain fenced for the duration of the Project.

Vegetation Removal and Tree Protection

Habitat creation intended to offset project impacts to vegetation will be implemented as follows:

- Vegetation clearing will only occur within the project footprint.
- The Proposed Project will impact 0.09 acres of riparian forest habitat; however, the project will create 0.30 acres of riparian forest habitat.
- The Proposed Project will impact 0.41 acres of scrub shrub habitat; however, the project will create 0.82 acres of scrub shrub habitat.
- The Proposed Project will impact 569 linear feet of SRA habitat, however, the project will create 1,500 linear feet of SRA habitat.

The project will be a net benefit for all vegetative habitat types.

Construction Site Clean-up

The following construction site clean-up measures will be implemented:

- All construction supplies, materials, and debris from the Proposed Project will be removed following completion of the Proposed Project.
- Plant delivery palettes will be returned via truck to the source nursery at the conclusion of construction.
- Minor trash/debris will be removed from the site and disposed of at an approved facility.

Implementation of General Permit (General Permit for Storm Water Discharges Associated with Construction Activities)

All measures described in the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit; Order No. 2022-0057-DWQNPDES Permit No. CAS000002) will be implemented. A SWPPP will be prepared that includes specific BMPs to avoid and minimize impacts on water quality during construction activities. The goals of the SWPPP will be to protect water quality; establish procedures to minimize accelerated soil erosion; and minimize non-storm water runoff. The SWPPP will define measures to prevent, control, and minimize impacts from a spill of hazardous, toxic, or petroleum substances during construction, as well as a description of potentially hazardous and non-hazardous materials that may be accidentally spilled, potential spill sources, potential spill causes, proper storage and transport methods, spill containment and recovery measures, agency notification, and responsible parties. Components of the SWPPP will include measures that limit the risk of release of contaminants to waterways. The SWPPP will have the following primary objectives:

- Stabilize the site as soon as possible.
- Control the perimeter of the project site.
- Protect nearby receiving waters.
- Follow all necessary pollution prevention measures.
- Minimize the area and duration of exposed soils.

Immediately following construction, the site will be revegetated by direct seeding the entire disturbance area with an ecologically appropriate native grass mix. Following this initial effort, the site will be revegetated with a combination of woody and non woody vegetation to mitigate the Project impacts and provide an overall net enhancement to AB 360 habitats (i.e. riparian forest, scrub shrub, shade riverine aquatic and freshwater marsh). The habitat features include a wetland and riparian bench and an upland native grass zone. Overall, the planting effort will enhance terrestrial and aquatic habitat values, augment slope stability, provide erosion protection benefits, and over time, improve the overall aesthetic appearance of the site. BMPs will be implemented during the revegetation effort to avoid the release of sediments.

X. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because the Project is considered self-mitigating in nature and will provide a net benefit to water quality and resources.

XI. California Environmental Quality Act (CEQA)

On 8 August 2024, the Brannan-Andrus Levee Maintenance District as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024061227) for the Project and filed a Notice of

Determination (NOD) at the SCH on 27 March 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.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees

A. An application fee of $796.00 was received on 12 November 2024. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

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.

XIV. Conditions

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

A. Authorization

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

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

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 – Not Applicable

2. Project Status Notifications

a. Commencement of Construction: The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).

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

c. Request for Notice of Project Complete Letter: The Permittee shall submit a Request for Notice of Project Complete Letter when construction

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

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous 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:

- 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

[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.)

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 dissolved oxygen to be reduced below 5.0 mg/L.

c. 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.

For Delta waters, the general objectives for turbidity apply subject to the following: except for periods of storm runoff, the turbidity of Delta waters shall not exceed 50 NTUs in the waters of the Central Delta and 150 NTUs in other Delta waters.

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.

[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.

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

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

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Dissolved Oxygen	mg/L and % saturation	Grab	Every 4 Hours
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[4]	Observations	Visual Inspections	Continuous throughout the construction period

4. Mercury

Prior to construction activities, the Permittee shall submit a mercury sampling plan for Central Valley Water Board staff approval. The plan shall include procedures and descriptions of locations and frequency for aqueous methylmercury and sediment total mercury sampling.

Aqueous methylmercury sampling shall occur prior to construction and after construction is complete, at sampling points located upstream outside of the influence of the project, a minimum 300 feet downstream from the project area, and at one location in the middle of the project area. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific aqueous methylmercury monitoring locations. Aqueous methylmercury sampling shall occur at the same locations throughout the sampling period.

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

Sampling for total mercury in sediment shall occur prior to construction activities for excavated material that will be placed as fill into waters of the state, and after construction activities are complete in areas that contain fine grained sediments (grain size less than 63 microns) that will be inundated. Samples must be representative of the entire depth and volume to be excavated. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific total mercury sediment monitoring locations. If the median concentration of total mercury on fine grained sediments (grain size less than 63 microns) is greater than 0.1 mg/kg [dry weight], the Permittee shall submit for Executive Officer approval a mercury-contaminated sediment management plan. The mercury-contaminated sediment management plan shall describe actions the Permittee will implement to isolate, remove, and/or prevent downstream transport of mercury-contaminated sediments once flows are reestablished in the graded areas. The Permittee is required to implement the plan upon Executive Officer approval.

After each sampling event, the Permittee shall submit the laboratory results to Central Valley Water Board staff and upload the results to the California Environmental Data Exchange Network's website CEDEN - California Environmental Data Exchange Network (http://www.ceden.org/). Water Quality Monitoring Templates for data submittal can be found on the same website.

