



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	21 March 2025	Reg. Meas. ID:	459589
Expiration Date:	20 March 2030	Place ID:	898462
Program Type:	Fill/Excavation	WDID No.:	5A48CR00205
Project Type:	Channel Construction and Maintenance	USACE No.:	SPK-2024-00304 NWP 7 & 33
Project:	Reclamation District No. 536, Four Pipe Replacements, Egbert Tract, Solano County Project (Project)		
Applicant:	Reclamation District No. 536		
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Table of Contents

I. Order 3

II. Public Notice..... 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location..... 4

VI. Project Impact and Receiving Waters Information..... 5

VII. Description of Direct Impacts to Waters of the State 5

VIII. Avoidance and Minimization 6

IX. Compensatory Mitigation 17

X. California Environmental Quality Act (CEQA)..... 17

XI. Petitions for Reconsideration..... 18

XII. Fees Received..... 18

XIII. Conditions 18

XIV. Water Quality Certification 34

Attachment A – Project MapsA-1

Attachment B – Receiving Waters, Impacts and Mitigation InformationB-1

Attachment C – CEQA Findings of Fact C-1

Attachment D – Reports and Notification Requirements D-1

Attachment E – Signatory Requirements.....E-1

Attachment F – Certification Deviation Procedures F-1

Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)..... G-1

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Reclamation District No. 536 (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 3 January 2025. The application was deemed complete on 31 January 2025.

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 10 January 2025 to 31 January 2025. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to replace four aging pipe penetrations through the Permittee's Lindsey Slough Levee because the pipe penetrations are past their design service life and inspections have shown significant distress beyond the ability to repair the structure.

IV. Project Description

The Project will replace four pipes at three locations, Sites 22712, 22715, and 22718, which connect the Permittee's interior irrigation/drainage ditches through the Lindsey Slough levee. Project activities primarily consists of open cut removal of existing pipe penetrations and installation of new pipes and associated structures. The Lindsey Slough levee will be degraded to approximately two feet below the existing pipes and foundations. The existing pipes will be completely removed and disposed of off-site at a landfill or recycler. Any inaccessible materials will be abandoned and cemented or grouted in place. Unsuitable excavated soil (excess moisture, organic soils, etc.) will be stockpiled and disposed of off-site.

New welded steel pipes will be installed with concrete headwalls and riser structures and associated metal gates and appurtenances. The pipes will be encased in controlled low strength material (CLSM) to prevent material migration and seepage along pipe interface. Rock slope protection (RSP) will be placed at pipe inlets and outfalls to prevent bank erosion. The levee surrounding the pipes will be backfilled with levee embankment fill and reconstructed to its original grade. Import soil fill will be required to reconstruct the levee embankment to account for losses and shrinkage of existing soil. Aggregate base material will be imported to restore the levee crest roadway. Following its reconstruction, the levee will be seeded with a native seed mix.

Temporary ramps may be constructed to provide construction access from the levee to the landside toe or staging areas. Temporary sheet pile coffer dams will be installed on both sides of the levee and dewatering pumps or well points installed

within the excavation area. The cofferdams will be constructed by driving (vibratory) heavy-duty "Z" 24-inch or 19-inch sheet piling to build a watertight wall around the inlet and outlet work areas (sheet pile dam). Silt curtains will be installed in Lindsey Slough to ensure that any sediment potentially resulting from Project activities will be contained. Sheet pile will be removed post construction using a vibratory hammer. Pumps will be used to dewater the areas enclosed by the cofferdams and will discharge the water to ground, discharge into existing interior irrigation/drainage ditches, or filter it through sediment separation tanks before releasing it into the waterways outside the cofferdams.

To provide uninterrupted service during construction, a temporary pipe bypass will be required. It is anticipated that the flow bypass will include high-density polyethylene pipe with pumps and fish screen intakes in Lindsey Slough at the DSID 22715 and 22718 project sites. The pipes will move water from Lindsey Slough to the landside reservoirs. Steel fish screens will be installed on the waterside of each pipe to minimize impacts to aquatic species in Lindsey Slough. The fish screens will be sized to the pipe diameters. Each bypass system will use a pump with a flow rate of approximately 8,000 gallons per minute. The pumps may be powered by on-site electric generators or tie into existing electric service lines. It is anticipated that each bypass system will run approximately 60 hours per week during the construction period. The bypass pipes, pumps, fish screens, and all appurtenant structures will be removed after construction is completed.

V. Project Location

County: Solano

Assessor's Parcel Number(s): 42170140, 42170090, 42170130, 42170200, 42170220, 42170210, 42170190, 42170050, 42170130, 42170210, 42170190, 42170050, 42180220, 42150110, 42180330, 42270080, 42180300, 42180100, 42180310, 42270130

Nearest City: Rio Vista

Site 22712 (and Site 22726)

Section 29, Township 5 North, Range 2 East, MDB&M.

Latitude: 38.244961° and Longitude: -121.768944°

Site 22715

Section 28, Township 5 North, Range 2 East, MDB&M.

Latitude: 38.255442° and Longitude: - 121.757610°

Site 22718

Section 26, Township 5 North, Range 2 East, MDB&M.

Latitude: 38.250765° and Longitude: -121.723303°

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

Pipe replacement activities including grading, excavation, dewatering, and brush clearing will have permanent and temporary impacts to waters of the state. Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	0.046		
Stream Channel	0.118		
Wetland	0.123		

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.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Lake	0.027		
Stream Channel	0.089		
Wetland	0.062		

VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- **AMM-1: Implement Best Management Practices.** Local Maintaining Agency (LMA) will implement the following Best Management Practices during demolition and construction activities to protect water quality, avoid the spread of non-native invasive weeds, and protect special-status species:
 - **Measure 1:** Discharge of pollutants into storm drains or watercourses from vehicle and equipment cleaning will be prohibited.
 - **Measure 2:** Maintenance and refueling areas for equipment will be located a minimum of 50 feet from active stream channels in pre-designated staging areas, except at an established commercial gas station or vehicle maintenance facility.
 - **Measure 3:** Spill containment kits will be maintained onsite at all times, during demolition and construction operations and/or during staging or fueling of equipment.
 - **Measure 4:** Dust control measures will include the use of water trucks and dust palliatives to control dust in excavation-and-fill areas, and to cover temporary stockpiles when weather conditions warrant such action.
 - **Measure 5:** Coir rolls or straw wattles that do not contain plastic or synthetic monofilament netting will be installed along or at the base of slopes during construction, to capture sediment.
 - **Measure 6:** All equipment will be maintained to prevent leaks of automotive fluids, such as gasoline, oils, or solvents, and a spill response plan will be prepared.
 - **Measure 7:** Hazardous materials, such as fuels, oils, and solvents, will be stored in sealable containers in a designated location that is located at least 100 feet from wetlands and aquatic habitats.
 - **Measure 8:** To limit the introduction and spread of invasive nonnative

plant species construction vehicles and equipment will be cleaned inside and out at an authorized washing facility before arrival at the site. If invasive or noxious weeds are already present in portions of the project site, vehicles will be cleaned before moving from infested areas to areas that are weed free. In addition, all imported materials (e.g., fill soil, gravel, rock, mulch) used in project construction will be weed-free, including straw and/or hay bales used for sediment control or mulch distribution.

