



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 14 August 2024

Expiration Date: 13 August 2029

Program Type: Fill/Excavation

Project Type: Residential

Project: Whitehawk I Project (Project)

Applicant: Folsom Oak Tree, LTD

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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 Folsom Oak Tree, LTD (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 16 April 2024. The application was deemed complete on 18 June 2024. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application: **10 May 2024**
Date all requested information was received: **14 June 2024**

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 19 April 2024 to 10 May 2024. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project purpose is to provide single-family housing. The goal of the project is to construct a high-quality neighborhood that that complements the natural setting, is consistent with the Granite Bay Community Plan, that efficiently utilizes available infrastructure, and is proximate to retail and services.

IV. Project Description

The Project is an approved residential subdivision in Placer County as part of the Whitehawk I and II projects.

The Project requires mass grading of the housing development area and other temporary and permanent site disturbance in adjacent areas to support installing supporting infrastructure and an emergency vehicle access (EVA). The Project also includes an EVA and utilities along an existing paved secondary roadway from the southwest corner of the development a connection at Chestnut Court. EVA construction includes minor widening of the existing paved access road. Utilities will be placed on top of the concrete arch culvert. Minor improvements will be made to the south side of Douglas Boulevard between the subdivision and the Douglas Boulevard/Woodgrove Way intersection to the west.

The Project requires installing one new 54-foot concrete arch culvert over Strap Ravine (an intermittent drainage). Construction will require dewatering and installing a temporary access road and 89-foot railroad flatcar/k-rail bridge crossing downstream of the arch culvert site.

Site grading will occur in three areas to support storm water basins to collect, treat, and manage all on-site storm water. All three basins include outfalls and overflow

spillways to discharge flow to upland areas outside of the 100-year floodplain. Approximately 2.718 acres of seasonal wetlands, swale, and marsh aquatic resources will be preserved without impact within the avoidance area along the drainage.

V. Project Location

Address: 4436 Douglas Boulevard, Granite Bay, CA 95746

County: Placer

Assessor's Parcel Number: 048-151-001-000

Nearest City: Granite Bay

Section 9, Township 10 North, Range 7 East

Latitude: 38.743673° and Longitude: -121.216906°

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

VI. Project Impact and Receiving Waters Information

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

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

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

VII. Description of Direct Impacts to Waters of the State

A total of 0.331 acre of aquatic resources (seasonal marsh, seasonal wetland, and wetland swale) will be permanently filled as a result of site grading. A 0.014-acre area of intermittent stream will be temporarily affected during construction of an arch culvert over Strap Ravine; temporary impacts will result from dewatering, excavation, and support work from within the channel. A 1.186-acre area of riparian vegetation

will be removed as a result of the Strap Ravine arch culvert construction and water quality basin construction.

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

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Riparian Zone	1.186		
Wetland	0.331	531	

Table 2: Total Project Dredge Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.014	44	189

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. Indirect impacts to Strap Ravine are not anticipated during or following construction. During construction, application of Best Management Practices (BMPs) as outlined in a Stormwater Pollution Prevention Plan (SWPPP) and as required by Placer County will prevent indirect impacts as a result of stormwater runoff from/within the work areas. Construction BMPs will be inspected regularly and maintained as required. To prevent post-construction water quality impacts, the arch culvert crossing and associated roadway will be constructed consistent with Placer County storm water management requirements.

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:

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

Direct Avoidance and Minimization

The project is designed to avoid all permanent impacts to Strap Ravine. The design also avoids most of an existing area of riparian vegetation on both sides of Strap Ravine and a seasonal wetland that is adjacent to the avoided riparian area on the eastern project boundary. Rock retaining walls will be used in areas adjacent to the drainage and/or riparian area to minimize direct impacts.

Indirect Avoidance and Minimization

The Project is designed to avoid storm water discharge to Strap Ravine (intermittent drainage) and an avoided seasonal wetland on the eastern project boundary. Storm water will be collected from within the development area and routed to three storm water basins within the development. The basins are designed to discharge to upland areas, if discharge is necessary, and there would be no indirect impact to water quality.

The Project's conditions of approval include the following requirements intended to protect long-term water quality:

- **Condition 27.** The Improvement Plans shall show water quality treatment facilities/Best Management Practices (BMPs) designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division [ESD]).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for sizing of permanent postconstruction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

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

- **Condition 28.** The Improvement Plans shall include the message details, placement, and locations showing that all storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek." or other language and/or graphical icons to discourage illegal dumping as approved by the Engineering and Surveying Division (ESD). ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowners Association is responsible for maintaining the legibility of stamped messages and signs.
- **Condition 29.** This project is located within the permit area covered by Placer County's Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES). Project-related stormwater discharges are subject to all applicable requirements of said permit.

The project applicant shall implement permanent and operational source control measures, as applicable. Source control measures shall be designed for pollutant-generating activities or sources, consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the Improvement Plans. The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management as outlined in the West Placer Storm Water Quality Design Manual.

- **Condition 30.** Per the State of California NPDES Phase II MS4 Permit, the WHI project is a Regulated Project that creates and/or replaces 5,000 square feet or more of impervious surface. A final Storm Water Quality Plan (SWQP) shall be submitted, either within the final Drainage Report or as a separate document that identifies how the projects will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, per the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromodification management of stormwater such that post-project runoff is maintained to equal or below pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bioretention, and other LID measures that result in post-project flows that mimic pre-project conditions.

The combination of site design and application of required storm water BMPs will prevent long-term indirect impacts to water quality.

X. Compensatory Mitigation

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

XI. California Environmental Quality Act (CEQA)

On 9 July 2020, Placer County, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2016082009) for the Project and filed a Notice of Determination (NOD) at the SCH on 10 July 2020. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of \$12,506.00 was received on 15 April 2024. It was determined that there was an overpayment, and the correct amount due was \$9,313.00. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

A refund in the amount of \$3,193.00 was requested on 7 May 2024.

XIV. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

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

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

centralvalleysacramento@waterboards.ca.gov.

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

1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the **1st day of each month** beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of September beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-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 Materials²:

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

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

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.)

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

for waters designated with the WARM beneficial use, and 7.0 mg/L for waters designated with the COLD or SPWN beneficial uses, in surface water.

- 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.

For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal to 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.

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

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

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.

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 3: 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

D. Standard

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

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

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

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

E. General Compliance

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

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

- 6. Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

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

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. **Lake or Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

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

coverage under an NPDES permit for dewatering activities that result in discharges into surface water.

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 wetland, stream channel, or riparian habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

- b.** The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:

 - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads

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

structure.

- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

10. Sediment Control

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.
- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

The following Special Status Species have the potential to occur near or within the Project: Western Spadefoot, Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, Steelhead, Valley Elderberry Longhorn Beetle, Western Pond Turtle, Sacramento Orcutt Grass, Swainson's Hawk, Bald Eagle, Tricolored Blackbird

12. Stabilization/Erosion Control

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

13. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable**J. Mitigation for Temporary Impacts**

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 Post-Construction Restoration Plan dated 14 June 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. Compensatory Mitigation for Permanent Impacts:

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

1. Final Compensatory Mitigation Plan:

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the 401 Application (Compensatory Mitigation Plan) dated 16 April 2024 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Irrevocable Letter of Credit

- a. The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 90 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within

90 days of issuance of this Order.

- c. The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.
- d. If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff acceptance following the same procedure described in the conditions above.

3. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

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

4. Total Required Compensatory Mitigation

- a. (a)The Permittee is required to provide compensatory mitigation for the authorized impact to 0.331 acres of wetlands by purchasing 0.34 Aquatic Resource Credits in the American Aquatic Resource Watershed Service Area via the Sacramento District California In-Lieu Fee Program managed by the National Fish and Wildlife Foundation.
- b. The Central Valley Water Board will not require compensatory mitigation for the authorized impact to 1.186 acres of riparian zone for the purposes of this order. If required by another agency, the Permittee has proposed compensatory mitigation for these impacts through the contribution of \$134,200.00 to the Placer Land Trust (PLT) for the purchase of a mitigation property in Placer County.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Tables 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	In-Lieu Fee Credits	Acres						0.34

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 Whitehawk I, WDID # 5A31CR00603, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Original Signed by Anne Walters for:

Patrick Pulupa, Executive Officer

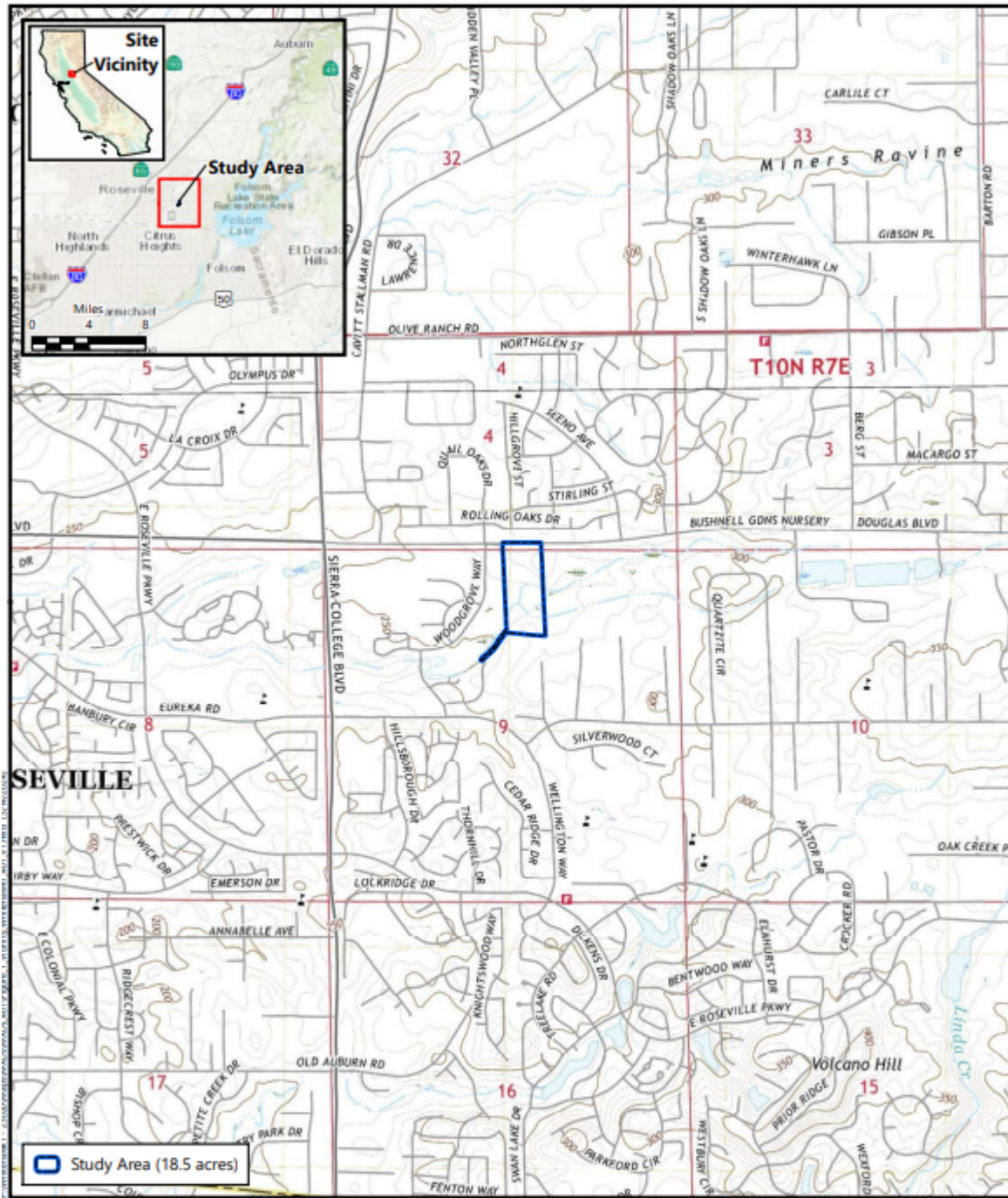
Central Valley Regional Water Quality Control Board

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

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Attachment A – Project Maps

Figure 1: Site and Vicinity



N
0 1,000 2,000
Feet

Source: United States Geologic Survey, 2022
"Folsom, California" 7.5-Minute Topographic Quadrangle
Sections 4,9, Township 10 North, Range 7 East, MDBM
Latitude (NAD83): 38.741837°, Longitude (NAD83): -121.215823°