5. **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 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. Dewatering will not occur within the Project area.
   c. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
2. **Directional Drilling- Not Applicable**
3. **Dredging- Not Applicable**

4. Fugitive Dust

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

5. Good Site Management "Housekeeping"

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

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

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

6. Hazardous Materials

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

b. No wet concrete will be placed into aquatic resources habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management- Not Applicable

9. Roads

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

b. 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: Suisun Marsh Aster, Mason's Lilaeopsis, Bristly Sedge, Bolander's Water-Hemlock, Wooly Rose-Mallow, Delta Tule Pea, Delta Mudwort, Eel-Grass Pondweed, Sanford's Arrowhead, Marsh Skullcap, Side-Flowering Skullcap, Watershield, Tricolored Blackbird, Great Blue Heron, Swainson's Hawk, White-Tailed Kite, Northwestern Pond Turtle, American Peregrine Falcon, Western Red Bat, Hoary Bat, California Black Rail, Song Sparrow, Bank Swallow, Riparian Brush Rabbit, American Badger, Green Sturgeon, White Sturgeon, Hardhead, Sacramento Splittail, Delta Smelt, Longfin Smelt, Pacific Lamprey, Chinook Salmon (Winter-Run, Spring-Run, Fall-Run, and Late Fall-Run), Steelhead.

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)

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads

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

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Mitigation and Habitat Enhancement Planting, Monitoring and Adaptive Management Plan dated 5 December 2024 and incorporated herein by reference.
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

K. Ecological Restoration and Enhancement

The quantity of waters of the state permanently gained by the Project is shown in Table 3.

Table 3: Total Ecological Restoration and Enhancement Quantity

Aquatic Resource Type	Restoration Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	Permittee-Responsible	Linear Feet	1,500					
Riparian Zone	Permittee-Responsible	Acres	0.30					
Wetlands	Permittee-Responsible	Acres	0.39					

L. Certification Deviation

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

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

XV. Water Quality Certification

I hereby issue the Order for the Georgiana Slough Erosion Control and Habitat Enhancement Project, WDID # 5A34CR00904, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Original Signed by Anne Walters for:
For Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