- **Measure 9:** LMA will provide annual environmental awareness training by a qualified biologist to all construction personnel and to new field-based personnel before engaging in construction activities. Environmental awareness training will include descriptions of all special-status species potentially occurring in the Work Area (or construction activity area for activity-specific training), their habitats, and methods of identification, including visual aids as appropriate. Training will inform staff on weed biology, identification, and invasive plant prevention. The training will also describe activity-specific measures that will be followed to avoid impacts. The measures will be provided to the crew leader and any contractors participating in construction activities.
 - **Measure 10:** To minimize the potential for invasive plants to be introduced or spread during construction activities, a qualified biologist will work with LMA staff as needed to develop an invasive species management plan that will include invasive plant prevention based on Preventing the Spread of Invasive Plants: Best Management Practices for Land Managers (Cal-IPC 2012).
 - **Measure 11:** A qualified biologist will be available on an on-call basis during all project-related activities. If needed, a qualified biologist will be maintained on-site during construction activities to ensure the protection of special-status species as required.c
 - **Measure 12:** Habitats, including sensitive natural communities, will be restored to pre-project conditions wherever feasible. On levees, restoration will focus on managed recruitment of the lower waterside levee, where feasible. Restoration could include recontouring by grading and disking, revegetating with native seeds and plants reflective of the target plant community, decompacting soil, and installing
- **AMM-2 Avoid Impacts on Special-Status and Common Nesting Migratory Birds.** LMA will implement the following measures for construction activities that could adversely affect special-status nesting birds and common nesting birds. These measures only apply to stationary work. The measures do not apply to transitory work, i.e., construction activities where equipment moves by a potential nest location within a brief period (as judged by a

qualified biologist), such as mowing, grading, and disking, because nesting birds would be temporarily disturbed, but after the brief disturbance would move back to their nest site.

- **Measure 1:** Wherever feasible, LMA will conduct construction activities that could potentially affect special-status nesting birds, common nesting birds, and bats at those times of the year when adverse effects on these species would be avoided. If construction activities are completed outside of the nesting seasons, no additional measures are required to avoid/minimize adverse effects on nesting birds or bats.

Nesting Season for Special-Status Nesting Birds, Common Nesting Birds

- Swainson's hawk: 1 March to 15 September
 - Burrowing owl: 1 February to 31 August
 - Tricolored blackbird: 15 March to 15 July
 - Common nesting birds (raptors, passerines): 1 February to 31 August
- **Measure 2:** If construction activities that could affect suitable habitat for nesting birds cannot be conducted outside of the nesting seasons, LMA will complete pre-activity surveys for nesting birds (including raptor and passerine nest surveys and heron and egret rookeries). Surveys will be conducted by a qualified biologist. Surveys will be conducted within suitable nesting habitat that could be affected by construction activities (e.g., staging areas, spoils areas, access routes) and will include a 500-foot buffer area (or larger area if required by established survey protocol) surrounding these areas. Where appropriate, pre-activity surveys will follow established survey protocols or guidelines. These protocols include: *Staff Guidance Regarding Avoidance of Impacts to Tricolored Blackbird Breeding Colonies on Agricultural Fields in 2015* (CDFW 2015) and *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Technical Advisory Committee [SHTAC], 2000)

If no established survey protocol exists, the qualified biologist will complete surveys within 1 week of the start of the activity, or within 2 weeks of restart of the activity after the activity has lapsed. If no nesting birds and/or roosting bats are detected during pre-activity surveys, no additional measures are required.

If construction activities are scheduled to occur during the breeding season (1 February– 31 August), LMA will conduct preconstruction surveys in all potential suitable raptor nesting habitat within 0.25 miles of the proposed construction areas, including trees, shrubs,

grasslands, and wetland vegetation. A qualified wildlife biologist will determine the timing of preconstruction surveys based on the time of year and habitats that are present, and will conduct the surveys no more than 30 days before construction.

- **Measure 3:** If nesting birds have been identified by a qualified biologist in or adjacent to a demolition/construction area, LMA will establish an avoidance buffer as indicated to avoid adverse effects on nesting birds.
 - Swainson's hawk: 0.25 mile (urban); 0.5 mile (rural or during use of heavy equipment)
 - Tricolored blackbird: 300 feet
 - Common nesting birds: 100 feet (passerines); 300 feet (raptors); 200 feet (heron or egret rookeries)

If required, buffers will be marked in the field by a qualified biologist using temporary fencing, high-visibility flagging, or other means that are equally effective in clearly delineating the buffers.

Demolition/construction activities will not occur within the buffer. If activities must occur in buffers, a buffer of reduced width will be established in consultation with the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW), (depending on the listing status of the species) by a qualified biologist, marked, and avoided during construction activities in that location. Demolition/construction activities that may impact special-status nesting birds occurring within the avoidance buffer will be monitored by a qualified biologist either continuously or periodically during work, as determined by the qualified biologist. The qualified biologist will be empowered to stop activities that, in the biologist's opinion, threaten to cause unanticipated and/or unpermitted adverse effects on special-status wildlife (e.g., nest abandonment). If construction activities are stopped, the qualified biologist will consult with CDFW (and USFWS if appropriate) to determine appropriate measures that LMA will implement to avoid adverse effects. Buffers will be maintained until there is no longer a threat of disturbance to the sensitive biological resource (e.g., young have fledged, individuals have moved out of the area), as determined by a qualified biologist. LMA will clearly identify the locations of no-disturbance buffers (e.g., 250 feet(ft), 500 ft, or 0.25 mile) on maps that will be made available to construction crews.