Figure 1
Site and Vicinity

Whitehawk I
Placer County, California



Figure 2: Impacts to Waters of the State

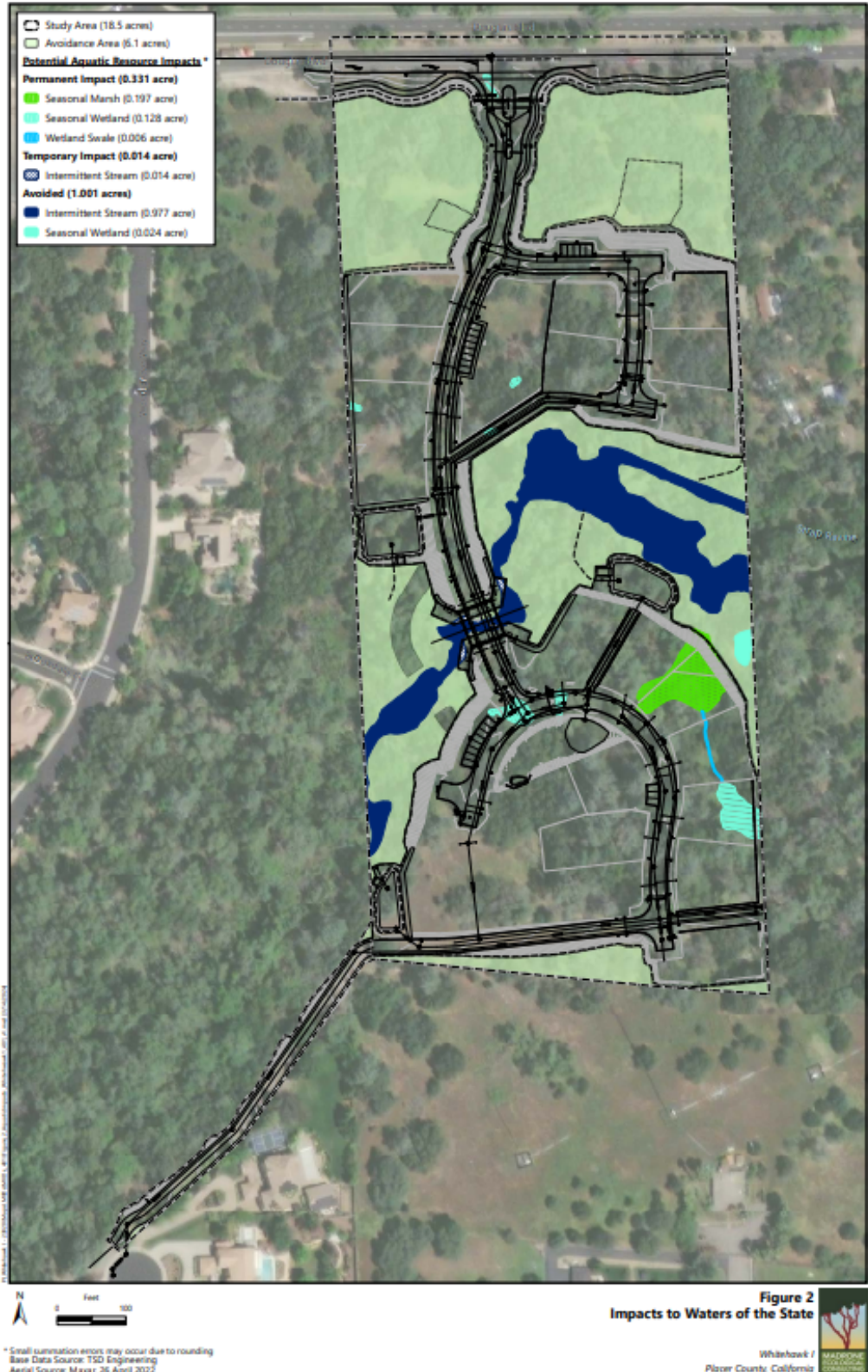
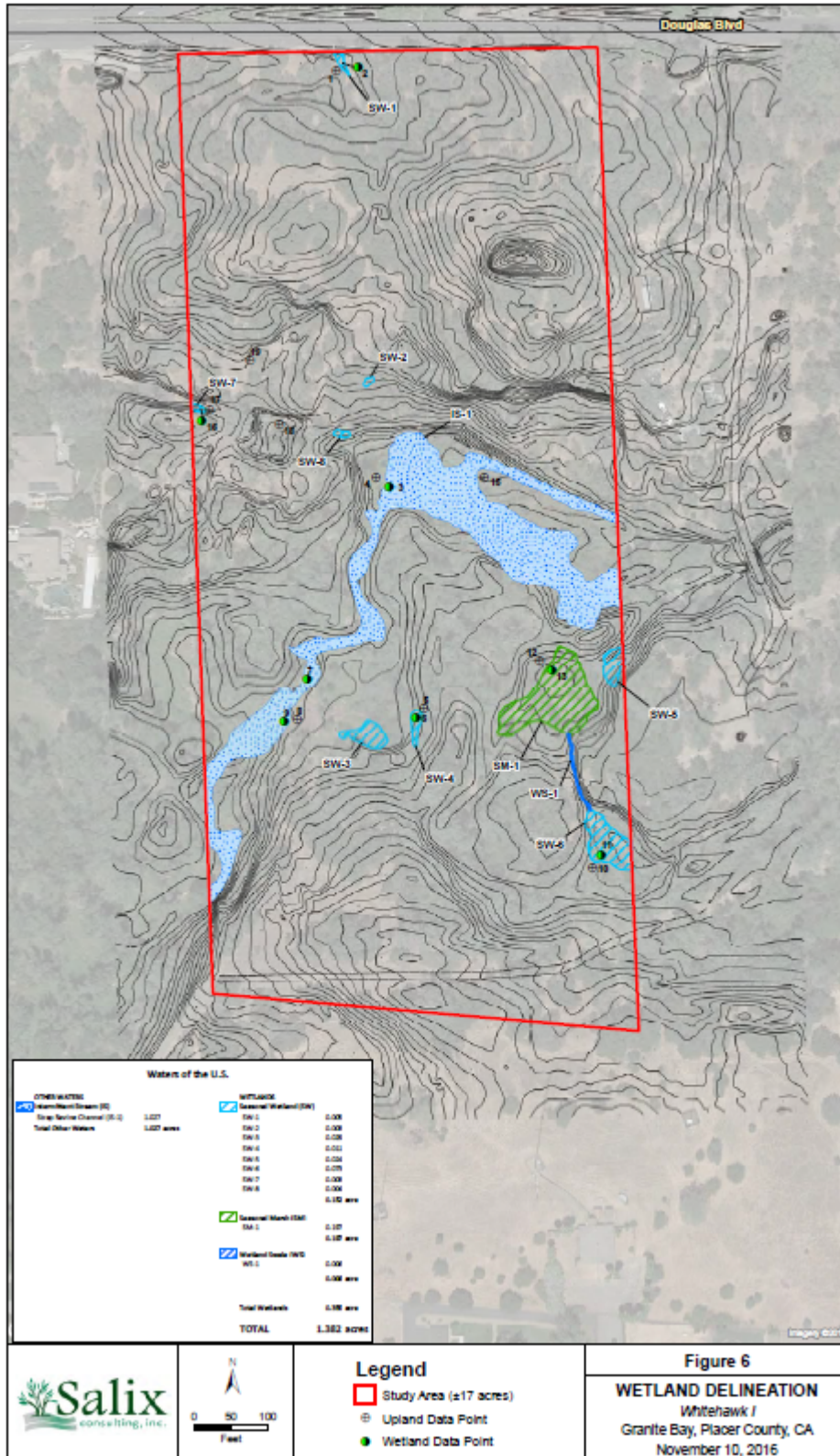


Figure 3: Riparian Impacts



Figure 4: Wetland Delineation



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
Temporary Impacts to Strap Ravine	Strap Ravine to Linda Creek	Stream	519.21	American River (Folsom Dam to Sacramento River)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Indicator Bacteria, Dissolved Oxygen	
Permanent Wetland Impacts	Strap Ravine to Linda Creek	Wetland	519.21	American River (Folsom Dam to Sacramento River)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Indicator Bacteria, Dissolved Oxygen	
Riparian Impacts	Strap Ravine to Linda Creek	Riparian Zone	519.21	American River (Folsom Dam to Sacramento River)	MUN, AGR, IND, POW, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Indicator Bacteria, Dissolved Oxygen	

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
Permanent Wetland Impacts	38.743673	-121.216906	No	0.331	531	
Riparian Impacts	38.743673	-121.216906	No	1.186		

Table 3: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Temporary Impacts to Strap Ravine	38.743673	-121.216906	No	0.014	44	189

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	Sacramento District California In-Lieu Fee Program
Website:	Sacramento District California In-Lieu Fee Program NFWF (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program?activeTab=tab-1)
In-Lieu Fee Program Contact Name:	Christopher Gurney
Phone:	(415) 593-7627
Email:	Christopher.Gurney@nfwf.org
In-Lieu Fee Program Location - County:	Multiple Counties- American River Service Area
Latitude:	
Longitude:	

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Wetland	0.331		TBD

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 9 July 2020, Placer County, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2016082009) for the Project and filed a Notice of Determination (NOD) at the SCH on 10 July 2020. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Placer County's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Placer County addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Placer County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: [Whitehawk I & Whitehawk II | Placer County, CA](https://www.placer.ca.gov/2792/Whitehawk-I-Whitehawk-II) (<https://www.placer.ca.gov/2792/Whitehawk-I-Whitehawk-II>).

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

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

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

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

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

a.i. Potential Significant Impact:

The project may have a substantial adverse effect, either directly or through habitat modifications, on a special-status plant species.

a.ii. Facts in Support of Finding:

The WHI project site contains marginal habitat for Sanford's arrowhead. Field assessments of the site conducted in 2014, and as part of the rare plant surveys in 2015, during the species' blooming period, did not identify any occurrences of the species. Nevertheless, areas of the project site that represent marginal habitat for Sanford's arrowhead are within the anticipated area of disturbance for the WHI project.

