Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 24 October 2025

Expiration Date: 23 October 2030

Program Type: Fill/Excavation

Reg. Meas. ID:	461949
Place ID:	902285
WDID No.:	5B55CR00191
USACE No.:	N/A
	NWP 3 Non-Reporting

Project Type: Channel Construction and Maintenance

Project: T107SCV-0.80M Culvert Replacement Project (Project)

Applicant: San Francisco Public Utilities Commission

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of San Francisco Public Utilities Commission (hereinafter Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 18 June 2025. The application was deemed complete on 22 August 2025. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

Date of Notice of Incomplete Application: **19 August 2025**
Date all requested information was received: **20 August 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 1 August 2025 to 22 August 2025. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The goal of the project is to replace a degraded culvert in order to maintain access to the Permittee's critical utility infrastructure.

IV. Project Description

This project will replace 1 existing culvert on a single lane, native surfaced water transmission pipeline access road within the Big Creek watershed (Hydrologic Unit Code 12 - 180400091002). The culvert crossing is located on an unnamed intermittent stream.

The replacement culvert configurations will retain the existing culvert configurations as follows: The culvert will lay so that the bottom is in contact with compacted 1-inch minus base rock bedding material. The channel grade at the crossing is two percent slope and the culvert will be aligned vertically to the existing grade. The existing culvert is accurately aligned horizontally, and the replacement culvert will be placed at the same orientation.

The type of culvert pipe will change from straight corrugated metal to dual walled high density polyethylene corrugated pipe with a smooth inner surface. The pipe dimensions will remain the same.

Implementation Sequence:

1. Surface stream flows will be confirmed to be absent.
2. A pre-construction biological survey will be performed by a qualified biologist prior to commencement of construction activities.

3. Erosion and sediment control measures will be installed on the boundary of the project area.
4. All staging and operation of equipment will occur within existing roads and road pullouts.
5. The areas on the lateral sides of the new culvert will be excavated using an excavator, allowing access to remove existing culvert pipe. Equipment will operate from outside of the waterway and channel, which will be identified with flagging.
6. The new culvert bed will be prepared. If excavated native fills are found to be unsuitable, then weed-free, compactible aggregate will be imported to prepare the culvert bed. If required, the culvert area will be dewatered to a well-vegetated upland area with no downstream connectivity to the culvert or other waterways.
7. The new culvert will be placed on the prepared culvert bed.
8. The culvert trench fill and road surface will be re-established, compacted and graded using previously excavated and imported fill. Weed-free, imported fill may be required to backfill the culvert trench if excavated material is deemed unusable. Excess or unusable fill will be off-hauled or spread on stable, upland locations away from where the materials may enter any nearby waterways.
9. Geotextile fabric will be placed on the upstream and downstream fill slopes and stream banks to stabilize the culvert inlet and outfall.
10. Final erosion control measures will be installed as needed to protect water quality, including silt fence, straw waddles, or weed-free mulch.

V. Project Location

Address: The culvert is located on an unnamed dirt road approximately 250 feet north of the Hetch Hetchy Aqueduct and approximately 0.7 mile west of Ferretti Road.

County: Tuolumne

Assessor’s Parcel Number(s): 066-260-055

Nearest City: Oakdale

Section 29, Township 1 South, Range 17 East, MDB&M.

Latitude: 37.829388° and Longitude: -120.132256°

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the

region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

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

VII. Description of Direct Impacts to Waters of the State

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

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[1]

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.002	15	20

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The culvert replacement has a low potential for indirect impacts. The culvert fills are approximately the same as the previous culvert. Work will occur over a short period of time during dry periods when no flows are present. Erosion control measures will be implemented to stabilize the site during and following construction. Any discharge of project-related sediment will not be significant, and will be within Basin Plan requirements.

IX. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the

[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.

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

Direct Impact Avoidance and Minimization

The SFPUC culvert projects follow Standard Construction Measures (SCMs) to avoid impacts to waters of the state. Best Management Practices (BMPs) that are specific to water quality are identified in Measure #3, Water Quality, which will prevent sediment delivery to the watercourse during and after construction:

> 3. WATER QUALITY: All projects will implement erosion and sedimentation controls to be tailored to the project site such as fiber rolls and/or gravel bags around storm drain inlets, installation of silt fences, and other such measures sufficient to prevent discharges of sediment and other pollutants to storm drains supply reservoirs, wetlands, swales, and streams. As required based on project location and size, a Stormwater Control Plan (in most areas of San Francisco) or a Stormwater Pollution Prevention Plan (outside of San Francisco and in certain areas of San Francisco) will be prepared. If uncontaminated groundwater is encountered during excavation activities, it will be discharged in compliance with applicable water quality standards and discharge permit requirements.

In addition to the above SCM, site-specific BMPs to avoid and minimize impacts to waters of the state include:

- Stockpile Management: Stockpiled materials will be staged in the road and existing turnouts, outside of potentially jurisdictional boundaries, and sufficiently far away from waterways to minimize risk to water features from stockpiled materials and/or equipment. Stockpiled soils will be covered until replaced and stabilized.
- Imported fills and erosion control materials will be clean, weed free, and free of contaminants.
- Equipment will be clean and free of leaks and will be serviced/refueled outside of waterway or culvert areas.

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because all impacts are temporary in nature. No permanent impacts to water quality or resources will occur as a result of Project activities.

XI. California Environmental Quality Act (CEQA)

On 23 April 2019, the City and County of San Francisco, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2019012018) for the Project and filed a Notice of Determination (NOD) at the SCH on 8 July 2019. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are

included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees

A. An application fee of $4,212.00 was received on 27 June 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.

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

XIV. Conditions

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

A. Authorization

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

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

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

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

will end the post discharge monitoring period.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials[3]:

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

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

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

[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.)

may be delivered via written notice, email, or other verifiable means.