- **Measure 4:** LMA will implement the following measures during demolition/construction activities that could adversely affect tricolored blackbird. If an active tricolored blackbird nesting colony is detected during the surveys discussed in AMM 2, LMA will contact CDFW and a

300-foot no-disturbance buffer will be established around the nesting colony. No work will occur within the 300-foot buffer until the colony is determined to have fledged or failed. The buffer will be expanded if the birds are exhibiting agitated behavior. Reductions in the standard buffer size will be discussed with and may be approved by CDFW. A qualified biologist will be on-site to monitor the colony to ensure that demolition/construction activities do not affect nest success. LMA will use the University of California (UC) Davis Tricolored blackbird portal, as well as additional data sources, to gather information on known nesting colonies prior to the pre-activity survey (as described in AMM-2).

- **AMM-3 Avoid Impacts to California Tiger Salamander.** LMA will implement the following measures to avoid and minimize potential impacts on California tiger salamander:
 - **Measure 1:** A qualified California tiger salamander biologist (defined as an individual with 3 years of experience conducting surveys for California tiger salamander and habitat in the project region) will be present on-site to conduct monitoring during project construction activities that disturb surface soils within 250 feet of drainages or any other aquatic features.
 - **Measure 2:** Project-related vehicle traffic will be restricted to established roads, staging areas, and parking areas. To the extent possible, LMA will confine all project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to previously disturbed areas.
 - **Measure 3:** All steep-walled holes or trenches that are 1-foot deep or greater and located within 250 feet of aquatic habitat will have at least one escape ramp constructed of earthen fill or wooden planks. All such holes or trenches will be completely covered before sunset of each workday using boards or metal plates that are placed flush to the ground and will be inspected before the start of daily construction activities.
 - **Measure 4:** To prevent inadvertent entrapment of California tiger salamanders during project construction, all pipes, culverts, conduits, and other similar structures stored on-site overnight will be capped before storage or inspected before the structure is buried. Plastic monofilament netting will not be used for sediment control because it could pose an entrapment hazard to California tiger salamanders and other wildlife.
 - **AMM-4 Giant Garter Snake.** LMA will implement the following mitigation measures for construction and demolition activities that could adversely affect giant garter snake.
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- **Measure 1:** If potentially suitable aquatic habitat for giant garter snakes has been identified in or within 200 feet of construction areas by a qualified biologist, LMA will establish a 200-foot buffer around the aquatic habitat. Buffers will be marked in the field with guidance from a qualified biologist using temporary fencing, high-visibility flagging, or other means that is equally effective in clearly delineating the buffers. Construction activities will not occur within the buffer, and construction workers will avoid entering the buffer at all times. If avoidance buffers are observed, no other mitigation measures for impacts to giant garter snakes will be required. If work must occur within 200 feet of potentially suitable aquatic habitat, LMA will implement the following mitigation measures as determined to be necessary by a qualified biologist.
- **Measure 2:** If giant garter snakes are observed in a construction area, LMA will stop work until the snake is out of the area of construction activity and will notify a qualified biologist immediately. If possible, the snake will be allowed to leave on its own, and the qualified biologist will remain in the area until the biologist deems his or her presence no longer necessary to ensure that the snake is not harmed. Alternatively, with prior CDFW and USFWS approval and appropriate handling permits, the qualified biologist may capture and relocate the snake unharmed to suitable habitat at least 200 feet from the construction area. LMA will notify CDFW and USFWS by telephone or email within 24 hours of a giant garter snake observation during construction activities. If the snake does not voluntarily leave the construction area and cannot be captured and relocated unharmed, construction activities within approximately 200 feet of the snake will stop to prevent harm to the snake, and CDFW and USFWS will be consulted to identify next steps. In that case, LMA will implement the measures recommended by CDFW and USFWS prior to resuming construction activities in the area.
- **Measure 3:** Where feasible for collection canals and other channels that involve sediment removal in the wet, LMA will conduct construction activities in aquatic habitats potentially supporting giant garter snakes between 1 October and 30 April. During this time, giant garter snakes are more likely to be occupying upland burrows and are less likely to be in the aquatic habitat.
- **Measure 4:** LMA will dewater construction areas potentially providing aquatic habitat for giant garter snakes to the extent feasible. Any dewatered aquatic habitat will be kept dry for at least 15 consecutive days before conducting construction activities. If 15 consecutive days is not feasible then LMA will consult with both the USFWS and CDFW to apply appropriate measures. If dewatering cannot remove all water, potential giant garter snake prey (i.e., fish and tadpoles) will be removed so that giant garter snakes and other wildlife are not attracted

to the construction area.

- **Measure 5:** If channel construction activities cannot be completed during periods as described for Measure 3 and construction areas cannot be dewatered as described for Measure 4, LMA staff will lightly brush construction equipment (e.g., excavator bucket) across the water surface and any associated aquatic vegetation (prior to lowering the excavator bucket into the channel) in an effort to encourage giant garter snakes to leave the area. The equipment will then be slowly lowered into the aquatic habitat until the bottom of the aquatic habitat is encountered and raised vertically and slowly so that the canal banks and bank vegetation are not disturbed to the maximum extent possible, consistent with the intended purpose of the construction activity.
- **Measure 6:** Staff trained in the identification of giant garter snakes will monitor all construction activities occurring in aquatic habitat during the active season. When ground disturbance will occur in areas of suitable giant garter snake habitat, a qualified biologist will monitor the work. As work is conducted, LMA staff and the qualified biologist will visually scan work areas, equipment, and materials (e.g., excavated sediment and associated aquatic vegetation) for giant garter snakes. If any snake and/or giant garter snakes are observed LMA will halt all work and follow the requirements of Measure 2.
- **Measure 7:** When possible, LMA will complete construction activities in terrestrial habitats that are potentially supporting giant garter snakes between 1 May and 1 October. Work in giant garter snake upland habitat may also occur between 2 October and 1 November or 1 April through 30 April provided ambient air temperatures exceed approximately 75°F during work and maximum daily air temperatures have exceeded approximately 75°F for at least 3 consecutive days immediately preceding work. During these periods, giant garter snakes are more likely to be active in aquatic habitats and less likely to be found in upland habitats.
- **Measure 8:** For work areas with a discrete footprint smaller than 0.25 acre, LMA will install giant garter snake exclusion fencing entirely around planned construction areas during periods when giant garter snakes are active as described for Measure 6. Exclusionary fencing will be constructed 5 days prior to beginning construction activities and constructed consistent with USFWS and CDFW guidance. Full exclusionary fencing will be inspected and maintained daily by LMA staff and a qualified biologist while construction activities are being conducted to verify the condition and function of the fence and to verify that giant garter snakes do not get trapped in the excluded area.
- **Measure 9:** LMA will ensure that a qualified biologist surveys areas of planned ground disturbance for burrows, soil cracks, and crevices that

may be suitable for use by giant garter snakes when within suitable terrestrial habitat. Surveys will be completed no more than 3 days before conducting any ground-disturbing construction activities in terrestrial habitat potentially supporting giant garter snakes. Any identified burrows, soil cracks, crevices, or other habitat features will be flagged or marked by the qualified biologist or otherwise identified as biologically sensitive areas (BSAs). LMA will avoid these BSAs during subsequent construction activities to the maximum extent feasible. If construction activities temporarily stop for more than 14 days, surveys for soil cracks and similar features will be repeated by a qualified biologist, as described above, prior to resuming construction.