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

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Attachment A – Project Maps

Figure 1: Regional Location

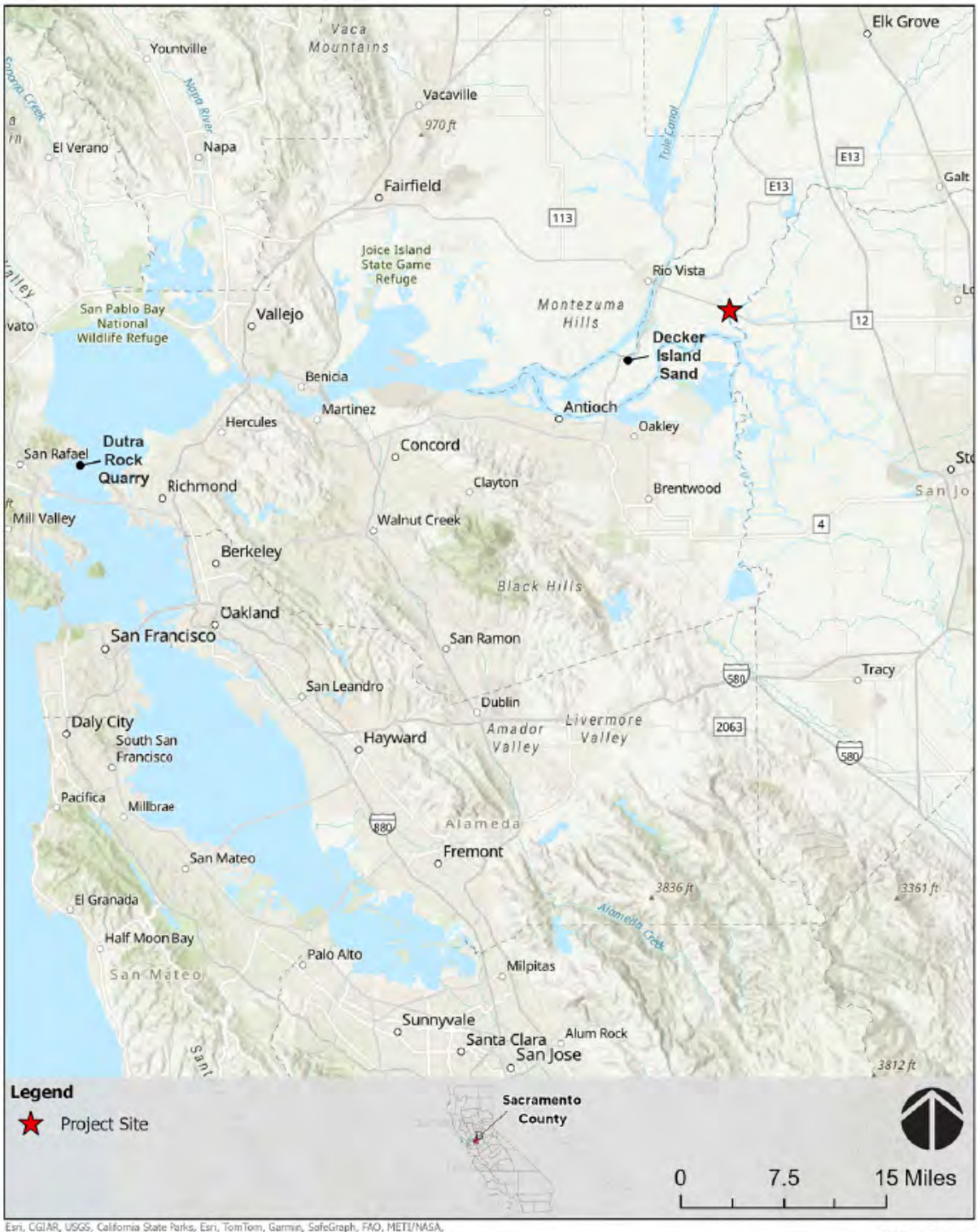

FIGURE 1
REGIONAL LOCATION

Figure 2: Site and Vicinity

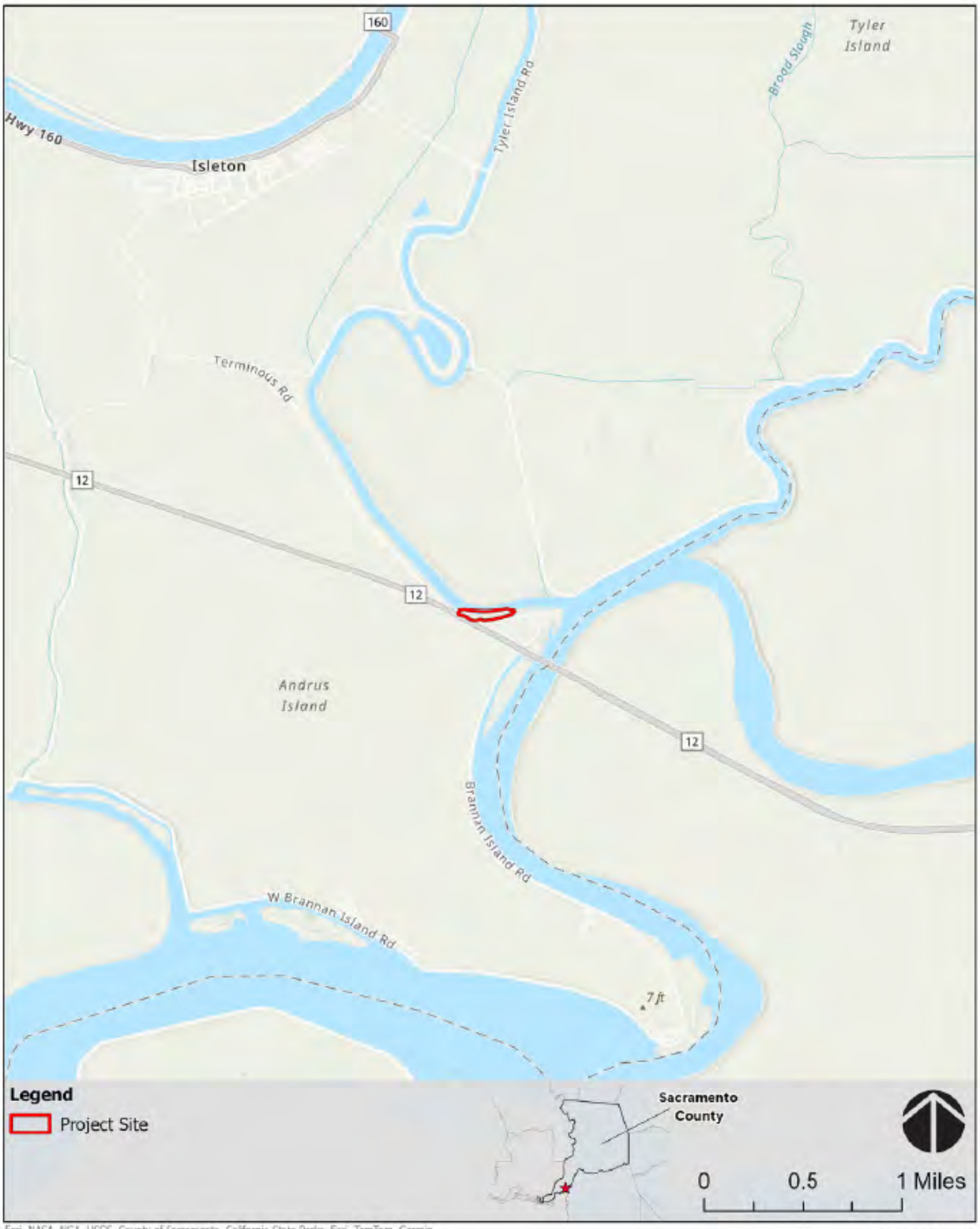

FIGURE 2
SITE AND VICINITY

Figure 3: Aerial Overview

FIGURE 3
AERIAL OVERVIEW

Figure 4: Site Plan

FIGURE 4
SITE PLAN

Figure 5: CNDDB Inventory

FIGURE 5
CNDDB INVENTORY

Figure 6: National Wetland Inventory

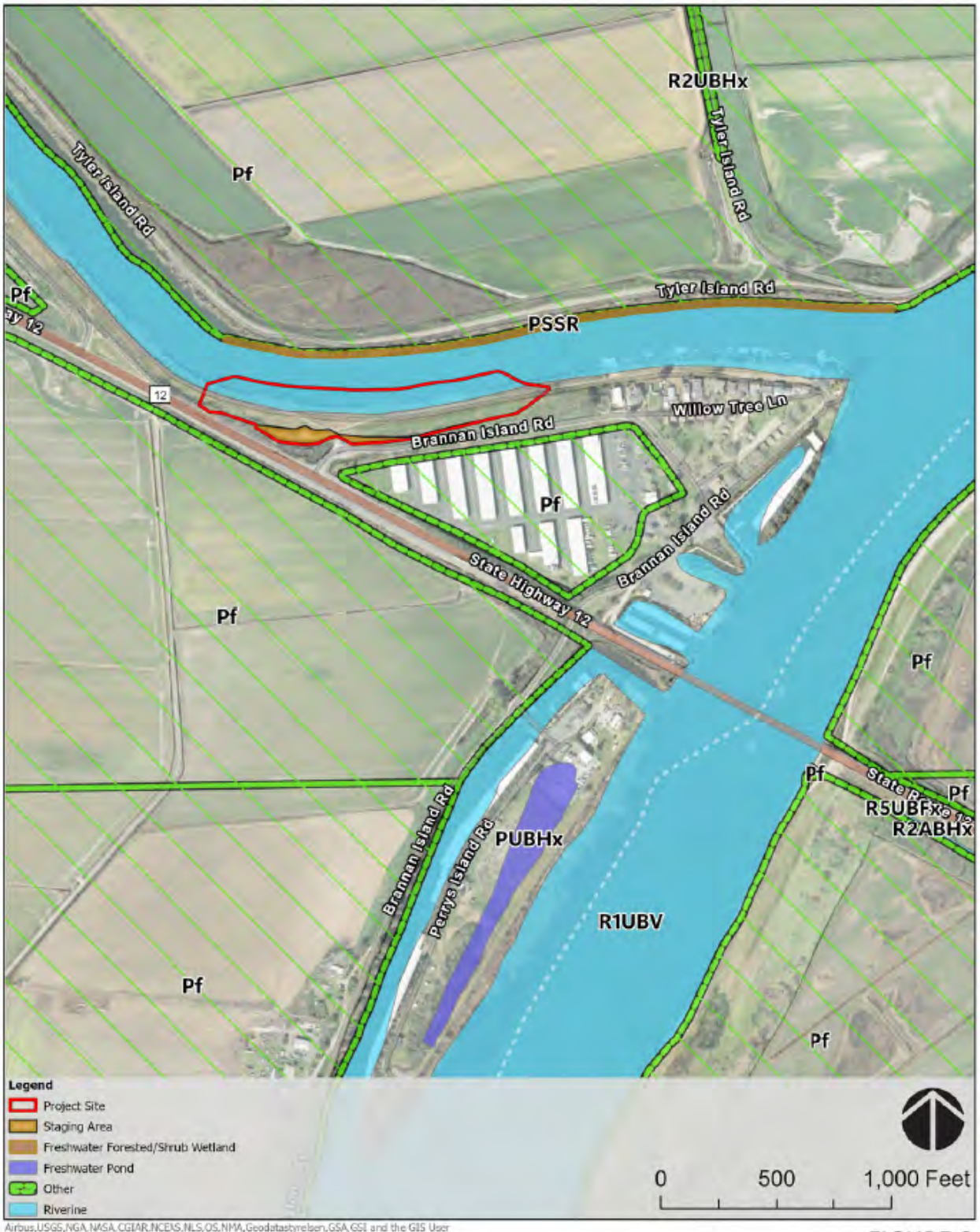

FIGURE 6
NATIONAL WETLAND INVENTORY

Figure 7: Vegetation Communities

FIGURE 7
VEGETATION COMMUNITIES

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Attachment B – Receiving Waters and Impacts

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	California Rapid Assessment Method (CRAM) ID
Stream Channel Impacts	Georgiana Slough	Stream Channel	544.00	Delta Waterways	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Chlorpyrifos, DDT (Dichlorodiphenyltrichloroethane), Diazinon, Group A Pesticides, Invasive Species, Mercury, Toxicity	

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 Impacts	38.129511	-121.582878	No	1.95	14,807	1,500

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 8 August 2024, the Brannan-Andrus Levee Maintenance District, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024061227) for the Project and filed a Notice of Determination (NOD) at the SCH on 27 March 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 Brannan-Andrus Levee Maintenance District's adopted 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 Brannan-Andrus Levee Maintenance District 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 Brannan-Andrus Levee Maintenance District 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 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: the Governor's Office of Planning and Research State Clearinghouse website (https://ceqanet.opr.ca.gov/Project/2024061227).

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, are incorporated herein by reference.

C. Findings

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

> *Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant*

environmental effect as described in the IS/MND.

a.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS).