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

c. In-Water Work and Diversions:

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

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

d. Modifications to Project:

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

e. Transfer of Property Ownership:

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

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

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

f. Transfer of Long-Term BMP Maintenance:

If maintenance responsibility for post-construction BMPs is legally

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

C. Water Quality Monitoring

1. General:

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

a. when performing any in-water work;

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

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

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

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions

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

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

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

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

exceed 2 NTU;

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

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

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

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

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.[4] The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

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

If no sampling is required, the Permittee shall submit a written statement

[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.

stating, “No sampling was required” within two weeks on initiation of in-water construction, and every two weeks thereafter.

Table 2: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
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

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

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

Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** Not Applicable

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

   b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

   d. Sample or monitor for the purposes of assuring Order compliance.

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

subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

6. Lake or Streambed Alteration Agreement

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

G. Construction

1. Dewatering

a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

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

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

e. Dewatering may occur within the Project area.

f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

2. **Directional Drilling- Not Applicable**

3. **Dredging- Not Applicable**

4. **Fugitive Dust**

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

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

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

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

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

6. **Hazardous Materials**

   a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and

shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management- 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: California Red-Legged Frog, California Tiger Salamander, Foothill Yellow-Legged Frog, and Western Spadefoot.

12. Stabilization/Erosion Control

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

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

13. Storm Water

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

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

H. Site Specific- Not Applicable

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

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the response to the Notice of Incomplete Application dated 19 August 2025 and incorporated herein by reference.

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

K. Compensatory Mitigation for Permanent Impacts: Not Applicable

L. Certification Deviation

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

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

XV. Water Quality Certification

I hereby issue the Order for the T107SCV-0.80M Culvert Replacement Project, WDID # 5B55CR00191, 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 and Impacts
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: Culvert Replacement Locations

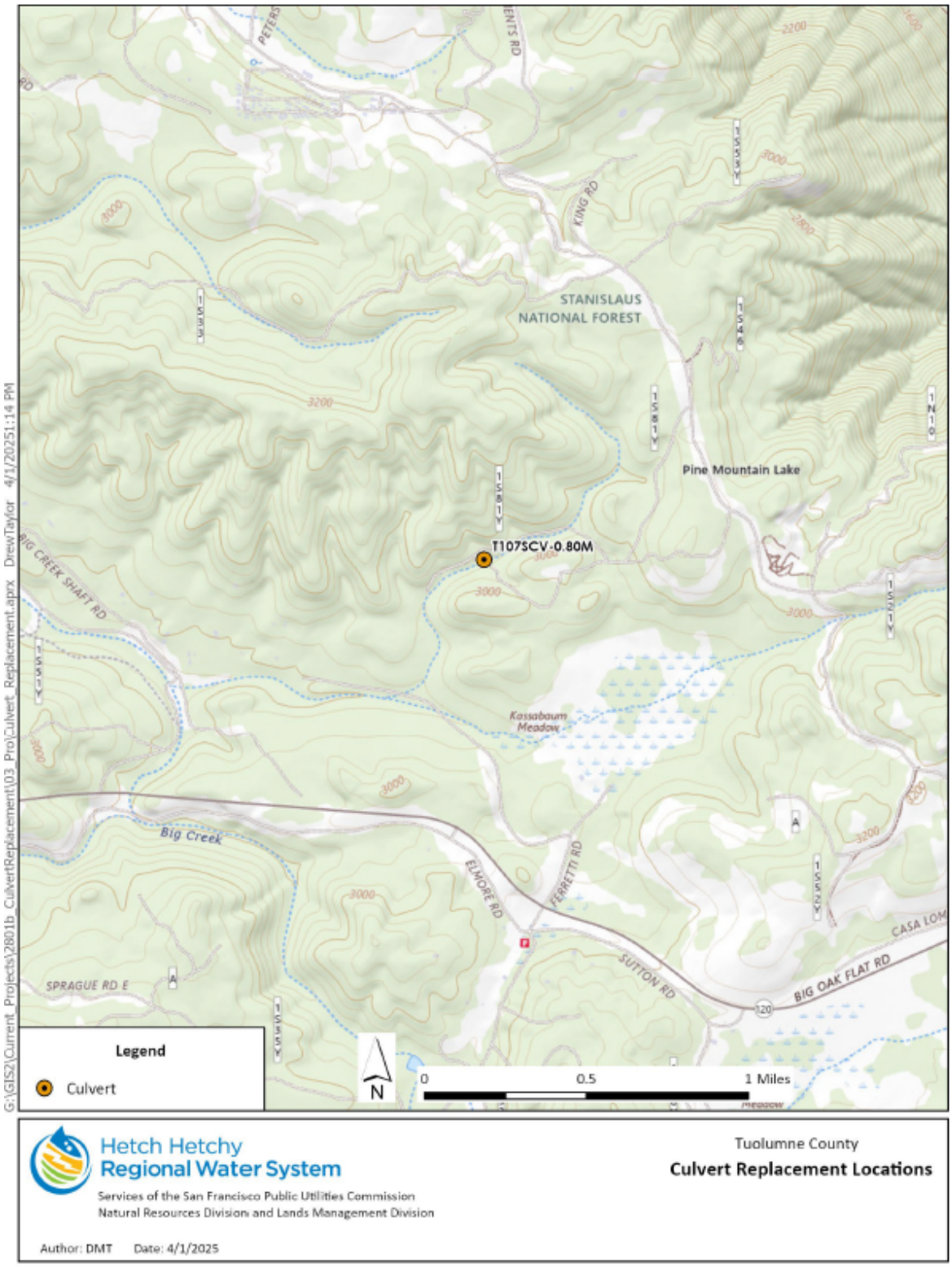
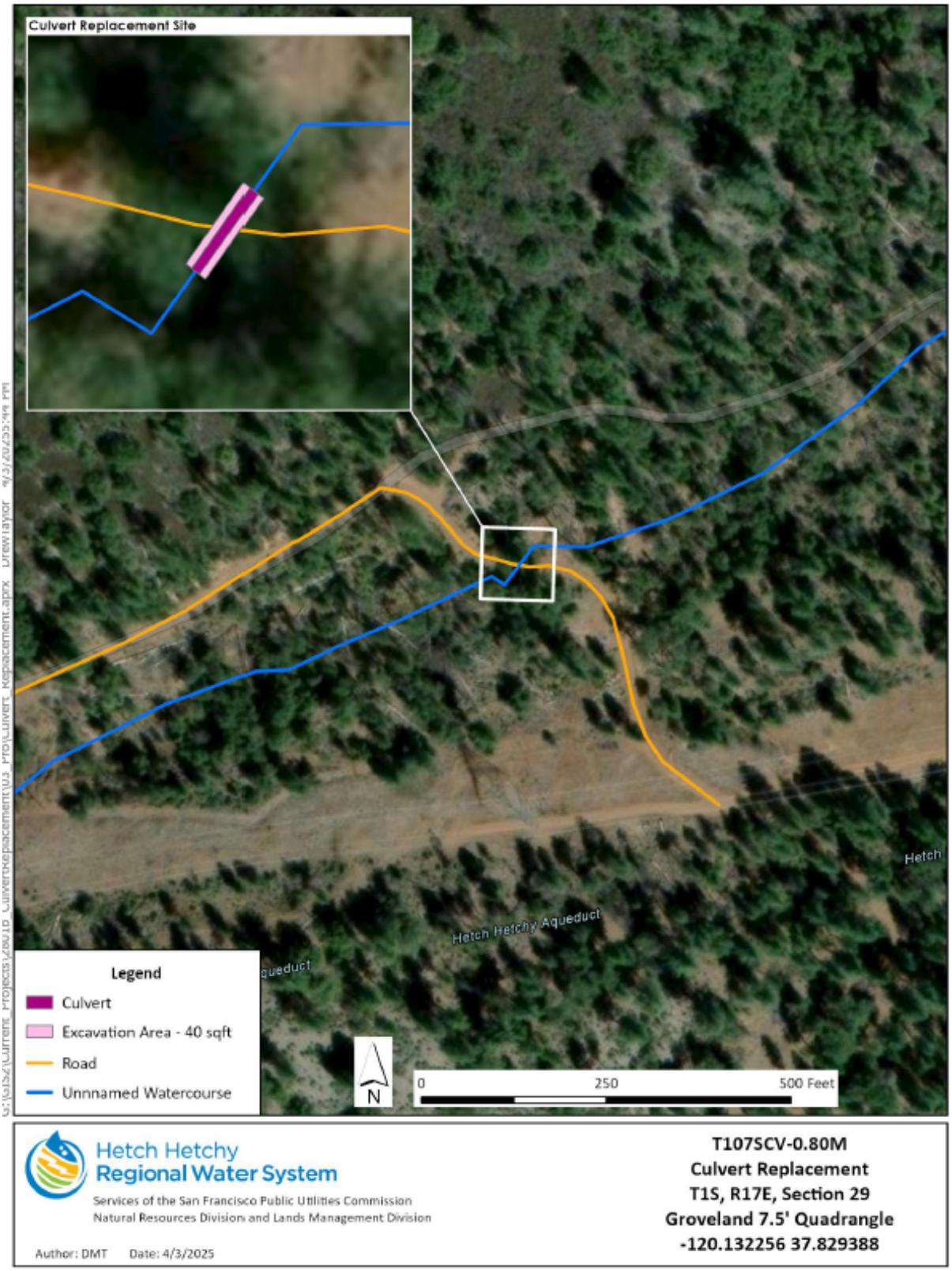