The unmined foothill woodland vegetation community within the WHI project site represents marginally suitable habitat for big-scale balsamroot. Individuals of the species were not identified during the 2014 or 2015 field assessments of the WHI project site. Although the 2014 field assessment was conducted outside of the blooming period for bigscale balsamroot, the rare plant surveys conducted during 2015 were within the blooming period for the species. The rare plant surveys did not identify any occurrences of the species within the WHI project site. Nevertheless, the potential exists that individuals of the species could occur within the project site.

Considering the existence of marginal habitat for Sanford's arrowhead and big-scale balsamroot within portions of the WHI project site that may be disturbed during implementation of the proposed project, the WHI project would have the potential to disturb or adversely affect special-status plant species, resulting in a significant impact.

Prior to Improvement Plan approval for the WHI project, focused surveys shall be performed by a qualified botanist in order to determine the presence or absence of Sanford's arrowhead and/or big-scale balsamroot. Furthermore, should additional plants having the potential to occur on-site be given special-status in the future, the qualified botanist shall also determine the presence/absence of such species. The survey(s) shall be conducted on-site during the identification periods (bloom periods) for Sanford's arrowhead and big-scale balsamroot. Survey results shall be submitted to the Placer County Community Development Resource Agency. If special-status plant species are not found to be present during the focused survey(s), then no further action is required.

If any special-status plant species are found, a mitigation plan shall be prepared in consultation with the Placer County Community Development Resource Agency. The plan shall detail the various mitigation approaches to ensure no net loss of the special-status plant(s). Mitigation could include, but would not be limited to, avoidance of the plant species, salvage of plant materials, such as transplant or propagation, where possible, acquisition of credits at an approved mitigation bank, or acquisition and preservation of

property that supports the plant species.

b.i. Potential Significant Impact:

The project may have a substantial adverse effect, either directly or through habitat modifications, on special-status fish species.

b.ii. Facts in Support of Finding:

Due to the absence of perennial surface water and pools, the portion of Strap Ravine within the WHI project site does not represent suitable rearing habitat for steelhead. Nevertheless, the portion of Strap Ravine within the WHI project site could be used by individual steelhead as a movement corridor, and, thus, individuals of the species could be present within the WHI project site.

The WHI project does not include any site work within the channel of Strap Ravine that would have the potential to result in direct inadvertent injury or damage to steelhead moving through the project site. Although the WHI project includes a roadway crossing over Strap Ravine, the WHI project would include a CON/SPAN bridge that would clearly span Strap Ravine, without the need for any supports within the channel of Strap Ravine. Although placement of the bridge would not require work within the channel of Strap Ravine, placement of the bridge would result in ground disturbance in close proximity to Strap Ravine. As discussed in further depth in Impact 10-1, within the Hydrology and Water Quality Chapter of this EIR, disturbance of the project site during project construction would have the potential to result in erosion and sediment loss if the proper management practices are not implemented. Sedimentation of Strap Ravine could impact steelhead using Strap Ravine as a movement corridor. Therefore, implementation of WHI could result in adverse effects to special-status steelhead during project construction and a significant impact could occur.

Implement Mitigation Measures 8-2(a), 8-3(a), and 8-3(b).

8-2(a) The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval. The plans shall show all physical improvements as required by the conditions for the projects as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the projects, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees and, if applicable, Placer County Fire Department improvement plan review and inspection fees, with the 1st Improvement

Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. The Final Subdivision Map(s) shall not be submitted to the Engineering and Surveying Division (ESD) until the Improvement Plans are submitted for the second review. Final technical review of the Final Subdivision Map(s) shall not conclude until after the Improvement Plans are approved by the ESD.

Prior to the County's final acceptance of the project's improvements, submit to the Engineering and Surveying Division one copy of the Record Drawings in digital format (on compact disc or other acceptable media) along with one blackline hardcopy (black print on bond paper) and one PDF copy. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record. (ESD)

8-3(a) The Improvement Plans shall show water quality treatment facilities/Best Management Practices (BMPs) designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division [ESD]).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the Engineering and Surveying Division (ESD). BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for sizing of permanent post-construction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All permanent BMPs shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-

going maintenance, such as contractual evidence, shall be provided to ESD upon request. The project owners/permittees shall provide maintenance of these facilities and annually report a certification of completed maintenance to the County DPWF Stormwater Coordinator, unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan or Final Subdivision Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. (ESD)

8-3(b) Prior to any construction commencing, the applicant shall provide evidence to the Engineering and Surveying Division of a WDID number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application & Reports Tracking System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the National Pollutant Discharge Elimination System (NPDES) construction storm water quality permit. (ESD)

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-2 may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

c.i. Potential Significant Impact:

The project may have a substantial adverse effect, either directly or through habitat modifications, on other special-status birds or birds protected under the MBTA. Based on the analysis below and with implementation of mitigation, the impact is less than significant.

c.ii. Facts in Support of Finding:

Special-status birds, migratory birds and other birds of prey, including tricolored blackbird, white-tailed kite, California black rail, and purple martins have the potential to nest within the proposed project sites, including in areas that would be impacted by construction of the proposed projects. Bird surveys of the project sites have identified various MBTA protected species present within the project sites, including red-shouldered hawks, Cooper's hawks, and red-tailed hawks nesting within the project sites. Implementation of the proposed projects would result in the disturbance of riparian woodland, cottonwood stands, foothill woodland, and grasslands, all of which could result in habitat loss for special-status birds or birds protected under the

MBTA. Furthermore, should ground disturbance or tree removal occur during the nesting season, such activity could result in the loss of ground nesting or tree nesting species.

If construction activities take place during the typical bird breeding/nesting season (typically February 15 through September 1), pre-construction nesting bird surveys shall be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas, where access is available, no more than three (3) days prior to the initiation of construction. If the pre-construction survey does not show evidence of active nests, a letter report documenting the results of the survey shall be provided to the Placer County Community Development Resource Agency, and additional measures are not required. If construction does not commence within three days of the pre-construction survey, or halts for more than 14 days, an additional pre-construction survey shall be required. The survey is valid for one construction season.

If any active nests are located within the study area, an appropriate buffer zone shall be established around the nests, as determined by the project biologist. The biologist shall mark the buffer zone with construction tape or pin flags and maintain the buffer zone until the end of breeding season or the young have successfully fledged. Buffer zones are typically between 100 feet and 250 feet for migratory bird nests and between 250 feet and 500 feet for a raptor nest. If active nests are found within the project footprint, a qualified biologist shall monitor nests daily for a minimum of five days during construction to evaluate potential nesting disturbance by construction activities. If construction activities cause the nesting bird(s) to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then an exclusionary buffer shall be increased, as determined by the qualified biologist, such that activities are far enough from the nest to stop the agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project or prior to the project's own State and federal permits being obtained for effects associated with listed species and their habitats, waters of the State, and waters of the U.S., then Mitigation Measure 6-4 may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

d.i. Potential Significant Impact:

The project may have a substantial adverse effect on federal or state

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

d.ii. Facts in Support of Finding:

The WHI project site includes wetland resources and Strap Ravine. Aquatic resources represent approximately 1.38 acres of the WHI project site. The WHI project would include grading and development activities associated with the construction of the proposed residential units and associated infrastructure. Such development activities would have the potential to involve the disturbance, removal, fill or hydrologic interruption of wetlands or other waters of the U.S or State regulated by the USACE, RWQCB and/or the CDFW. Implementation of the WHI project would have the potential to impact 0.331-acre of existing on-site wetland resources and 0.02-acre of Strap Ravine. The remaining 0.024-acre of wetland resources and 1.01-acre of Strap Ravine would be avoided.