If feasible and accepted by CDFW and USFWS, LMA will also use other survey techniques (e.g., scent-detection dogs) as an alternative or a supplement to surveys conducted by a qualified biologist. Such surveys would be used to identify cracks and burrows to help determine giant garter snake occupancy, and these burrows would be flagged as BSAs to be avoided during subsequent work as described above.

- **Measure 10:** If implementing Measure 7 is not feasible, or if construction activities that could result in direct, adverse effects on giant garter snakes (e.g., burrow collapse, crushing) would occur during periods when giant garter snakes have a higher probability of occurring in terrestrial habitats (i.e., between 1 October and 1 May or outside this period in mornings, evenings, overnight, or when ambient air temperatures are less than approximately 75°F or greater than approximately 90°F), LMA will ensure that a qualified biologist is present to conduct activities described in Measure 2, and on call during construction activities. The qualified biologist will follow the requirements specified in Measure 2 to ensure that giant garter snakes are protected to the maximum extent feasible during construction activities.
- **Measure 11:** Before construction activities occur in potentially suitable terrestrial giant garter snake habitat during periods when snakes are active (between 1 May and 1 October when ambient air temperatures exceed 75°F), LMA will mow areas of herbaceous vegetation surrounding planned work areas to a height of no less than 6 inches where and when feasible in order to increase visibility and the probability of giant garter snake detection during surveys as described for Measures 8 and 9.
- **Measure 12:** Temporarily affected giant garter snake aquatic habitat will be restored in accordance with criteria listed in the USFWS Mitigation Criteria for Restoration and/or Replacement of Giant Garter Snake Habitat (Appendix A to Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively

Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, and Yolo Counties, California [USFWS, 1997]), or the most current criteria provided by USFWS and/or CDFW.

- **Measure 13:** When feasible, LMA construction staff members will deposit spoils in areas that do not provide suitable giant garter snake upland habitat. Such areas include compacted or gravel roadbeds, orchards, and recently disked farm fields. If spoils disposal cannot occur as described for this measure, Measure 13 will be implemented instead.
- **Measure 14:** If BSAs exist in planned construction areas, excavated spoils will be placed to avoid these BSAs. A qualified biologist trained in giant garter snake identification will monitor all spoils disposal.
- **Measure 15:** Immediately preceding grading deposited spoils piles, a qualified biologist will survey planned work areas for giant garter snake and burrows. Additionally, a qualified biologist trained to identify garter snakes will monitor all work as it occurs. Grading of deposited spoils piles will only occur during periods when giant garter snakes are likely to be active in aquatic habitat. If giant garter snakes are observed prior to or during work, the measures described in Measure 2 will be followed.
- **AMM-5 Avoid and Reduce Impacts on Water Quality During Dewatering.** Prior to work in the flowing portion of the channel, the LMA will notify CDFW and prepare a Lake and Streambed Alteration Agreement application. LMA will obtain CDFW approval and the channel flow will be diverted around or through the Work Area during the pipe replacement activities.
 - **Measure 1:** LMA will submit for review a detailed water diversion/dewatering plan to CDFW. CDFW will review the proposed water diversion method, to concur with the plan or provide the requirements for that concurrence. The LMA may not commence the dewatering of the channel or the diversion of water without concurrence from CDFW.
 - **Measure 2:** LMA will ensure any artificial obstruction constructed only be built from clean materials.
 - **Measure 3:** LMA will remove channel diversions prior to the winter period and upon completion of the activity.
 - **Measure 5:** Construction activities that would result in direct impacts on wetlands and other waters of the United States or state would require compliance with permit conditions under Sections 404 and 401 of Clean Water Act, as well as compliance with the Porter-Cologne Water Quality Control Act. All measures developed in consultation with

the respective regulatory agencies (USACE, NMFS, CDFW and Central Valley Water Board) through these processes will be implemented to mitigate adverse effects.

- **AMM-6 Avoid and Reduce Impacts to Aquatic Species During Dewatering.** The LMA will implement the following measures to avoid and minimize potential impacts to fish species during dewatering activities.
 - **Measure 1:** Whenever possible, in water work will be conducted between July 1 and November 30 to minimize adverse impacts on fish and their habitat, at locations where there is habitat potentially supporting special-status fish. Work during this period will avoid the seasons in which special-status migratory fish are more likely to be found in the Work Area. Work on dry land may occur before or after this period. Additionally, work may occur outside this period when channels remain dry.
 - **Measure 2:** Before conducting construction that requires dewatering the channel and potentially stranding special-status fish species, the LMA will consult with USFWS as required by Section 7 of the federal Endangered Species Act to ensure that the proposed action would not jeopardize endangered or threatened species or destroy or adversely modify designated critical habitat. If a project may affect a listed species or designated critical habitat, the LMA is required to prepare a biological assessment evaluating the nature and severity of the expected effect. CDFW and/or National Marine Fisheries Service (NMFS) may also be consulted prior to the start of the project.
 - **Measure 3:** While pumps are being used to dewater the Project site, the LMA will screen the intake line. CDFW fish screen criteria can be found online within the [California Salmonid Stream Habitat Restoration Manual](#), Appendix S at (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=22660>).
 - **Measure 4:** LMA will release or pump water downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, the LMA will remove any barriers to flow in a manner that will allow flow to resume with the least disturbance to the substrate.
 - **Measure 5:** The LMA will check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts will be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life will be immediately released in the same or closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any state or federally listed species, or state listed species of special concern.