Figure 2: T107SCV-0.80M Culvert Replacement



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Attachment B – Receiving Waters and Impacts

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

Table 1: Receiving Water(s) Information

Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
T107SCV-0.80M Culvert Replacement	Unnamed Channel to Dry Creek	Stream Channel	535.	Dry Creek			

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
T107SCV-0.80M Culvert Replacement	37.829388	-120.132256	No	0.002	15	20

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 23 April 2019, the City and County of San Francisco, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2019012018) for the Project and filed a Notice of Determination (NOD) at the SCH on 8 July 2019. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that City and County of San Francisco's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by City and County of San Francisco addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by City and County of San Francisco for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: SCH Number 2019012018 (https://ceqanet.lci.ca.gov/Project/2019012018).

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

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

C. Findings

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

Having considered the whole of the record, the Central Valley Water Board makes the following findings:

> *Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.*

a.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to cause a substantial adverse change in the significance of a historical resource as defined in Section15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code. With proposed mitigation measures, the project is unlikely to disturb any human remains, including those interred outside of formal cemeteries.

a.ii. Facts in Support of Finding:

- Archaeological surveys from 2018 yielded one newly recorded historical or archaeological site and 17 previously identified sites in the project area, of which five were recommended as National and California Register-eligible. Ground-disturbing activities associated with the proposed project could result in a significant impact to archaeological resources in the corridor.
- Although no known human remains have been identified within the project site or general vicinity, the possibility of encountering human remains cannot be entirely discounted. Ground disturbing activities associated with project construction would be limited, but could directly affect previously undiscovered human remains, both in isolation and in the context of archaeological sites, which would constitute a significant impact.
- With implementation of Mitigation Measure M-CR-1a: Implementation of Project-level Archaeological/Historic Resource Review Procedures, some impacts on previously recorded archaeological sites and previously undiscovered sites would be avoided or otherwise mitigated through an approved treatment plan. However, there is a potential that there may be instances in which ground disturbing activity within a site cannot be avoided, and also for accidental discovery of archaeological resources or human remains in locations where no sites were previously discovered. To address additional potential impacts to archaeological resources, procedures for accidental discovery, development of an archaeological monitoring program, and archaeological testing would be implemented, as applicable, as requirements of Mitigation Measure M-CR-1b: General Archaeological Resource Protection Measures. Implementation of M-CR-1b would ensure that impacts to archaeological resources are minimized by avoiding the resources, establishing exclusion areas and monitoring to ensure that archaeological deposits and/or human remains are not disturbed, undertaking an archaeological testing program, and conduct an archaeological data recovery program, which would reduce potential impacts on cultural resources to less-than-significant levels.