a.ii. Facts in Support of Finding:

Special Status Plants

- Construction activities and ground disturbance associated with the Proposed Project may potentially result in adverse effects to special status plants and wildlife.
- The Proposed Project has potential to result in direct impacts to special status plant species if populations are present in the project site. Although implementation of the Proposed Project will not fully eliminate a special status species since there are other populations offsite, impacts to individuals would be potentially significant without mitigation due to the rarity of these plant species, if they were to occur within the project site.
- Implementation of Measure BIO-1, which includes pre-construction botanical surveys and the salvage and replanting of special-status plants, will reduce potential direct impacts to special status plant populations to a less than significant level.

  BIO-1: Special Status Plant Avoidance, Minimization, and Mitigation Measures

  - During the appropriate bloom windows prior to construction, a qualified biologist or botanist will survey all areas of suitable habitat for special status plant species with potential to occur on the project site. If any are detected, the location of all individual of special status plant species will be mapped. Where feasible, individuals will be fenced for avoidance during construction. Where avoidance is not feasible, losses will be offset through inclusion of these species into the mitigation/restoration planting palette.
  - If detected in the project site and to the extent feasible, rhizomes of the Suisun Marsh aster and Mason's lilaeopsis will be salvaged and stored in damp soil and cared for by a qualified biologist or nursery professional until the habitat restoration components of the project are implemented. Salvage of Mason's lilaeopsis if found, may require additional

authorizations from CDFW due to its status as a state rare species. Any agency consultations sh will all be completed prior to the start of construction, and the applicant shall submit written documentation of the results of such consultations. Mason's lilaeopsis and Suisun Marsh aster will be included in the plant palette at a minimum 1.5 to 1 ratio of individuals planted to individuals removed.