To the extent feasible, the project shall be designed to avoid and minimize adverse effects to waters of the U.S. and jurisdictional waters of the State of California within the project site. Prior to Improvement Plan approval for the project, a Section 404 permit for fill of jurisdictional wetlands shall be acquired, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE "no-net-loss" policy and GBCP Policy 5.3.9. Mitigation for impacts to both federal and State jurisdictional waters shall be addressed using these guidelines. Specifically, the applicant shall purchase wetland preservation and creation credits from an USACE-approved Conservation/Mitigation Bank.

e.i. Potential Significant Impact:

The project may have a substantial adverse effect on the environment by converting oak woodlands, conflict with any local policies or ordinances that protect biological resources, including oak woodland resources, and/or have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by CDFW, the USFWS, the USACE, or the NMFS.

e.ii. Facts in Support of Finding:

The WHI project site contains both previously mined and unmined foothill woodlands as well as previously mined cottonwood and riparian woodland stands. Considering the anticipated impact areas, the WHI project would result in impacts to more than one acre of oak woodland within an oak woodland that exceeds two acres in total size. Furthermore, the WHI project would result in impacts to approximately 0.90-acre of riparian woodland and 1.00 acre of cottonwood stands.

Placer County allows for the mitigation of impacts to oak woodlands and

protected trees through the payment of fees for woodland conservation or direct purchase of off-site conservation easements by project applicants. The anticipated approach for mitigation of impacts related to implementation of the proposed projects is the purchase of riparian woodland mitigation credits at the Sacramento River Ranch, and for impacts to oak woodlands and cottonwood stands, fee contributions to the Placer Land Trust for the purchase of mitigation property. Specifically, the fee contribution to the Placer Land Trust is anticipated to assist with the purchase of the 331-acre Laursen Outback property within the Lower Bear River Focus Areas of the Spenceville Conceptual Area Protection Plan (CAPP). More specifically, the Mitigation Property is located along the southern bank of the Bear River, just west of Highway 49, north of Auburn, California. CAPPs are used by the Wildlife Conservation Board to identify areas for land acquisition pursuant to CDFW guidance.

The Laursen Outback property (Mitigation Property) supports a variety of different foothill woodland communities. The majority of the site is comprised of blue oak savannah and blue oak woodland, while the drainages and the steep slopes dropping down to the Bear River support interior live oak woodland.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

6-7(a) To mitigate for the loss of oak woodlands and cottonwoods, the project applicant(s) shall obtain a Tree Permit from Placer County's Planning Services Division prior to construction activities that could impact protected trees and comply with all requirements of the Tree Permit. The Planning Services Division shall review the Tree Permit application as well as the final site improvement plans and determine the precise mitigation requirement at that time. Compensatory mitigation shall occur off-site and shall consist of one of the following:

- Submit payment of fees for oak woodland conservation at a 2:1 ratio consistent with Chapter 12.16.080(C) Placer County Tree Preservation Ordinance - Replacement Programs and Penalties, and cottonwood canopy impacts at a 4:1 ratio, consistent with requests made by the California Department of Fish and Wildlife. These fees shall be calculated based upon the current market value of similar cottonwood and oak woodland acreage preservation and an endowment to maintain the land in perpetuity.
- Purchase off-site conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio and cottonwood canopy impacts at a 4:1 ratio.
- Provide for a combination of payment to the Tree Preservation Fund and creation of an off-site Oak Preservation Easement.

In addition, the WHI applicant shall provide payment to the Tree Mitigation Fund for impacts to approximately 147 inches of significant oak trees, as determined prior to approval of Improvement Plans. The WHI applicant shall provide payment to the Tree Mitigation Fund for impacts to approximately 777 inches of significant oak trees.

In the event the Placer County Conservation Program is adopted prior to submittal of improvement plans for this project, then Mitigation Measure 6-7(a) may be replaced with the PCCP's mitigation fees and conditions on covered activities to address this resource impact and avoidance and minimization measures as set forth in the PCCP implementation document. If PCCP enrollment is chosen and/or required by the State and federal agencies as mitigation for one or more biological resource area impacts, then the PCCP mitigation shall apply only to those species and waters that are covered by the PCCP.

6-7(b) Prior to Improvement Plan approval, the plans shall include a list of tree protection methods, for review and approval by the Planning Services Division. The list of tree protection methods shall be implemented during construction of the project. The list of tree protection methods shall include, but not limited to, the following:

- The applicant shall install a four-foot tall, brightly colored (yellow or orange), synthetic mesh material fence around all oak trees to be preserved that are greater than six inches DBH (or 10 inches DBH aggregate for multi-trunked trees). The fencing shall delineate an area that is at least the radius of which is equal to the largest radius of the protected tree's drip line plus one foot. The fence shall be installed prior to any site preparation or construction equipment being moved onsite or any site preparation or construction activities taking place. Development of this site, including grading, shall not be allowed until this condition is satisfied. Any encroachment within the areas listed above, including within driplines of trees to be saved, must first be approved by a designated representative of the Development Review Committee (DRC). Grading, clearing, or storage of equipment or machinery may not occur until a representative of the DRC has inspected and approved all temporary construction fencing. Trees shall be preserved where feasible. This may include the use of retaining walls, planter islands, or other techniques commonly associated with tree preservation. The Improvement Plans shall indicate the location of the fencing and include a note describing the fencing requirements consistent with this mitigation measure.
- The project applicant shall implement the following guidelines before and during grading and construction for protection of all oak trees to be preserved:

- Plans and specifications shall clearly state protection procedures for oak trees on the project site. The specifications shall also include a provision for remedies if oak trees are damaged;
- Vehicles, construction equipment, mobile offices, or materials shall not be parked, stored, or operated within the driplines of oak trees to be preserved; o Cuts and fills around trees shall be avoided where feasible;
- Soil surface removal greater than one foot shall not occur within the driplines of oak trees to be preserved. Cuts shall not occur within five feet of their trunks; o Earthen fill greater than one foot deep shall not be placed within the driplines of oak trees to be preserved, and fill shall not be placed within five feet of their trunks; o Underground utility line trenching shall not be placed within the driplines of oak trees to be preserved where feasible without first obtaining approval from a designated representative of the DRC. If it is necessary to install underground utilities within the driplines of oak trees, boring or drilling rather than trenching shall be used;
- Paving shall not be placed in the vicinity of oak trees to be preserved (at a minimum, within the dripline of any oak tree) without first obtaining approval from a designated representative of the DRC; and o Irrigation lines or sprinklers shall not be allowed within the dripline of native oak trees.
- If any of the on-site Significant Trees are heavily damaged during construction activities associated with the proposed project, the project applicant shall pay an in-lieu fee for the damaged tree(s) in accordance with Section 12.16.080 of the Placer County Code. Payment of such fees shall be ensured as a standard condition of approval by the Planning Services Division.

f.i. Potential Significant Impact:

The project may cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5.

f.ii. Facts in Support of Finding:

P-31-003337 was originally recorded in 2007 by Peak and Associates as a concentrated area of dredge tailings south of Strap Ravine within the WHII site. However, as part of the survey of the WHI site conducted by Natural Investigations, dredge tailings associated with P-31-003337 were found to extend into the WHI site, and the record for P-31-003337 was updated accordingly. Additional detail regarding the resource is discussed under WHII Identified Resources below. As noted therein, based on the updated

evaluation of P-31-003337 conducted by Natural Investigations, P-31-003337 was found ineligible through survey evaluation for listing in the NRHP or CRHR under any criterion of eligibility listed at 36 CFR 60.4 or PRC Section 5024.1(c)(1-4). The resource therefore does not qualify as a historic property or a historical resource. Further, the dredge tailings are not a unique resource as defined in PRC Section 21083.2(g).