Mitigation Measure M-CR-1a: Implementation of Project-level Archaeological/Historic Resource Review Procedures

- The following mitigation measure is required to avoid potential impacts from project activities on known and yet undiscovered archaeological and historical resources.
    - 1. The SFPUC shall develop and maintain a confidential GIS database of cultural resources and associated site records within the area of potential effects in conjunction with preparation of the Mitigation Monitoring and Reporting program for this MND. This database shall include, at a minimum, site number; site type (historic, prehistoric, or both); location cross-referenced to transmission line tower numbers or other clearly identifiable geographic landmarks; eligibility recommendation; and citations to associated site records, surveys or other archaeological report in which the site is discussed. This database shall be maintained and updated, as needed, with the results of each subsequent archeological records searches or survey. Site locational data shall be held confidential, and made available only to the SFPUC environmental planner or to professional archaeologists. Locational information provided to work crews shall identify archaeological site areas as environmentally sensitive but shall not explicitly identify archaeological resources.
    - 2. Prior to ground-disturbing activities, the SFPUC shall verify that the archeological records search of records at the California Historical Resources Information System Information Center, and of Forest Service and BLM records for the planned work locations occurred within the last 5 years. If not, the SFPUC shall update the record search for those areas.
    - 3. Prior to ground-disturbing activities, the SFPUC shall verify that the archaeological field survey at the planned work locations occurred within the last 10 years. If not, the SFPUC shall conduct a new survey for those areas. The survey methodology shall maximize the identification of archeological resources, particularly for assessing areas with low visibility and higher potential for resources. The survey methodology shall be as follows:
        - a. All archaeological surveys shall comply with professional standards for complete intensive survey current at the time of the survey. Surveys

shall be performed at no greater than 50-foot transect intervals, except in areas with slopes over 20% or areas where, based on the judgment of a professional archeologist, there either is no potential for resource to be detected (e.g. paved areas; filled areas) and/or to survive (e.g., road cuts to subsoil). All archaeological resources and historic features shall be documented, at a minimum, on the DPR 523 primary record. If site area documentation requires more than a single mapped point, an archaeological site record shall be completed and shall include a sketch map with a mapped datum point and identified site boundaries, to scale or labeled with dimensions. Each record also shall discuss the basis for establishment of site boundaries, and include an assessment of the potential for subsurface deposits within and beyond the mapped site boundaries.

- b. Areas considered to have higher potential for resources are defined to be areas of shallow to moderate slope within approximately 300 feet of a stream, seasonal creek, spring, vernal pool, or other natural water source; along ridge lines; areas of moderate to shallow slope with bedrock outcroppings; and areas within approximately 300 feet of observed archaeological/historic architectural features.
- c. In areas of higher potential for resources as defined above and where ground surface visibility is poor (i.e., less than approximately 40 percent), survey methods shall be intensified as follows: Survey transects shall be spaced no more than 30 feet apart. Surface scrapes shall be performed with a trowel or shovel to clear vegetation from a 1-foot by 1-foot area at no more than 50-foot intervals. Particular attention shall be given to rodent burrow spoils and exposures provided by animal and vehicle tracks, road cuts and shoulders, and other fortuitous exposures.

- 4. An SFPUC environmental planner shall perform a site-specific review of each planned project activity and implement the following cultural resource management actions:

- a. Identify whether the planned work would involve ground-disturbing activities (including but not limited to hand or mechanical excavation, such as excavation or grading for culvert replacements and associated maintenance or improvements; clearing, grading or excavation for construction of the sand shed; use of tracked equipment (such as a masticator); use of manual or mechanical equipment that entails removal of the roots of vegetation; and the dragging of felled trees or limbs.
- b. Confirm whether the record search and survey at the location of planned ground-disturbing activities are current, per items 1 and 2, above.
- c. Review if there are any known archeological resources near planned ground-disturbing activities and:
    - i. If no known resources are present within 50 feet of the nearest planned ground disturbing activities, the SFPUC may proceed with the proposed work. Mitigation Measure M-CR-1b.1 (Accidental Discovery) would be implemented, and Mitigation Measures M-CR-1b.2 (Archaeological Monitoring) and M-CR-1b.3 (Archaeological Testing/ Data Recovery), as applicable.
    - ii. If known resources are limited to historic linear features (e.g., walls, roads, railroad, transmission lines, and ditches) that do not include associated archaeological features or deposits are present within 20 feet of the planned work area, the SFPUC shall flag a 10-foot buffer around the resource as a ground-disturbance avoidance zone. Once the buffer is flagged, work may proceed outside this buffer. Mitigation Measure M-CR-1b.1 (Accidental Discovery) would be implemented, and Mitigation Measures M-CR-1b.2 (Archaeological Monitoring) and M-CR-1b.3 (Archaeological Testing/Data Recovery), as applicable.
    - iii. If any other known resource is present within 100 feet of the planned ground

disturbing activities, the SFPUC environmental planner or a qualified archaeologist shall demarcate a 50-foot buffer around the previously mapped boundary of the resource as a ground-disturbance avoidance zone. Once the buffer is demarcated on the ground work may proceed outside of this buffer.

- iv. If ground-disturbing activities must take place within a buffer identified above, a qualified archaeologist shall then conduct a new archaeological field survey to confirm or modify previously-recorded site boundaries and to demarcate the site boundary on the ground, and shall include within the boundary any areas where, based on professional archaeological judgment, there is reason to suspect that buried deposits might be present. The archeologist shall also update the archeological site record and map as needed. No ground-disturbing activities shall be conducted within the demarcated site boundary.
- v. If avoidance of ground disturbing activities is not feasible within the site boundary of any historic or prehistoric archaeological resource (as demarcated by the qualified archaeologist under item iii, above), the SFPUC shall ensure that a qualified archaeologist develops a site-specific treatment plan in consultation with the Planning Department's archaeologist pursuant to Mitigation Measure M-CR-1b.3 (Archaeological Testing/Data Recovery). No ground disturbing activities shall take place within the site boundary of any historic or prehistoric archaeological site prior to Planning Department approval of the treatment plan.

- 5. The SFPUC shall submit an annual report to the Planning Department that includes a map or other spatial data showing where ground-disturbing activities occurred within the buffers of archeological sites and describes the

impact avoidance measures implemented or refers to the treatment plans developed per item 4.c.v, above, for where ground-disturbing work within identified sites could not be avoided.