- All efforts will be made to avoid the spread or introduction of invasive weeds during implementation of the Proposed Project. Appropriate BMPs that are intended and designed to curtail the spread of invasive plant species will be implemented during construction. These include, but are not limited to, the following:
  - During construction, the project will make all reasonable efforts to ensure imported material is free of invasive plant species.
  - Equipment and vehicles will be free of caked on mud and weed seeds/propagules before accessing and leaving the project site
  - Landscaping materials will not include invasive, non-native ornamentals as identified by the California Invasive Plant Council (Cal-IPC) Inventory.

- The Proposed Project is not expected to result in permanent loss of habitat due to both mitigation and enhancement/restoration of riparian forest, scrub shrub, SRA and freshwater marsh habitats. After implementation, the Proposed Project will create a net habitat benefit, as the proposed enhancement of riparian habitat and creation of wetland benches would increase habitat complexity and value for special status plants.
- The Proposed Project has potential to result in indirect impacts to special status plant species by the spread of invasive, non-native species from construction equipment or imported fill materials. Impacts to special status plants species from invasive weeds are potentially significant because invasive weeds can spread to the extent that they affect rare plants at the local and/or regional population-level. By removing invasive giant reed and Himalayan blackberry, the enhancement of riparian and native grassland habitat and the creation of freshwater marsh, the Proposed Project will create habitat complexity and increase the site's value for special status plants.

Special Status Amphibians or Reptiles

- Northwestern pond turtle (Emys marmorata; FP, SSC) has the potential to occur in the project site. The project site has a small amount of suitable habitat, and project construction will disturb this

habitat. If construction of the Proposed Project were to directly impact a northwestern pond turtle individual, this will be a potentially significant impact.

- Implementation of Measure BIO-2 will avoid impacts to individuals from project activity and reduce impacts to a less than significant level.

  BIO-2: Pre-construction Northwestern Pond Turtle Survey

  - Because northwestern pond turtle may migrate into the project site between the time that the field survey was completed and the start of construction, a pre-construction survey for northwestern pond turtle will be performed by a qualified biologist to ensure that northwestern pond turtle is not present. The survey will be performed within 2 weeks of project initiation/ground disturbance. If northwestern pond turtle is detected, construction will be delayed in that area, and the appropriate wildlife agency (CDFW and/or USFWS) will be consulted and avoidance and minimization measures implemented.

- Implementation of the Proposed Project will ultimately be beneficial for northwestern pond turtle through enhancement of riparian habitat and creation of freshwater marsh habitat.

Special Status Mammals

- The following special mammal species have the potential to occur in the project site:
  - western red bat (Lasiurus blossevillii); SSC
  - hoary bat (Lasiurus cinereus); SSC
  - American badger (Taxidea taxus); SSC (dispersal only)
- Bats, primarily Western red bat and hoary bat, may utilize the trees in the project site for roosting and could forage for insects over the open water. Bats may be directly impacted by vegetation trimming or grubbing and excavation activities, and indirectly impacted by construction-generated noise and vibration, which may cause roost abandonment. Implementation of the Proposed Project will ultimately be beneficial for bats through the creation and enhancement of riparian and freshwater marsh habitats.
- Implementation of Measure BIO-3 described below will reduce potential impacts to bats to less than significant.

  BIO-3: Roosting Bats Avoidance and Minimization Measures

  - Prior to construction activities that require removal of trees or large shrubs, a qualified biologist will conduct a survey of

potential bat roosts to determine if roosting bats are present. If a bat roost is found, further analysis will be conducted sufficient to determine the species present and the type of roost (day, night, maternity, etc.). If the bats are not part of an active maternity colony, passive exclusion measures may be implemented in close coordination with CDFW prior to removal of the affected vegetation. These exclusion measures may include one-way valves that allow bats to exit the structure but are designed so that the bats may not re-enter if the roost is a cavity roost. For non-maternity tree roosts, the roost will be checked daily until the bats have moved. Once movement has been confirmed, vegetation removal will proceed with a monitor present. Maternal bat colonies may not be disturbed while young are present and dependent on the roost.

- Dispersing American badgers are unlikely to occur within the project site, but it is possible transient individuals may cross the project site during construction activities. However, wildlife observed within the project site will be allowed to exit the work area on their own without harm. Therefore, impacts to American badger will be less than significant.

Nesting or Foraging Birds

- The following special status birds have the potential to occur in the project site:
    - tricolored blackbird (Agelaius tricolor); CT
    - great blue heron (Ardea herodias); SSC
    - Swainson's hawk (Buteo swainsoni); CT
    - white-tailed kite (Elanus leucurus); FP
- Swainson’s hawk is state listed as threatened. The larger trees within the vicinity of the project site provide suitable nesting habitat for the Swainson’s hawk. The California Natural Diversity Database (CNDDB) contains four records of this species within five miles of the project site. This species has potential to be present (nesting) within or in the immediate vicinity of the project site during construction. Direct impacts to Swainson’s hawk are unlikely to occur on the project site but could occur if the species is nesting within a half mile of the project site. The vegetation on the project site is likely too small to support Swainson’s hawk nesting and therefore direct impacts resulting in injury to or mortality of individuals through destruction of active nests during tree removal or vegetation trimming is unlikely. However, direct impacts may also occur off-site through nest failure from noise and other disturbance in the vicinity of a nest. Any direct impacts to Swainson’s hawk will be considered significant under CEQA. Implementation of the

Proposed Project will ultimately be beneficial for Swainson's hawk through enhancement of riparian habitat (which can be used for nesting). The project site provides some suitable foraging habitat for Swainson's hawk, but project activity would not be expected to have indirect impacts to the species because there will be no net loss of foraging habitat.