- **AMM-7 Special-Status Plant Protection.** Prior to work within the areas that could support special-status plant species (marsh habitat along the slough margins) the LMA will implement the following measures.
 - **Measure 1:** Before commencing the construction activities, a qualified botanist will survey suitable habitat (if present) within the disturbance footprint of the activity, during the appropriate identification period for the targeted special-status plant species. If no special-status plants are observed during appropriately timed surveys by a qualified botanist, it is assumed that the maintenance activity will have no impact on special-status plants and no further action is required.
 - **Measure 2:** If special-status plants are identified within the planned construction area, the individuals or populations will be mapped and quantified and reported to the California Natural Diversity Database (CNDDDB), and the project manager will be notified so that potential impacts to these known occurrences will be avoided, when feasible. Coordination with CDFW and/or USFWS staff may also be necessary for developing appropriate avoidance and minimization measures if the species is federally or State listed. Avoidance and minimization measures may include:
 - No-disturbance buffers.
 - Work windows for low impact activities such as mowing, grazing, or burning of channel vegetation that are compatible with the dormant phase of a special-status plant life cycle but that may kill living plants or severely alter their ability to reproduce.
 - Silt fencing or construction fencing to prevent vehicles, equipment, and personnel from accessing the occupied habitat.
 - Erosion control BMPs such as straw wattles made of rice straw, erosion control blankets, or hydroseeding with a native plant seed mix to prevent sedimentation from upslope maintenance activities.
 - Before the maintenance activity commences, special-status plant occurrences will be marked with pin flags in the field, and all maintenance personnel will be instructed as to the location and extent of the special-status plants or populations and the importance of avoiding impacts to the species and its habitat.
 - If needed a qualified biologist will be present or on-call during maintenance activities to provide guidance on avoiding special-status plants, ensure that other avoidance measures (buffers, fencing, etc.) are observed, and to document the total impact of the maintenance activity, particularly if it is greater or less than anticipated.
 - In consultation with CDFW or USFWS, a qualified biologist may

collect and spread seeds or relocate plants to appropriate locations.

- **Measure 3:** If work is required in areas where special-status plant populations are present and cannot be avoided, DWR will coordinate with CDFW or USFWS staff to develop appropriate minimization measures.
- **AMM-8 Protection of Native Oaks.** Prior to initiation of construction activities, after final design has been completed, the LMA will determine the extent of the project's impacts on native oak trees within the Work Area. Where feasible, the LMA will mark the boundaries of these areas using temporary fencing, high-visibility flagging or other means that are equally effective in clearly delineating the boundaries. When feasible, repair activities will be excluded from these areas. Where feasible, construction activities will be sited to avoid areas with sensitive resources. In many situations, equipment can be operated to avoid disturbing isolated native oak trees. Furthermore, the LMA will implement the following avoidance and minimization measures:
 - **Measure 1:** Avoid removal and trimming of riparian vegetation to the extent practicable by avoiding areas of dense riparian vegetation.
 - **Measure 2:** Avoid removal of riparian vegetation along the banks of canals and streams to the extent practicable to maintain riparian vegetation along the banks and to protect the banks from erosion.
 - **Measure 3:** Keep the clearing and blading of vegetation, especially native riparian vegetation and native oaks, to the minimum necessary to facilitate temporary vehicle access for construction requirements, to the extent practicable.
 - **Measure 4:** Limit trimming and removal of California native trees to those with diameter at breast height (DBH) less than 4 inches. Avoid removal of native trees with a trunk DBH greater than 4 inches, where feasible.

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) 15301 – Existing Facilities and 15302 – Replacement or Reconstruction.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

XI. Petitions for Reconsideration

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

XII. Fees Received

A. An application fee of \$4,212.00 was received on 8 January 2025. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of \$13,434.00 based on total Project impacts was received on 13 March 2025.

B. Annual Fees: This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.²

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

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

XIII. Conditions

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

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

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:** Not Applicable

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon

acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.

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

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials³

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](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-) (<https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES->

³ "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.)

Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).

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

b. Violation of Compliance with Water Quality Standards

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

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

c. In-Water Work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

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

- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by

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

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

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

1. General

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

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

2. Accidental Discharges/Noncompliance

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

3. In-Water Work or Diversions

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

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause dissolved oxygen to be reduced below 5.0 mg/L.
- c. Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.⁴ The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet

⁴ 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.

downstream of the work area.

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

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

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 ⁵	Observations	Visual Inspections	Continuous throughout the construction period

4. Post-Construction

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

D. Standard

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

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

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be

eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

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

clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

- d. If water is present, the area must be dewatered prior to start of work.
- e. Dewatering may occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.
- 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 XIII.B.3.a and XIII.B.3.b.
- b. No wet concrete will be placed into aquatic resources habitat.

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

- a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
- b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed,

constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

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

10. Sediment Control

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

11. Special Status Species

The following Special Status Species have been documented to occur near or within the Project area: Swainson's hawk, tricolored blackbird, burrowing owl, California tiger salamander, giant garter snake, Central Valley steelhead distinct population segment (DPS), delta smelt, longfin smelt, Central Valley fall and late fall-run chinook salmon, Central Valley spring-run chinook salmon, Sacramento River winter-run chinook salmon, green sturgeon, and California black rail.

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 as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within ninety (90) days of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).
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 ninety (90) days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.
4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Lake	Permittee Responsible	Acres			0.046			
Stream Channel	Permittee Responsible	Acres			0.118			
Wetland	Permittee Responsible	Acres			0.123			

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 Section 401 Clean Water Act Certification Application (Compensatory Mitigation Plan) dated 31 December 2024 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits 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.

3. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.178 acre of lake, stream channel, and wetland by purchasing 0.178 Aquatic Resource Credits in the Cache/Putah Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation (NFWF)'s Sacramento

District California In-Lieu Fee Program.

- b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

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

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Lake	In-Lieu Fee Credits	Acres						0.027
Stream Channel	In-Lieu Fee Credits	Acres						0.089
Wetland	In-Lieu Fee Credits	Acres						0.062

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 such that the Project no longer qualifies for a categorical exemption. In this case a supplemental environmental review and different Order will be required.