- 6. In the unlikely event that artifacts are incidentally collected from the field, the SFPUC shall follow U.S. Forest Service land management policies on U.S. Forest land; shall consult with the EP archaeologist on curation of finds made elsewhere; and shall ensure that any collected artifacts are curated with appropriate documentation at an established curation facility.
- 7. Where ground-disturbing activities would occur within the boundary of a known prehistoric site, the SFPUC shall offer an opportunity for the traditionally associated Native American group for that area to monitor the activity in conjunction with the archaeological monitoring or other archaeological treatment required per Measure MCR-1b.1 (Accidental Discovery).

Mitigation Measure M-CR-1b: General Archaeological Resource Protection Measures

The following measures shall be implemented in the context of project review, as described above, and also as applicable during program implementation.

1. Accidental Discovery

- The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and (c), on tribal cultural resources as defined in CEQA Statute Section 21074, and on human remains and associated or unassociated funerary objects.
- Work Crew Archeological Training. SFPUC shall ensure that the Planning Department archeological resource “ALERT” sheet is distributed to the work crews and crew supervisors and to any contractors involved in ground-disturbing work. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, supervisory personnel, etc.
- Archaeological training shall be provided to all vegetation management personnel performing or managing soils disturbing activities by a qualified archaeologist or designee

prior to the start of soils disturbing activities, annually or more frequently, as needed to ensure that all persons involved in the work have been trained. The training may be provided in person or using a video and include a handout prepared by or approved by the qualified archaeologist. The video and materials will be reviewed and approved by the Environmental Review Officer (ERO). The purpose of the training is to enable personnel to identify archaeological resources that may be encountered and to instruct them on what to do if a potential discovery occurs. Images of expected archeological resource types and archeological testing and data recovery methods should be included in the training.

- The SFPUC shall provide the ERO annually with documentation confirming that all field personnel have received copies of the Alert Sheet and have taken the preconstruction archeological training.
- Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project SFPUC shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.
- If the ERO determines that an archeological resource may be present within the project site, SFPUC shall retain the services of a qualified archaeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the SFPUC, as detailed under 1.2 and 1.3, below. The ERO may also determine that the archeological resource is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted.
- Measures that will then be implemented, based on the recommendations of the archeological consultant in consultation with the ERO, tribal representatives that have requested consultation, and SFPUC. These measures might include: preservation in situ of the archeological resource; an

archaeological monitoring program; an archeological testing program; or an interpretative program or other culturally appropriate treatment based on consultation. If an archeological monitoring program, archeological testing program, or interpretative program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs and reviewed and approved by the ERO in consultation with tribal representatives. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource may be at risk from vandalism, looting, or other damaging actions.

- Consultation with Descendant Communities: On discovery of an archeological site associated with descendant Native Americans, an appropriate representative of the Native American group, which shall include the Tuolumne Band of Me-Wuk, and the ERO shall be contacted. The Native American representative shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate treatment of the site, of recovered materials from the site, and, if applicable and desired, any interpretative treatment. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.
- Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the County Coroner and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and

associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such an agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached State regulations shall be followed including the reburial of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance (Pub. Res. Code Sec. 5097.98).

- Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials. The Draft FARR shall also include an Interpretation Plan for public interpretation of all significant archeological features.
- Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, the consultant shall also prepare a public distribution version of the FARR. Copies of the FARR shall be distributed as follows: California Archaeological Site Survey Central California Information Center (CCIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the CCIC. The Environmental Planning division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of public interest in or the high interpretive value of the resource, the ERO may require a different or additional final report content, format, and distribution than that presented above.

2. Archaeological Monitoring Program

- Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archaeological consultant. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).
- Consultation with Descendant Communities. Applicable provisions of measure 1, above, shall be implemented.
- Archeological monitoring program (AMP). The archeological monitoring program shall minimally include the following provisions:
  - The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored.
  - The archeological consultant shall undertake a worker training program for soil-disturbing workers that will include an overview of expected resource(s), how to identify the evidence of the expected resource(s), and the appropriate protocol in the event of apparent discovery of an archeological resource;
  - The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant,

determined that project construction activities could have no effects on significant archeological deposits;

- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect all soil-disturbing work until the deposit is evaluated. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

- If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:
  - A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
  - B) An archeological testing and data recovery program shall be implemented, as detailed under 3, below.
  - C) Treatment of human remains and reporting shall be implemented as specified under 1, above.

3. Archeological Testing

- Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried historical resources and/or on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of a qualified archaeological consultant. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in

accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend ground disturbing work at the resource location for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).

- Consultation with Descendant Communities: Applicable provisions of measure 1, above, shall be implemented.
- Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.
- At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO, as detailed under measure 1, above. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with tribal representatives and the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by

the proposed project, at the discretion of the project sponsor either:

- D) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- E) A data recovery program shall be implemented, unless the ERO in consultation with tribal representatives determines that the archeological resource is of greater interpretive or other cultural value than research significance and that interpretive or other cultural treatment of the resource is feasible.

- Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.
- The scope of the ADRP shall include the following elements:
  - Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.
  - Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.
  - Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.
  - Interpretive Program. Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.

- Security Measures. Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- Final Report. Description of proposed report format and distribution of results.
- Curation. Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

- Human Remains, Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall be implemented as detailed under section 1, above.
- Final Archeological Resources Report. The archeological consultant shall submit a Draft and Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken, as detailed under section 1, above.

b.i. Less than Significant with Mitigation Incorporated:

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

b.ii. Facts in Support of Finding:

- Known built environment historic resources identified in the project area include sites associated with mining, roads, railroads, habitation and development of the Hetch Hetchy Water System. Surveys conducted for the project identified several previously unknown historic architectural resources, and there may be potential for the presence of additional sites that have not been previously identified. Vegetation management activities using manual, chemical, cultural or biological control would not disturb identified or previously unknown historic-era resources because they would not include grading, mass excavation or the use of vibration-inducing equipment. However ground disturbing activities such as culvert replacements, construction of the sand shed, shredding (use of a masticator), and dragging felled trees could disrupt both known and unknown historic built environment sites.