Implementation of the following mitigation measure would reduce the above impact to a less-than-significant level.

7-1 The possibility exists that previously unknown historic resources are located below the ground surface. In the event that historic resources are discovered during construction, construction operations shall stop within a 100-foot radius of the find and a qualified archaeologist (36 CFR Part 61) shall be consulted to determine whether the resource requires further study. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to, excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Historical resources could consist of, but are not limited to, trash scatters containing historic-era mining tools and equipment, dredge tailings, adits, and other historic-era mining-related features. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.

g.i. Potential Significant Impact:

The project may cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines, Section 15064.5.

g.ii. Facts in Support of Finding:

Newly Identified Prehistoric Bedrock Milling Station

This newly identified bedrock milling station contains six mortar cups and two manos found adjacent to the feature. Subsurface testing was negative for cultural material and no additional features were found in association with the feature. The small site remains in poor condition, showing signs of weathering, and the site has been recently disturbed by heavy mechanical equipment. The site has been fully recorded and has no potential to yield any additional information.

According to Natural Investigations, the resource does not appear eligible for NRHP or CRHR inclusion under any of the criteria (A/1–D/4) listed at 36 CFR 60.4 or PRC Section 5024.1(c)(1-4), nor does the site appear to be a unique resource as defined in PRC Section 21083.2(g). Consequently, the bedrock milling station does not qualify as a historic property, historical resource, or unique archaeological resource. Notwithstanding this, the project has been designed to preserve-in-place the bedrock milling station.

While the bedrock milling station does not qualify as a unique archeological resource, the bedrock milling station is near the water source, Strap Ravine. During the prehistoric, protohistoric, and historic periods, people established temporary resource gathering or processing camps or permanent settlements near fresh water sources. Watered locations also provided habitat for large and small game, waterfowl, and fish. In addition, the Nisenan who historically occupied the region relied on acorns as a staple food, and the oak grassland on the property today is undoubtedly similar to historic woodlands. The bedrock mortars and milling implements recorded at the prehistoric site on the WHI site are evidence of processing acorns or seeds for consumption. Although subsurface cultural material was not found during the subsurface testing near the bedrock milling station, the site has a high sensitivity for buried archaeological resources, and intact, buried cultural features or deposits may be present within additional areas within the WHI site that have not been previously disturbed by dredging operations. The WHI project would include mass grading and soil disturbance in the areas that may contain previously unknown buried artifacts. Therefore, construction and development activities related to the WHI project could cause a substantial adverse change in the significance of unique archaeological resource as defined in CEQA Guidelines, Section 15064.5, and a significant impact could occur.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

7-2(a) The project applicant shall preserve in place the recorded bedrock milling stations, with a maximum 5-foot wide buffer zone established around their boundary. No ground-disturbing activities shall take place within the buffer zones.

In order to ensure that no disturbance occurs to the resources during project construction, temporary, protective orange field fencing shall be installed around the established buffer zones. Additionally, the applicant shall install a small, permanent plaque for each bedrock milling station describing the resource and its association with indigenous Native Americans. As requested, the applicant shall consult with the United Auburn Indian Community of the Auburn Rancheria regarding the wording on the plaques.

A qualified archaeologist shall monitor the installation and removal of protective orange field fencing to be installed around the buffer zones established for the bedrock milling stations. The qualified archaeologist shall also periodically monitor the fencing to ensure it remains upright and intact during construction and ground-disturbing activities for the projects.

The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement plans.

7-2(b) Prior to initiation of ground-disturbing activities, qualified archaeologists shall conduct a short awareness training session for all

construction workers and supervisory personnel. The course would explain the importance of, and legal basis for, the protection of significant archaeological resources. Each worker would also learn the proper procedures to follow in the event cultural resources or human remains/burials are uncovered during construction activities, including work curtailment or redirection and to immediately contact their supervisor and the archaeological monitor. The worker education session shall include visuals of artifacts (prehistoric and historic) that might be found in the project vicinity, and shall take place on the construction site immediately prior to the start of construction. Proof of training completion shall be submitted to the Placer County Planning Services Division.

7-2(c) During construction activities on the project site, a qualified archaeologist (pursuant to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (36 CFR Part 61) shall monitor any ground-disturbing activity in native soils or sediments. The United Auburn Indian Community of the Auburn Rancheria shall be apprised of the construction schedules in order to provide Tribal Monitors, if desired, to monitor during construction or ground-disturbing activity in native soils or sediments for the project. In the event of a discovery, ground-disturbing activities shall halt within a 100-foot radius of the find to evaluate eligibility, assess effects, and determine appropriate treatment methods. Pursuant to CEQA Guidelines Section 15126.4, preservation in place shall be the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted by the lead agency and involved tribe(s), if applicable, prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center.

The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement drawings approved by the Placer County Engineering and Surveying Division for the proposed project.

h.i. Potential Significant Impact:

The project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

h.ii. Facts in Support of Finding:

According to the Paleontological Records Search performed for the WHI and WHII sites, the UCMP database lists no vertebrate or plant localities in the lone Formation within Placer County or the adjacent counties of El Dorado and Sacramento, which suggests that the unit is nonfossiliferous in the area. However, fossils of significance have been recovered from the lone Formation in the immediate vicinity. One half mile southwest of the sites, abundant opalized tree trunks were found including in-place logs of tropical hardwoods. In November 2015, excavations for the widening of Eureka Road at Sierra College Boulevard, southwest of the project sites, encountered a large specimen of petrified wood, roughly 1.5 feet in diameter, at six to eight feet below the surface. On this basis, the lone Formation, which covers portions of the sites and likely extends beneath the dredge tailings, is currently assigned a high paleontological potential and sensitivity in the area. As such, construction activities associated with buildout of the WHI site could uncover undocumented paleontological resources or unique geological features. Because the WHI project could directly or indirectly destroy unknown unique paleontological resources or sites or unique geologic features, impacts would be considered significant.

Implementation of the following mitigation measures would reduce the above potential impacts to a less-than-significant level.

7-3(a) Once grading plans are available, a qualified professional paleontologist (as defined by the Society of Vertebrate Paleontologists, 2010), shall determine the level of monitoring necessary based on formations to be impacted by grading and other earthmoving. Monitoring is required for all earth-disturbing construction activities that impact the lone Formation.

If major paleontological resources are discovered, which require temporary halting or redirecting of grading, the paleontologist shall report such findings to the project applicant, the Placer County Division of Museums, and Placer County Planning Services Division. Should fossils be discovered, increased monitoring shall occur. The monitor shall have the authority to divert away from exposed resources temporarily in order to recover the specimens.

The paleontologist shall determine appropriate protocols which ensure proper exploration and/or salvage of all fossils. Excavated finds shall be offered to a State-designated repository such as Museum of Paleontology, University of California, Berkeley, the California Academy of Sciences, or any other State-designated repository. Otherwise, the finds shall be offered to the Placer County Division of Museums for purposes of public education and interpretive displays. Such actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Division of Museums. The paleontologist shall submit a follow-up

report to the Division of Museums and Planning Services Division, which shall include the period of inspections, an analysis of the fossils found, and repository of the fossils.