- Implementation of Mitigation Measure BIO-4 will avoid impacts to individuals from project activity and will reduce impacts to a less than significant level.

  BIO-4: Raptor Avoidance and Minimization Measures

  - If feasible, all vegetation clearing, tree removal, and tree trimming shall occur outside of the nesting season (1 September through 14 February).
  - If construction activity is scheduled during the nesting season (15 February through 31 August), a qualified biologist will conduct a pre-construction survey for Swainson's hawk, white-tailed kite and active Swainson's hawk and white-tailed kite nests. Surveys will be conducted within two weeks of the start of construction activities that are scheduled to occur during the nesting/breeding season. The survey will include the project site plus a 0.5 mile buffer. The pre-construction survey will be conducted during a time of day when the birds are active and will be of sufficient duration to reliably conclude presence/absence of Swainson's hawk and white-tailed kite nests. A report of the survey results will be submitted to the BALMD prior to issuance of any grading or building permits. As a fully protected species, there is no allowable "take" for white-tailed kite under any circumstances. As a state endangered species, there is no take of Swainson's hawk without take authorization from CDFW.
  - If no active Swainson's hawk or white-tailed kite nests are detected, no additional action is required.
  - If active Swainson's hawk nests are observed within 0.5 mile of the project, a minimum 0.25 mile avoidance buffer will be established around each nest. If active white-tailed kite nests are identified within 0.5 mile of the project, a minimum avoidance buffer of 500 feet will be established. Any variance for smaller avoidance buffers will only be allowed with the approval of CDFW and the BALMD. Active nests will be monitored by a qualified biologist during project-related activities. The avoidance buffer will be maintained for the duration of the project, unless the biologist has determined that the young have fledged or are no longer dependent upon the

nest and parental care.

- If a Swainson's hawk or white-tailed kite is observed perched or foraging in the project site, all project-related work will cease and the individual will be allowed to leave the project site unimpeded and of its own accord before work may resume.
- Work activities will be avoided within active raptor nest buffers until young birds have fledged and left the nest(s). Readily visible exclusion zones will be established in areas where nests must be avoided.

- Suitable habitat occurs within the project site for the white-tailed kite, a State Fully Protected Species. This species may nest within the riparian habitat present on site. Potential impacts to this species, if nesting during project activity, include injury or mortality from nest destruction or nest abandonment. The species forages in undisturbed, open grasslands, meadows, farmlands and emergent wetland. The project site does not provide suitable foraging habitat for this species, and indirect impacts through loss of foraging habitat are not expected. Implementation of the Proposed Project will ultimately be beneficial for white-tailed kite through creation and enhancement of riparian habitat and creation of freshwater marsh habitat. Because of the current conservation status of this species, any impact to this species will be considered significant under CEQA.
- Implementation of Mitigation Measure BIO-4 will reduce potential impacts to less than significant.
- The project site and vicinity provide suitable nesting habitat for a wide variety of birds protected under the MBTA and/or California Fish and Wildlife Code, as well as tricolored blackbird and great blue heron. Given the small size of the Proposed Project area and the abundance of similar nesting habitat in the area, it is unlikely that impacts to other protected bird species would be considered significant. Impacts to individual protected nesting birds may include injury or mortality as a result of nest destruction during vegetation clearing, tree removal or trimming, or nest abandonment from construction activity and noise. Therefore, there is the potential for direct impacts to bird species. Implementation of the Proposed Project will be beneficial for nesting birds through enhancement of riparian habitat and creation of marsh habitat.
- Implementation of Mitigation Measure BIO-5 will avoid impacts to nesting birds and as such will reduce potential impacts to a less than significant level.

  BIO-5: Non-Raptor Nesting Bird Avoidance and Minimization Measures

- If feasible, removal and/or trimming of trees will be scheduled to occur in the outside of the nesting season during non-breeding fall/winter months (1 September through 14 February), after fledging and before the initiation of the nesting season.
- If project activities occur between 15 February and 31 August, a qualified biologist will conduct pre-construction surveys for nesting birds no more than 14 days prior to construction. The survey will include the entire project site and a 250-foot buffer. If active nests are found, the qualified biologist will establish an appropriate species-specific avoidance buffer of sufficient size to prevent disturbance of the nest by project activity (typically a minimum of 50 feet). If no active nests are detected, no additional action is required.
- If applicable (i.e., nests are detected as a result of the pre-construction surveys), the qualified biologist will perform at least two hours of pre-construction monitoring of the nest to characterize “typical” bird behavior. The qualified biologist will monitor the nesting birds and will increase the buffer if the qualified biologist determines the birds are showing signs of unusual or distressed behavior by project activities. Atypical nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed toward project personnel, standing up from a brooding position, and flying away from the nest.
- If applicable, the qualified biologist will have authority to order the cessation of all project activities if the nesting birds exhibit atypical behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. To prevent encroachment, the established buffer(s) will be clearly marked by high visibility material The established buffer(s) will remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist. Any sign of nest abandonment will be reported to CDFW within 48 hours.