- Areas of the project corridor where ground disturbing activities could occur have been surveyed for cultural resources.49 The project corridor west of Wilms Road was not surveyed for cultural resources as no ground-disturbing project activities are anticipated in this location. The surveys and associated records searches serve as cultural resources inventories and guidance to avoid potential impacts from implementation of the proposed project, as detailed in Table 3. However, there is a potential for ground-disturbing vegetation management activities to be needed near or within site boundaries of known resources. The project thus has a potential to cause a substantial adverse change in the significance of a historic built environment resource, which would be a significant impact. To address the potential for impacts to the historic built environment, a project-level resource review would be implemented as a requirement of Mitigation Measure MCR-1a: Implementation of Project-level Archaeological/Historic Resource Review Procedure. Implementation of M-CR-1a would ensure that historic and archaeological resources are avoided where possible, protected by exclusion areas, or addressed through a site-specific treatment plan approved by the Planning Department. Additionally, Mitigation Measure M-CR-1b: General Archaeological Resource Protection Measures, would ensure protection of previously unidentified resources by requiring training, suspension of work and evaluation by an archaeologist in the event that accidental discoveries are encountered and appropriate treatment of any accidental discoveries. Implementation of the Project-level Archaeological/Historic Resource Review Procedures and General Archaeological Resource Protection Measures would reduce impacts to less than significant.
    - M-CP-1a and M-CP-1b See Attachment C, Section C.(1)a.ii. above

c.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code §21074.

c.ii. Facts in Support of Finding:

- Unknown archaeological resources may be encountered during construction, and such resources could be identified as tribal cultural resources at the time of discovery or at a later date. Therefore, the potential adverse effects of the proposed project on identified and previously unidentified archaeological resources could also represent a significant impact on tribal cultural resources.

- On April 11, 2018, the Planning Department mailed a “Tribal Notification Regarding Tribal Cultural Resources and CEQA” related to this project to Native American tribal representatives in the project vicinity, as identified by the Native American Heritage Commission. During the 30-day comment period, one Native American tribal representative from the Northern Valley Yokut Tribe / Ohlone / Bay Miwuk Tribe contacted the Planning Department to request consultation. However, after numerous attempts to follow up on the initial contact, the tribal representative did not accept the offer to set up a meeting to discuss any concerns about the project. On February 8, 2017, during consultation in conjunction with an archaeological survey prior to the initiation of consultation regarding tribal cultural resources for this project, a tribal representative of the Tuolumne Me-Wuk band requested to be contacted for consultation on potential tribal cultural resources if the SFPUC were to determine that it would not be possible to avoid ground disturbance at a known Native American site.
- Mitigation Measure M-CR-3: Development and Implementation of Tribal Cultural Resources Treatment Program, below, would require preservation-in-place of the tribal cultural resources, if determined effective and feasible for the avoidance of impacts, and/or other treatments as agreed upon during consultation, or other protection plan. Combined with Mitigation Measures M-CR-1a: Project-level Archaeological/Historic Resource Review Procedures and M-CR-1b: General Archaeological Resource Protection Measures (discussed above beginning on page 63)**,** these measures would reduce potential adverse effects on tribal cultural resources to a less-than-significant level by requiring avoidance of the resources through establishment of work-exclusion areas (while also providing for tribal access if requested by tribe) and monitoring to ensure that tribal cultural resources are not disturbed, or appropriate culturally-sensitive treatment if avoidance is not feasible.
- Combined with Mitigation Measures M-CR-1a: Project-level Archaeological/Historic Resource Review Procedures and M-CR-1b: General Archaeological Resource Protection Measures, Mitigation Measure CR-3 would reduce potential adverse effects on tribal cultural resources to a less-than-significant level by requiring avoidance of the resources through establishment of exclusion areas and monitoring to ensure that tribal cultural resources are not disturbed; appropriate culturally-sensitive treatment if preservation-in-place is not feasible; and other measures to preserve the cultural values represented by the affected resource.
- In the event that construction activities disturb unknown archeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact. With implementation

of Mitigation Measures M-CR-1a, M-CR-1b (as described above), and M-CR-3, the proposed project would have a less-than-significant impact with mitigation on previously undocumented tribal cultural resources.

Mitigation Measure M-CR-3: Tribal Cultural Resource Protection, Tribal Consultation and Implementation of Tribal Cultural Resources Treatment Plan.

- Upon identification of cultural resources of Native American origin that are within the area where ground-disturbing project activities will occur, the Environmental Review Officer (ERO) will consult with the tribal representative(s) to determine whether the resource represents a Tribal Cultural Resource. If the tribe indicates that the resource is a Tribal Cultural Resource, the ERO shall consult with the SFPUC and the tribe to determine whether effective long-term protection and the avoidance of impacts are feasible, and to identify how this will be accomplished. Potential means may include, but would not be limited to measures such as flagging of boundaries on the ground prior to work and avoiding the resource; allowing brush to grow to obscure the resource; and blocking vehicle access routes to or across the resource. The identified measures will be memorialized in a memo attached to the archaeological site record.
- If the ERO, in consultation with the affiliated Native American tribal representatives and the SFPUC, determines that there are no feasible and effective means of preserving the tribal cultural resource in place, the ERO and SFPUC shall consult with the tribal representative and a qualified archaeologist to implement additional applicable measures as outlined in Mitigation Measures M-CR-1a: Project-level Archaeological/Historic Resource Review Procedures and M-CR-1b: General Archaeological Resource Protection Measures, such as archeological testing or monitoring, as appropriate to preserve the archaeological values of the resource. SFPUC shall supply the tribe with copies of the reports of archaeological work. SFPUC's archaeological consultant shall prepare and distribute to the tribe a synopsis of archaeological results for the use of the tribe in a format of the tribe's choice.
- In addition, in cases where project work will substantially damage a significant Tribal Cultural Resource, and if requested by the tribe, the ERO and SFPUC shall consult with the tribe to develop a Tribal Cultural Resources Treatment Plan, to identify additional interpretive, educational or cultural measures to preserve the tribal cultural values represented by the resource,

and the plan shall be implemented by SFPUC. The plan shall identify, as applicable, materials, content and formats, venues for installation, producers or artists for the displays, as applicable; a long-term maintenance program; and a schedule for implementation; and will be subject to approval by SFPUC and the ERO. The plan may include, but would not be limited to, measures such as the following:

- Development and installation or distribution of interpretive products such as artifact displays, interpretive signage, and artist installations by Native American artists;
- Preparation and distribution and/or archival preservation of oral histories;
- Educational materials or classroom teaching kits related to the affected resource;
- One or more archaeological training presentations for the tribe and identification of opportunities for the tribe to participate in future archaeological projects or resource monitoring;
- Measure to ensure access to traditional resources, such as basketry or stone tool materials associated with the TCR site, or to provide access to alternative sources of such material at other protected locations.