XIV. Water Quality Certification

I hereby issue the Order for the Reclamation District No. 536, Four Pipe Replacements, Egbert Tract, Solano County Project, WDID # 5A48CR00205, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

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

Original Signed by Anne Walters for:

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

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

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Attachment A – Project Maps

Figure 1: Vicinity Map of Project Site Locations

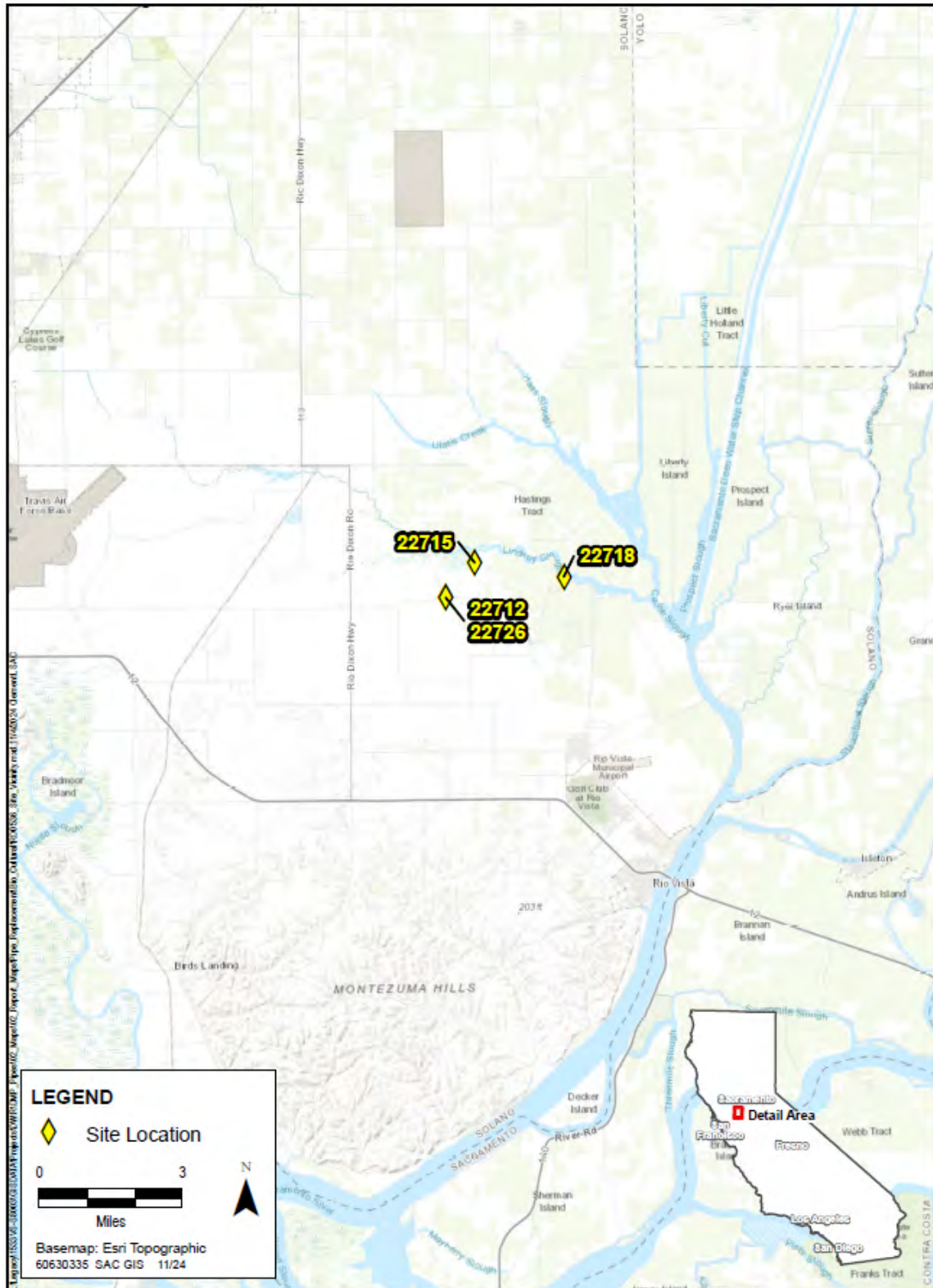


Figure 2: Map of Impacts to Site 22712

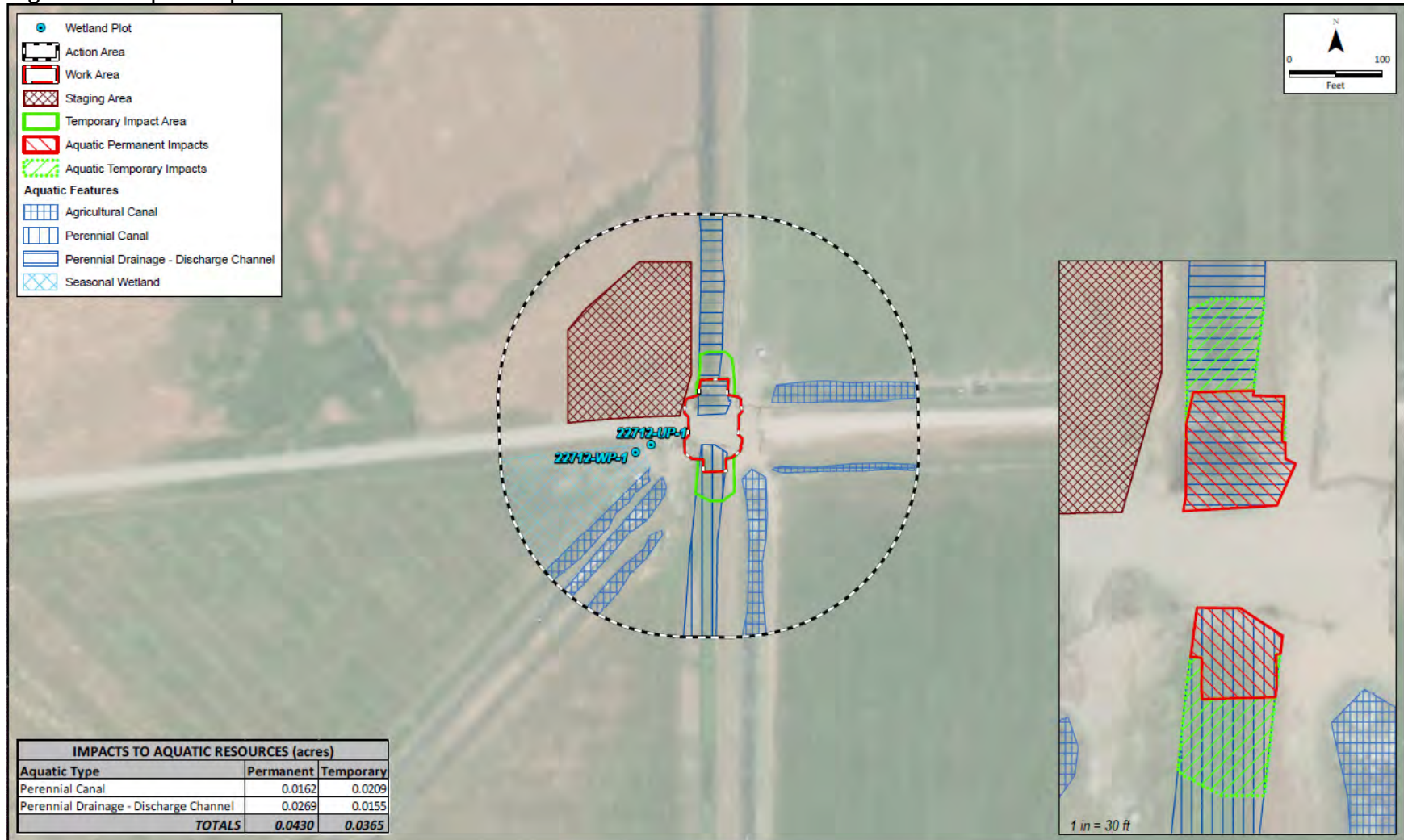


Figure 3: Map of Impacts to Site 22715

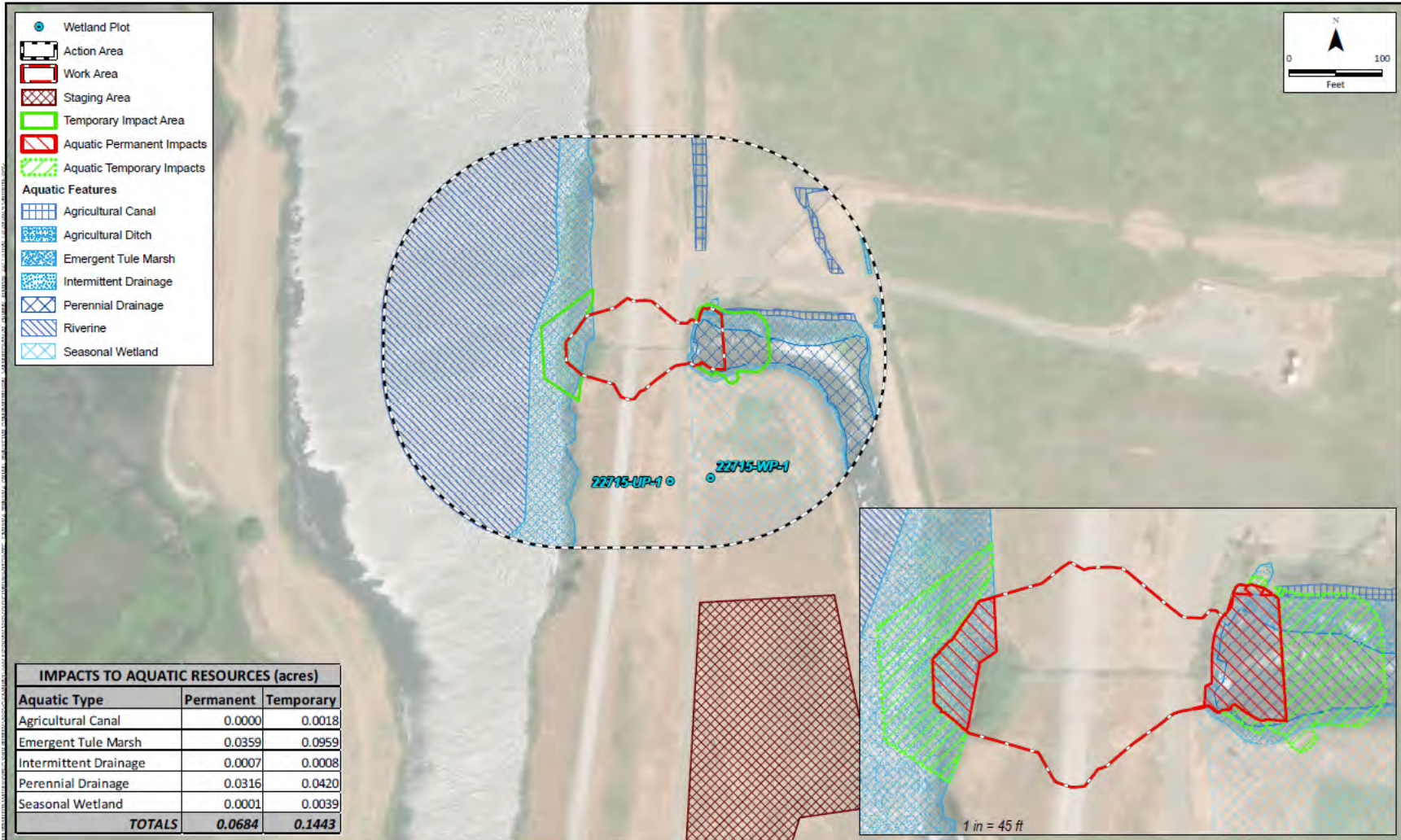
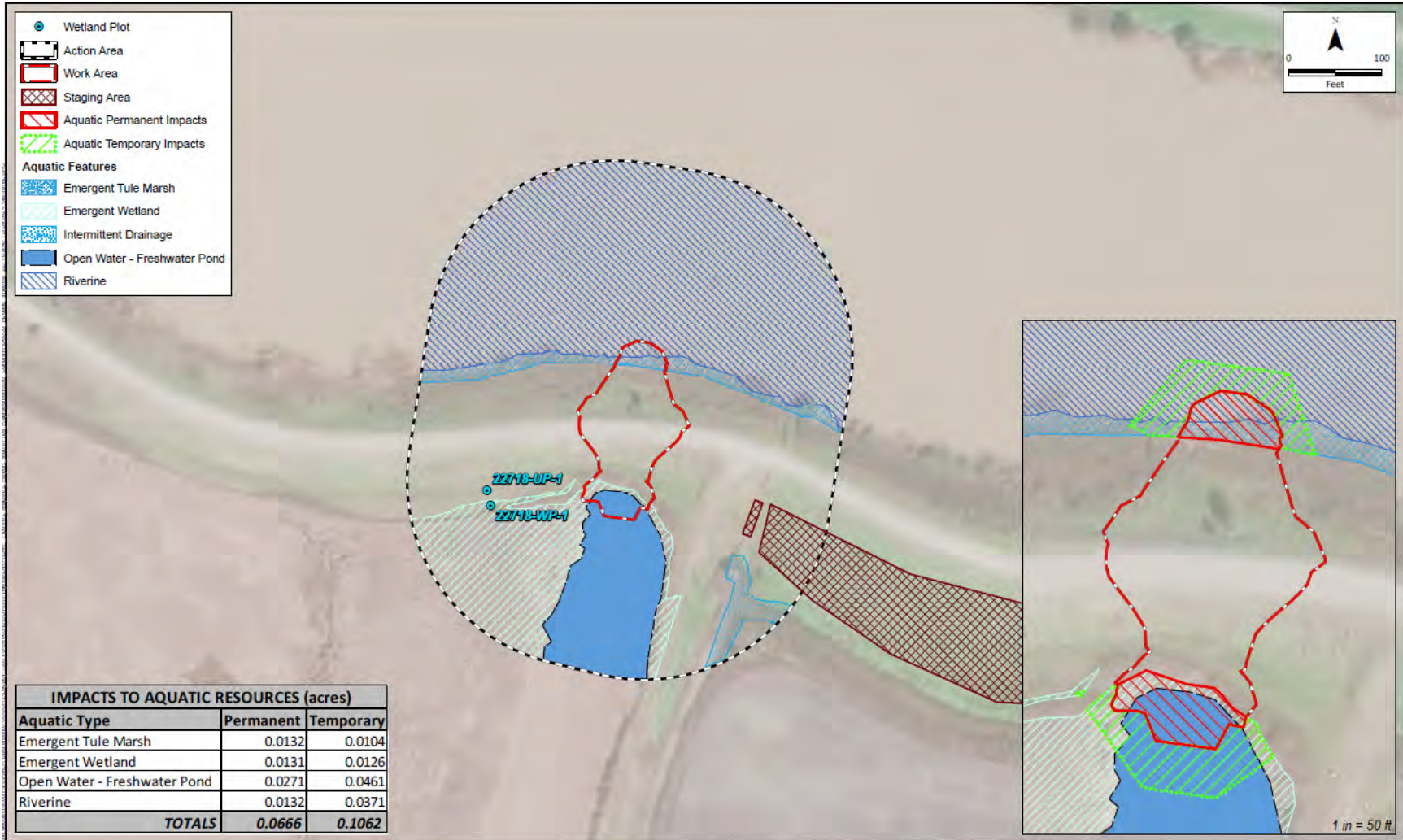