Special Status Fish

- Based on their life history and the period of time that in-river construction work will occur, winter-run Chinook Salmon, Delta Smelt, Longfin Smelt, and River Lamprey will not occur in the vicinity of the Proposed Project during any of the in-river construction areas.
- Specific temporary construction-related impact mechanisms that potentially may affect special status species include:
  - temporary effects to water quality, including increased turbidity

and suspended solids as a result of construction activities;

- temporary effects to water quality from contaminants that may wash off construction equipment;
- temporary effects from underwater noise as a result of operating tugboats and barges, and from operating construction equipment adjacent to and in the slough;
- direct effects, including disturbance, injury or mortality, as a result of in-water work activities listed above;
- direct effects from tugboat propeller strikes or entrainment of special status fishes and their food resources; and
- temporary effects to predator prey dynamics and increased predation of special status fish due to shading caused by temporary docking of one rock barge and one derrick barge.

- Specific permanent impacts that may potentially affect special status fish species include:
  - effects to habitat from creation of riparian and wetland benches;
- The creation of wetland and riparian benches are expected to benefit most special status fish species. Newly planted trees will grow over time and add to the overhanging shade as planted trees mature (i.e., >15 years). Increased shade and creation of low velocity habitat will lead to increased foraging opportunities for migrating salmonids and other native fish species through increased macroinvertebrate production. However, loss of soft bank/bottom habitats (i.e., impacts to benthic environments) resulting from place of RSP in the water column may cause impacts that are potentially significant to Green Sturgeon.
- Implementation of Measure BIO-6 would reduce impacts to green sturgeon to a less than significant level.

  BIO-6: Green Sturgeon Mitigation Acreage and Mitigation Credits

  - The following avoidance and minimization efforts shall be implemented for the Proposed Project:
    - Permanent loss of 0.34 acre of soft bottom habitat due to the erosion repair impacts at the lowest waterside extent of the project, will require purchase of 0.34 acre of Green Sturgeon mitigation credit.
    - Mitigation bank credits will be purchased from Fremont Landing Conservation Bank (operated by Wildlands) prior to project impacts.

<u>b.i. Less than Significant with Mitigation Incorporated:</u>

- With proposed mitigation measures, the project is unlikely to interfere

substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

b.ii. Facts in Support of Finding:

Terrestrial Wildlife

- Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Typically, habitat linkages are contiguous strips of natural areas, though dense landscape vegetation can be used by certain disturbance-tolerant species. For highly mobile or aerial species, habitat linkages may be discontinuous patches of suitable resources spaced sufficiently close together to permit travel along a route in a short period of time.
- The project site functions as a part of a wildlife corridor because Georgiana Slough and the levee banks allow wildlife movement. Maritime and commercial structures, residences, and roads function as barriers. During construction, ground-disturbing activities and the presence of construction equipment will discourage terrestrial animal use and movement through the project site. However, this impact is temporary and the previously-prescribed mitigation measures will ensure that no wildlife is present in work areas and that the construction footprint remains as small as possible. Implementation of the Proposed Project will not create any new permanent barriers, such as the construction of docks, levees, buildings, or roads. Once completed, the Proposed Project would ultimately be beneficial for wildlife movement through the enhancement and creation of riparian, wetland, and native grassland habitats. Therefore, project-related impacts to wildlife movement are considered to be less than significant.

Special Status and Native Fish

- Temporary effects from construction-related noise and disturbance associated with the Proposed Project have the potential to affect migrations and movements of special-status anadromous and resident fish near the active construction site. Presence of construction equipment could cause underwater noise, turbidity, and flow pattern disruption channel (i.e., disruption of laminar flow vectors immediately adjacent to the equipment itself) to occur during the short period of time the construction equipment may be present. This would likely cause any native species or special status fish that could be present in the work area to make slight changes to their movements to avoid the construction activities. However, most fish would move past the construction area unimpeded in a portion of the slough that is a sufficient distance from the area of disturbance.

- The temporary areas of shade created by the barges are also not expected to delay migration of salmonids. In a study that assessed the impacts of shading from a large bridge in Washington State, only some migrating juvenile salmonids were delayed by the shade (Bloch et al., 2009). These fish were only delayed by an average of 10 minutes (Bloch et al., 2009). The areas of shade from the construction barges would be much smaller than that cast by large bridges and thus the artificial shade is expected to create minimal, if any delay in the downstream migration of juvenile salmonids.
- Restriction of in-water work periods (1 August to 31 October) will avoid the primary migration periods of juvenile anadromous salmonids and all work would be limited to daylight hours during the week, leaving extensive periods of undisrupted passage for migrating fishes in the evenings, daily, and on weekends, when little to no construction would occur.
- In summary, disturbance and noise associated with construction-related activities and creation of artificial shade due to presence of barges is not expected to adversely affect the migrations or movements of anadromous special status fishes. This is because most fish would move past the construction area unimpeded in a portion of the channel that is a sufficient distance from the active construction area. Because construction would be limited to daylight hours during the week, any delays in movement past or in the vicinity of the construction area would be short-term (i.e., several hours). Further, construction related activities would not interfere substantially with the movement of any native or resident special status fish species. Consequently, this impact would be less than significant.
- Creation of the vegetated benches along the newly stabilized levee would restore loss of ecosystem functions due to modifications along the slough and other waterbodies (by providing refugia from predators and creating velocity refugia) throughout the Delta. This increased habitat availability, continuity and complexity would mimic characteristics of natural shorelines and floodplains used by native fish species including special-status species and other native species. Ultimately, habitat enhancement and levee stabilization would provide a better migratory corridor than what is present under existing conditions.
- Restoring habitat diversity and hydraulic complexity would support other ecological functions (e.g., vegetative success and invertebrate production) that are characteristic of natural shorelines and floodplains. Survival and emigration success is expected to increase from increased access to these complex habitats. Although the seasonal, shallow water habitat areas could lead to stranding of special status

fishes due to fluctuating water levels on these newly created habitats, native fishes are adapted to the natural hydrologic regimes of floodplains and rivers. As such, shallow water habitat emigration is likely to be triggered by environmental cues (e.g., increases in floodplain water temperatures as the water recedes, decreases in water surface elevations) (Moyle et al., 2007).