- M-CP-1a and M-CP-1b See Attachment C, Section C.(1)a.ii. above

d.i. Less than Significant with Mitigation Incorporated:

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

d.ii. Facts in Support of Finding:

- All project activities have the potential to significantly affect rare and special-status plant species and their habitat in the project area. Potential impacts to sensitive plants will be from removal of individuals, seed banks, or habitat. Small's southern clarkia, Mariposa clarkia, San Benito poppy, serpentine bluecup, slender-stemmed monkeyflower and yellow-lip pansy monkeyflower are present in areas that could be directly affected by either vegetation management, culvert replacement and/or sand shed construction.

- The SFPUC would implement best management practices to avoid impacts to biological resources; including best management practices that reduce erosion and sedimentation, avoid impacts from hazardous materials, and prevent the spread of noxious weeds and invasive species. Mitigation Measure M-BI-1a, described below, is a general measure that would apply to all project activities that could affect special-status species. Mitigation Measure M-BI-1a would ensure that workers are trained to conduct work in a way that avoids harm to special-status species.

  Mitigation Measure M-BI-1a: Worker Environmental Awareness Training

  - The SFPUC's Natural Resources and Lands Management Division staff shall oversee the preparation and implementation of an annual Worker Environmental Awareness Training, which shall be conducted for all work crews prior to starting work on the project, and for any new SFPUC worker or contractor prior to their participation in work associated with vegetation management or culvert replacement actives. Training materials shall be updated annually to ensure that the list of special-status species is current. The training shall include a brief review of locations of sensitive areas, photographs of special-status species and their descriptions of their habitat, possible fines for violations, avoidance recommendations, and requisite actions should sensitive species be encountered. The program shall cover the mitigation requirements, environmental permits, and regulatory compliance requirements. Additional training shall be conducted as needed including potential morning "tailgate" sessions to update crews as they advance into sensitive areas. A record of all personnel trained during the project shall be maintained for compliance verification by the SFPUC's Natural Resources and Lands Management Division staff. Training may be provided via video recording, with recordings to be evaluated annually to determine if updates are required.

Culvert Replacement

- Culvert repair and replacement work would be conducted between late spring/early summer and early fall (generally 15 April – 15 November, depending on precipitation patterns). Impacts on special-status plant species resulting from culvert repair or replacement would be like those described for the transmission vegetation management program, and would also be potentially significant. However, impacts to some species would be less than those described above due to smaller potential overall work areas compared to the *transmission vegetation management program*, or due to the absence of suitable habitat at the

potential locations of culvert replacements. Culvert replacement could result in plant mortality, loss of seedbank, or disturbance of habitat occupied by the following special-status plants: Small's southern clarkia, Mariposa clarkia, slender-stemmed monkeyflower, yellow-lip pansy monkeyflower, serpentine bluecup, and Patterson's navarretia. Mitigation Measures M-BI-1b, M-BI-1c, M-BI-1f and M-BI-1g would reduce impacts to special-status plant species to less-than-significant levels by requiring avoidance of locations with populations of sensitive plant species where possible, timing work that must occur in areas with sensitive plants to avoid the growing season when possible, protecting plants adjacent to culvert construction areas, and restoring any special status plant populations that are affected by culvert construction.

Mitigation Measure M-BI-1b: Annual Vegetation Management and Culvert Work

- Planning SFPUC operations staff shall submit an annual plan at the end of each year to the SFPUC Natural Resources and Lands Management Division summarizing all proposed vegetation management and culvert replacement activities for the upcoming year. Before project activities are conducted within a given work area, a qualified biologist shall conduct a biological resources evaluation of the habitat(s) and habitat elements within, and adjacent to, the work area (including whether additional preconstruction surveys or species-specific surveys are needed) to confirm whether special-status species could be adversely affected by project activities. If the biologist confirms that a special-status species could be adversely affected by a project activity, the environmental planner in consultation with the biologist shall identify which specific adjustments to planned activities listed below, including but not limited to, would be required, including altering: (a) the timing of project activities (e.g., limiting activities to the non-breeding season); (b) the vegetation control method; and (c) other specific project elements (e.g., the location of the equipment staging area). In consultation with the biologist, the environmental planner shall condition the project activity work plan with avoidance measures and best management practices that shall be required.
- In confirming the requisite mitigation measures for a given work plan, the environmental planner, following consultation with a qualified biologist, shall consider: (a) the specific project location; (b) the type, duration, and intensity of the activity; (c) habitat types present in and adjacent to the work area; (d) special-status species that could be affected by the activity; and (e) the time of year the activity would occur (e.g., breeding

versus non-breeding season). If the biologist confirms species-specific surveys are needed, the surveys shall adhere to the methods outlined in the relevant mitigation measure(s) for that species. After completing the surveys, the biologist shall coordinate with the environmental planner to confirm whether additional measures shall be implemented prior to the commencement of project activities to avoid significant adverse effects to special-status species, as outlined in the specific mitigation measures. These measures may include establishing a buffer zone or changing the work schedule to avoid adverse effects to special-status species.