7-3(b) Within 90 days following the end of project excavations, the project paleontologist shall prepare a final report, summarizing the complete mitigation program, describing and illustrating any fossils recovered, along with their significance, and certifying that the paleontological resource impact mitigation program resulted in insignificant impacts on paleontological resources as required by CEQA. The acceptance of the final report by the County Planning Services Division shall complete the mitigation program.

i.i. Potential Significant Impact:

The project may disturb any human remains, including those interred outside of formal cemeteries.

i.ii. Facts in Support of Finding:

According to Natural Investigations, human remains are not known to be buried at the WHI or WHII sites, nor were any indications of human remains present during site surveys. In addition, the field surveys conducted by Natural Investigations did not detect human remains, cultural sites or artifacts of ceremonial significance within the WHI and WHII sites; however, the potential for unknown human remains to be discovered during construction cannot be eliminated given the known prehistoric occupation of the vicinity by Native American tribes. As a result, ground-disturbing activity associated with development of the WHI project could disturb human remains, including those interred outside of formal cemeteries, and impacts would be considered significant.

Implementation of the following mitigation measure would reduce the above impact to a less-than-significant level.

7-4 If human remains are encountered on the proposed project sites or off-site improvement area during construction activities, all work within 100 feet of the find must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The Placer County Coroner shall be immediately notified. If the Coroner determines the remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall determine and notify a Most Likely Descendent (MLD). Further actions shall be determined, in part, by the desires of the MLD. The MLD shall be afforded 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the

MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

j.i. Potential Significant Impact:

The project may have the potential to cause a physical change, which would affect unique ethnic cultural values, restrict existing religious or sacred uses within the potential impact area, or cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074.

j.ii. Facts in Support of Finding:

A search of the NAHC Sacred Lands File in 2014 failed to indicate the presence of Native American sacred lands or traditional cultural properties within the immediate area of the proposed project sites. However, bedrock milling stations have been identified on both WHI and WHII and observed by UAIC during site visits conducted in 2014. UAIC recommends preservation-in-place of the bedrock milling stations, to which the applicant has agreed. UAIC also requested monitoring of the parcels during ground disturbance, particularly grubbing and clearing given that ground visibility at the sites is limited. Other known Tribal Cultural Resources have not been identified on the project sites.

As a result of AB 52 tribal notification efforts conducted by the County, letters were received from Daniel Fonseca, Shingle Springs Rancheria, dated January 12, 2016, and from Gene Whitehouse, UAIC, dated February 8, 2016. Shingle Springs Rancheria requested continued consultation updates, as the projects progress, and asked for copies of all completed records searches and/or surveys that were done in or around the project area up to/and including environmental, archaeological, and cultural reports. UAIC requested copies of all archaeological reports completed for the projects, as well as copies of future environmental documents in order to comment on potential impacts and proposed mitigation measures related to cultural resources. In addition, the UAIC's preservation committee requested consultation on the proposed projects in order to discuss the identified cultural resources in the project area, including the bedrock mortars located on the WHI site.

In addition to the bedrock mortars discovered on the WHI site a potential exists for unrecorded Tribal Cultural Resources to be discovered within the WHI site during construction given their high sensitivity for buried archaeological resources, as determined by Natural Investigations. Consequently, ground-disturbing activities associated with development of the WHI project could have the potential to cause a physical change, which would affect unique ethnic cultural values, restrict existing religious or sacred uses within the potential impact area, or cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074. Thus, a significant impact could occur.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

7-5 Implement Mitigation Measures 7-2(a) through 7-2(c)

k.i. Potential Significant Impact:

The project may violate any federal, State, or County potable water quality standards, create or contribute runoff water which would include substantial additional sources of polluted water, or otherwise substantially degrade surface or ground water quality during construction.

k.ii. Facts in Support of Finding:

Construction of the WHI project would require grading, excavation, and other construction-related activities that could cause soil erosion at an accelerated rate during storm events. All such activities have the potential to affect water quality and contribute to localized violations of water quality standards if stormwater runoff from construction activities enters Strap Ravine or other receiving waters within the project vicinity.

Soils exposed by the aforementioned types of construction activities have the potential to affect water quality in two ways: 1) suspended soil particles and sediments transported through runoff; or 2) sediments transported as dust that eventually reach local water bodies. Spills or leaks from heavy equipment and machinery, staging areas, or building sites also have the potential to enter runoff. Typical pollutants include, but are not limited to, petroleum and heavy metals from equipment and products such as paints, solvents, and cleaning agents, which could contain hazardous constituents. Sediment from erosion of graded or excavated surface materials, leaks or spills from equipment, or inadvertent releases of building products could result in water quality degradation if runoff containing the sediment or contaminants should enter receiving waters in sufficient quantities. Impacts from construction-related activities would generally be short-term and of limited duration.

Because the WHI project would require construction activities that would result in a land disturbance of greater than one acre, the project applicant would be required by the State to comply with the most current Construction General Permit requirements. Per the requirements, a SWPPP would be prepared for each of the projects, which would include the site map, drainage patterns and stormwater collection and discharge points, BMPs, and a monitoring and reporting framework for implementation of BMPs, as necessary. In addition, a Notice of Intent (NOI) would be filed with RWQCB.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

10-1 Implement Mitigation Measures 8-2(a), 8-2(b), 8-3(a), and 8-3(b).

8-2(a), 8-3(a), and 8-3(b)- See Attachment C, Section C.(1)b.ii.
above 8-2(b) The Improvement Plans shall show all proposed

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

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

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

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

I.i. Potential Significant Impact:

The project may violate any federal, State, or County potable water quality standards, create or contribute runoff water which would include substantial additional sources of polluted water, or otherwise substantially degrade surface or ground water quality during operations.

I.ii. Facts in Support of Finding:

Per the WHI SWQP, the WHI project would include an on-site storm drain system with LID bio-retention basins (see Figure 10-3). Consistent with MS4 permit requirements, the WHI site would be divided into three DMAs. Runoff from on-site impervious areas within the three DMAs would be routed, by way of AC dikes along the proposed internal roadways, to new inlets within each DMA. The inlets would convey runoff, by way of new underground stormwater drainage pipes, to a series of three bio-retention basins (Basin #1, #2, and #3). As noted in the WHI SWQP, the bio-retention basins would be designed consistent with the recommendations from the CASQA Stormwater BMP Handbook for New Development and Redevelopment, or from another equivalent manual.

Each bio-retention basin would treat runoff by filtering out pollutants; the basins would be sized to treat the first flush, which includes a majority of the larger pollutants (sand, soil, silt, grease and trash) as well as smaller pollutants (sediment, nutrient, metals, pesticides and organics). Treated runoff would exit the basins and flow to Strap Ravine. Thus, WHI project runoff entering Strap Ravine would be properly treated and would not pollute downstream waterways.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

10-2(a) Implement Mitigation Measure 8-3(a).

8-3(a) See Attachment C, Section C.(1)b.ii. above

10-2(b) The Improvement Plans shall include the message details, placement, and locations showing that all storm drain inlets and catch basins within the project area shall be permanently marked/embossed with prohibitive language such as "No Dumping! Flows to Creek." or other language and/or graphical icons to discourage illegal dumping as approved by the Engineering and Surveying Division (ESD). ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Homeowners Association is responsible for maintaining the legibility of stamped messages and signs. (ESD)

10-2(c) This project is located within the permit area covered by Placer County's Small Municipal Separate Storm Sewer System (MS4) Permit

(State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES)). Project-related stormwater discharges are subject to all applicable requirements of said permit.