Figure 4: Map of Impacts to Site 22718



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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
Site 22712	Lindsey Slough	Stream Channel	510.00	Lindsey Slough	AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Chlorpyrifos, Pyrethroids
Site 22715	Lindsey Slough	Stream Channel & Wetland	510.00	Lindsey Slough	AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Chlorpyrifos, Pyrethroids
Site 22718	Lindsey Slough	Lake, Stream Channel, & Wetland	510.00	Lindsey Slough	AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Chlorpyrifos, Pyrethroids

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Site 22712	38.244961	-121.768944	No	0.036		
Site 22715	38.255442	-121.757610	No	0.145		
Site 22718	38.250765	-121.723303	No	0.106		

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Site 22712	38.244961	-121.768944	No	0.043		
Site 22715	38.255442	-121.757610	No	0.068		
Site 22718	38.250765	-121.723303	No	0.067		

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 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)
In-Lieu Fee Program Contact Name:	Tim DiCintio
Phone:	(202) 595-2466
Email:	Timothy.DiCintio@nfwf.org
In-Lieu Fee Program Location	Cache/Putah Rivers Aquatic Resource Service Area

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Lake	0.027		TBD
Stream Channel	0.089		TBD
Wetland	0.062		TBD

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Attachment C – CEQA Findings of Fact

The Central Valley Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) 15301 – Existing Facilities and 15302 – Replacement or Reconstruction.

Additionally, the Central Valley Water Board concludes that no California Code of Regulations, title 14, section exceptions to the CEQA exemption apply to the activities approved by this Order.

The Central Valley Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order. (California Code of Regulations., title 14, section 15062.)

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

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

II. Report Submittal Instructions

- A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**
 - **Part A (Monthly Reports):** This report will be submitted monthly until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Jenna.Yang@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Jenna Yang; Project Name; and WDID No. 5A48CR00205.

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:

21 March 2025

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

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

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

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. 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: Reclamation District No. 536, Four Pipe Replacements,
Egbert Tract, Solano County Project

Permittee: Reclamation District No. 536

WDID: 5A48CR00205

Reg. Meas. ID: 459589

Place ID: 898462

Order Effective Date: 21 March 2025

Order Expiration Date: 20 March 2030

VI. Report Type Submitted

A. Part A – Project Reporting

- Report Type 1 Monthly Report
- Report Type 2 Annual Report – Not Applicable

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print Name¹	Affiliation and Job Title
-------------------------------	----------------------------------

Signature	Date
------------------	-------------

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

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

Permittee's Signature	Date
------------------------------	-------------

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. Report Type 2 - Annual Report – Not Applicable

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

- a. Report Purpose** - Notify Central Valley Water Board staff prior to the start of construction.
- b. When to Submit** - Must be received at least seven (7) days prior to start of initial ground disturbance activities.
- c. Report Contents** -
 - i. Date of commencement of construction.
 - ii. Anticipated date when discharges to waters of the state will occur.
 - iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.
 - iv. Construction Storm Water General Permit WDID No.
 - v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

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

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

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

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

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

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

- 1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.
- 2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

ii. Part B: Permittee Responsible Compensatory Mitigation

- 1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
- 2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.
- 3) Pre- and post-photo documentation of all compensatory mitigation sites.
- 4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

- 1) Date of storm water Notice of Termination(s), if applicable.
- 2) Report status and functionality of all post-construction BMPs.
- 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIII.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 XIII.C.3.
- c. Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIII.C.3.

4. Report Type 9 - Modifications to Project Report

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

- b. When to Submit** - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
- c. Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

5. Report Type 10 - Transfer of Property Ownership Report

- a. Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
- b. When to Submit** - At least 10 working days prior to the transfer of ownership.
- c. Report Contents** -
 - i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
 - 1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and
 - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
 - ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

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

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Attachment E – Signatory Requirements

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

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

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

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state and the environment;
 - 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 any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional

environmental review. (California Code of Regulations, Title 14, sections 15061, 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 XIII of the Order, and the statements below correspond with the conditions set forth in Section XIII. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7.

I. General Justification for Section XIII Conditions

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

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

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

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

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

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

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

II. Specific Justification for Section XIII Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

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

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

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

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

D. Standard

1. This Order is subject to modification or revocation

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

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

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

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

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

E. General Compliance

1. Failure to comply with any condition of this Order

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

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

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

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

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

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

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

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

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

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

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

F. Administrative

1. Signatory requirements for all document submittals

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

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

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

3. The Permittee shall grant Central Valley Water Board staff

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

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

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

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

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

6. Lake or Streambed Alteration Agreement

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

shall be included.”

G. Construction

1. Dewatering

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

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

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

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.)

Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

5. Good Site Management “Housekeeping”

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

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

10. Sediment Control

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

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize

such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – 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

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).