- Based on the assessment provided above, the Proposed Project would have a less-than-significant impact on the movement of any native or migratory fish species or established native resident or migratory corridor, or on native fish nursery sites.

c.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

c.ii. Facts in Support of Finding:

- Temporary construction activities for the Proposed Project would include ground disturbing activities including excavation prior to the placement of fill. The soils in the project site are disturbed soils that were transported to the area to construct the levee and are not expected to contain intact prehistoric resources. However, construction activities have the potential to encounter buried archaeological resources if excavation extends to native soils. Buried archaeological resources may include, but are not limited to, deposits of stone, bone and shell artifacts, dark gray “midden” sediments, historic trash deposits, stone or adobe foundation, ship remains, and/or shipwreck artifacts. Therefore, the impact would be potentially significant.
- Implementation of Mitigation Measure CULT-1 would reduce impacts to archaeological resources to a less than significant level.

  CULT-1: Unanticipated Discovery of Archaeological Resources

  - If prehistoric or historic artifacts, or other indications of archaeological resources such as unusual deposits of stone, bone or shell, stone artifacts, or historic trash deposits or foundations are discovered once ground-disturbing activities are underway, the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available, as provided in §15064.5 of the CEQA Guidelines. Such measures may include, but not be limited to, Phase II archaeological evaluation and Phase III data recovery excavation. Work may continue on other parts of the Proposed Project Area while

historical or unique archaeological resource mitigation takes place on-site.

d.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to disturb any human remains, including those interred outside of dedicated cemeteries.

d.ii. Facts in Support of Finding:

- No human remains were identified during the field studies, nor were any previously recorded burials included in the record search results. Encountering human remains is unlikely; however, it is always possible during ground disturbing activities. The Proposed Project would have a potentially significant impact on human remains if they are encountered during construction.
- The implementation of Mitigation Measure CULT-2 would reduce the impact to less than significant.

  CULT-2: Discovery of Human Remains

  - If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the county coroner must be notified immediately. If the human remains are determined to be prehistoric, the coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify a most likely descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of being granted access and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. If the landowner or authorized representative rejects the recommendation of the MLD, either the landowner or the MLD may request mediation by the NAHC, which would include the meaningful and timely discussion and careful consideration of the views of each party to come to an agreement. If the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 24 hours after notification by the NAHC, or the landowner or his authorized agent rejects the recommendation by MLD and mediation by the NAHC fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances.

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

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Carter.Cook@waterboards.ca.gov.
- Include in the subject line of the email:
ATTN: Carter Cook; Project Name; and WDID No. 5A34CR00904.

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:

28 March 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. <u>Photo-Documentation:</u>

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:	Georgiana Slough Erosion Control and Habitat Enhancement Project
Permittee:	Brannan-Andrus Levee Maintenance District
WDID:	5A34CR00904
Reg. Meas. ID:	459113
Place ID:	897429
Order Effective Date:	28 March 2025
Order Expiration Date:	27 March 2030

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report

Report Type 2 ☐ Annual Report- Not Applicable

B. Part B – Project Status Notifications

Report Type 3 ☐ Commencement of Construction

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

Report Type 5 ☐ Request for Notice of Project Complete Letter

C. Part C – Conditional Notifications and Reports

Report Type 6 ☐ Accidental Discharge of Hazardous Material Report

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

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

Report Type 9 ☐ Modifications to Project Report

Report Type 10 ☐ Transfer of Property Ownership Report

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

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

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

Signature **Date**

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

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

Permittee's Signature **Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

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

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

c. Report Contents -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. Report Type 2 - Annual Report- Not Applicable

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

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

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

c. Report Contents -

i. Date of commencement of construction.

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

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

iv. Construction Storm Water General Permit WDID No.

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

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

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

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

c. Report Contents -

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

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

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

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

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

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

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

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

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

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

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

ii. Part B: Permittee Responsible Compensatory Mitigation

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

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

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

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

iii. Part C: Post-Construction Storm Water BMPs

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

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

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

C. Part C – Conditional Notifications and Reports

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

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

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

c. Report Contents -

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

Follow-Up Report may be substituted.

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

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

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

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

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

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

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

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

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

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

4. Report Type 9 - Modifications to Project Report

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

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

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

5. Report Type 10 - Transfer of Property Ownership Report

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

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

c. Report Contents -

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

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

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

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

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

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

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

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

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Attachment E – Signatory Requirements

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

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

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

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

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

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

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

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

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

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

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

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

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

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

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

I. General Justification for Section XIV Conditions

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

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

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

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

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

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

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

II. Specific Justification for Section XIV Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

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

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

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

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

D. Standard

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

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

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

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

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

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

E. General Compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. **Construction General Permit Requirement**

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

F. Administrative

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

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

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

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et 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- Not Applicable**
2. **Directional Drilling- Not Applicable**
3. **Dredging- Not Applicable**
4. **Fugitive Dust**

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

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

   Conditions related to site management require best practices to prevent,

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management- Not Applicable

9. Roads

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

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

10. Sediment Control

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

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific- Not Applicable

I. Total Maximum Daily Load (TMDL)

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

J. Mitigation for Temporary Impacts

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

K. Compensatory Mitigation for Permanent Impacts- Not Applicable

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).