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

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

10-2(d) Per the State of California NPDES Phase II MS4 Permit, the WHI and WHII projects are Regulated Projects that creates and/or replaces 5,000 square feet or more of impervious surface. A final Storm Water Quality Plan (SWQP) shall be submitted, either within the final Drainage Report or as a separate document that identifies how the projects will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, per the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromodification management of stormwater such that post-project runoff is maintained to equal or below pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bioretention, and other LID measures that result in post-project flows that mimic pre-project conditions.

m.i. Potential Significant Impact:

The project may substantially alter the existing drainage pattern of the site or area, or increase the rate or amount of surface runoff.

m.ii. Facts in Support of Finding:

152,939 sf (3.51 acres) of impervious surfaces would be developed on the WHI site, or approximately 19 percent of the total site area. Due to the increase in impervious surfaces on the site, the proposed projects would have the potential to substantially alter the drainage pattern of the WHI site and increase runoff entering Strap Ravine.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

10-3(a) As part of the Improvement Plan submittal process, the preliminary Drainage Report provided during environmental review shall be submitted in final format. The final Drainage Report may require more detail than that provided in the preliminary report, and will be reviewed in concert with the Improvement Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of improvement plan submittal. (ESD)

10-3(b) This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code.) The current estimated development fee is \$328 per single family residential unit, payable to the Engineering and Surveying Division prior to Building Permit issuance. The fees to be paid shall be based on the fee program in effect at the time that the application is deemed complete. (ESD)

10-3(c) This project is subject to payment of annual drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Chapter 15, Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting these annual assessments. The current estimated annual fee is \$43 per single family residential unit. (ESD)

n.i. Potential Significant Impact:

The project may place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or flood hazard delineation map, place within a 100-year floodplain structures which would impede or redirect flood flows, or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

n.ii. Facts in Support of Finding:

Currently, the portion of Strap Ravine along the WHI site is defined and mapped as a 100-year flood hazard area per FEMA. The proposed subdivision improvements would not be located within the FEMA floodplain

except for the proposed roadway crossings (e.g., one crossing per project).

Per the Hydrology and Hydraulics Study, development of the WHI project, including the proposed CONSPAN-type bridge crossings over Strap Ravine, would not redirect 100-year flood flows within the Strap Ravine channel. The upstream and downstream 100-year flood water surface elevations would not be significantly increased after development of the sites (0.02 foot to 0.04 foot increase). However, any base flood water-surface elevation (WSEL) increase from proposed construction within a regulatory floodway requires a Conditional Letter of Map Revision (CLOMR) through FEMA.

There are also local 100-year flood hazard areas that have been identified on the sites. The projects propose to fill in some portions of the local 100-year flood hazard area. The County determined that the existing local 100-year flood hazard area is not the historical 100-year flood hazard area and was created as a result of mining activities. Therefore, the determination concluded that portions of the existing local 100-year flood hazard area could be filled in and developed.

The proposed project's improvements and storm drain systems will not significantly alter the upstream or downstream 100-year floodplain limits and no flood flows would be significantly redirected after construction of the improvements.

Implementation of the following mitigation measures would reduce the above impact to a less-than-significant level.

10-4(a) On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show the limits of the future, unmitigated, fully developed, 100-year flood plain (after grading) for Strap Ravine across the WHI site and designate same as a building setback line unless greater setbacks are required by other conditions contained herein. (ESD)

10-4(b) On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show the limits of the future, unmitigated, fully developed, 100-year flood plain (after grading) for Strap Ravine and the unnamed tributary flowing diagonally across the WHI site from the southeast to the northwest and into Strap Ravine, and designate same as a building setback line unless greater setbacks are required by other conditions contained herein. (ESD)

10-4(c) On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show that the finished building pad elevations will be a minimum of two feet above the 100-year flood plain line (or finished floor – three feet above the 100-year floodplain line) for all lots adjacent to Strap Ravine and any unnamed tributary. The final pad elevations shall be certified by a California Registered Civil Engineer or licensed land surveyor and submitted to the Engineering and Surveying Division. This certification shall be done prior to construction of the

foundation or at the completion of final grading, whichever comes first. No building construction is allowed until the certification has been received by the Engineering and Surveying Division and approved by the floodplain manager. Benchmark elevation and location shall be shown on the Improvement Plans and Informational Sheet(s) to the satisfaction of Development Review Committee. (ESD)

10-4(d) Include the following standard note on the Improvement Plans: "No grading activities of any kind may take place within the 100-year flood plain of the stream/drainage way, unless otherwise approved as a part of this project. All work shall conform to provisions of the County Flood Damage Prevention Regulations (Section 15.52, Placer County Code)." The location of the 100-year flood plain shall be shown on the Improvement Plans. (ESD)

10-4(e) The final drainage report shall demonstrate that the proposed project will not significantly increase the limits or water surface elevation of the Strap Ravine 100-year floodplain upstream and downstream of the project site to the satisfaction of the Engineering and Surveying Division and the Placer County Flood Control District.

10-4(f) Prior to Improvement Plan approval and if required by the Federal Emergency Management Agency (FEMA), the applicant shall obtain from FEMA, a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area. A copy of the letter shall be provided to the Engineering and Surveying Division prior to approval of Improvement Plans. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be provided to the Engineering and Surveying Division prior to acceptance of project improvements as complete. (ESD)

D. Determination

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

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

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

II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
 - **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Carter.Cook@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Carter Cook; Project Name; and WDID No. 5A31CR00603.

III. Definition of Reporting Terms

A. Active Discharge Period:

The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

B. Request for Notice of Completion of Discharges Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period.

C. Request for Notice of Project Complete Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

D. Post-Discharge Monitoring Period:

The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

E. Effective Date:

14 August 2024

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

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

- areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. Photo-Documentation:

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

V. Report and Notification Cover Sheet

Project: Whitehawk I Project
Permittee: Folsom Oak Tree, LTD
WDID: 5A31CR00603
Reg. Meas. ID: 456587
Place ID: 894454
Order Effective Date: 14 August 2024
Order Expiration Date: 13 August 2029

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print Name¹	Affiliation and Job Title
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Signature	Date
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¹STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

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

Permittee's Signature	Date
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*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.
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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 effective date of this Order until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. Report Type 2 - Annual Report

- a. Report Purpose** - Notify the Central Valley Water Board staff of Project

status during both the active discharge and post-discharge monitoring periods.

- b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of September beginning one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. **Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

During the Active Discharge Period

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

During the Post-Discharge Monitoring Period

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

- i. Annual Report Topic 1 - Construction Summary

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

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

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

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

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

Report Contents -

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

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

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

1) Part A. Permittee Responsible

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

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

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

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

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

- iv. Construction Storm Water General Permit WDID No.
- v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

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

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

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

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

C. Part C – Conditional Notifications and Reports

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. **When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
- c. **Report Contents** -
 - i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.
 - ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.
 - iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

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

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

- b. **When to Submit** - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
 - c. **Report Contents** - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.
- 3. Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**
- a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
 - b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
 - c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.
- 4. Report Type 9 - Modifications to Project Report**
- a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
 - b. **When to Submit** - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
 - c. **Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.
- 5. Report Type 10 - Transfer of Property Ownership Report**
- a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
 - b. **When to Submit** - At least 10 working days prior to the transfer of

ownership.

c. Report Contents -

- i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
 - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
 - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
- ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

- a. **Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
- b. **When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.
- c. **Report Contents** - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

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

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

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

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

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

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

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

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

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

I. General Justification for Section XIV Conditions

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

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the 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 Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

F. Administrative

1. Signatory requirements for all document submittals

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

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

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

3. The Permittee shall grant Central Valley Water Board staff

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

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

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

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

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

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

6. Lake or Streambed Alteration Agreement

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

G. Construction

1. Dewatering

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

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

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

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

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

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

5. Good Site Management “Housekeeping”

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

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

9. Roads

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

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

10. Sediment Control

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

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

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

degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

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

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

Mitigation Bank Development/In-Lieu Fee Project Development

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

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts

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

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