Mitigation Measure M-BI-1c: Special-Status Plant Avoidance Measures

- Work activities within or adjacent to special-status plant populations shall be limited to occur outside of the growing season for that species to the extent feasible to allow for germination, maximum seed set and therefore avoidance of direct mortality.
- If work is to occur within or adjacent to special-status plant populations during the growing season (i.e., from 31 December – 31 July, depending on species), individuals or colonies of plants shall be flagged for avoidance. Timing of flagging efforts shall correspond with the blooming period when the species is most conspicuous and easily recognizable, during the blooming period prior to work activities. Therefore, pre-construction surveys for these annual plant species shall be conducted in advance of work beginning, depending on the species:
    - 1 April – 1 June for yellow-lip pansy monkeyflower
    - 15 April – 15 May for Ewan’s larkspur, hogwallow starfish and San Benito poppy
    - 15 April – 30 June for slender-stemmed monkeyflower and Stanislaus monkeyflower
    - 15 May – 15 July for Serpentine bluecup, Mariposa clarkia and Small’s southern clarkia
    - 1 June – 31 July for Colusa grass, Hernandez bluecurls, Hoover’s Cryptantha, and Patterson’s navarretia.
    - In limited areas of the Ranch vegetation management unit where foothill Jepsonia exists, flagging shall occur between 1 October – 31 October of the year preceding work activities.

Mitigation Measure M-BI-1f: Restoration of Special-status Plants

- If work is to occur during the growing season (generally 31 December – 31 July, depending on species), and sensitive plant populations within work areas have the potential to be significantly impacted (i.e., cannot be avoided), a qualified botanist shall:
    - 1. Identify the estimated number of each sensitive plant species present within the boundaries (in square feet or acres) of the population.
    - 2. If appropriate, seed from the plants to be impacted or appropriate reference sites shall be collected, properly stored, and replanted. Perennial individuals that are likely to be impacted may be translocated by digging up plants and replanting in suitable habitat under the supervision of a qualified botanist.
        - a. Soils removed from special-status plant habitat shall be clearly labeled and stockpiled separately. The stockpiles shall be protected from non-native plant propagules, with care taken to ensure the soil does not overheat, killing the native plant propagules in the soil. This shall include placing the stored topsoil where it is not in contact with non-native grassland soil and protecting it with weed-free straw mulch, jute netting, or other suitable cover.
    - 3. The restoration of special-status plants shall be considered successful upon achieving the following after three years:
        - a. By year three, the number of individual special-status plants will be at least 75 percent of the population documented as the baseline present prior to initiation of work activities, as determined by the baseline condition assessment or appropriate reference site.
    - 4. The qualified botanist shall monitor progress of restored special-status plants annually, document progress, and report to the SFPUC Natural Resources and Lands Management Division until 75 percent replacement is achieved. If sufficient replacement is not achieved by year three, remedial action (such as weeding and supplemental seeding) and continued monitoring, shall be taken for as long as necessary to

meet the performance criteria.

Mitigation Measure M-BI-1g: Special-status Plants Protocol-level Surveys

- Starting in the year 2022, protocol-level rare plant surveys shall be conducted by a qualified botanist in areas where potential habitat for rare plants exists and work is anticipated for the following year by the annual work plan. Surveys shall be done during the appropriate seasonal window for areas where potential impacts could occur. Surveys shall be conducted where previous surveys are more than five years old.

e.i. Less than Significant with Mitigation Incorporated:

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

e.ii. Facts in Support of Finding:

- There are 25 special-status wildlife species that are known or have the potential to occur in the project area. Special-status wildlife species include eleven birds, five mammals, one reptile, two fish, three amphibians, and three invertebrates based on available habitat and known occurrences. Project activities involving ground disturbance, including vegetation management and culvert maintenance, repair, and replacement, could result in loss of special-status wildlife, which would be significant impacts.
- Culvert replacement could injure or kill reptiles and amphibians if vehicles and equipment are driven through occupied habitat. Birds and bats could be affected by noise and disruption from vehicles and equipment, which could hinder normal breeding, foraging and sheltering activities.

Culvert Replacement

- Culvert replacement could have significant impacts to the following special-status wildlife species: tricolored blackbird, golden eagle, Swainson's hawk, American peregrine falcon, bald eagle, great gray owl, northern goshawk, burrowing owl, olive-sided flycatcher, yellow warbler, California spotted owl, pallid bat, Townsend's big-eared bat, spotted bat, western mastiff bat, western red bat, western pond turtle, San Joaquin roach, hardhead, California tiger salamander, foothill yellow-legged frog, western spadefoot, and valley elderberry longhorn beetle. All these species could be disrupted by temporary disturbance during construction. Additionally, reptiles and amphibians could be

injured or killed by construction equipment, fish habitat could be degraded if culvert construction results in sedimentation of streams, and valley elderberry longhorn beetle could be affected by mortality or habitat loss if elderberry bushes were removed. All these impacts would be potentially significant. Mitigation Measures M-BI-2a through M-BI-2g would reduce impacts of culvert construction on special-status wildlife to less-than-significant levels with mitigation by ensuring that activities that could disrupt special-status wildlife are either conducted outside the breeding or roosting season (if applicable) or outside sensitive habitats by conducting surveys and establishing buffers and exclusion areas if needed.

- Impacts from culvert replacement activities on special-status fish species could be significant, because culvert construction could affect water quality of streams. However, standard construction measures would ensure protection of water quality and implementation of Mitigation Measure M-BI-2f would reduce impacts to special-status fish species to less-than-significant levels with mitigation by requiring protection of aquatic habits in areas of culvert construction, including post-construction restoration.

  Mitigation Measure M-BI-2a: Nesting Birds

  - To avoid impacts to nesting birds, activities that could impact active nests (including shredding with a masticator and tree removal) shall be conducted outside of the bird breeding season (i.e., 1 September – 31 January), when feasible. If project activities must occur during the bird breeding season (approximately 1 February – 31 August, depending on elevation and species), a qualified biologist shall conduct pre-work surveys for nesting birds within the project footprint and a 500- or 100-foot buffer (for raptors/owls and passerines, respectively), as access allows. The surveys shall be conducted by a qualified biologist no more than 14 days prior to the initiation of work activities within each work area. Surveys may include a variety of survey methods; including walking through the search area to observe incidental flushing of an adult from the nest, watching parental behavior (e.g., carrying nest material or food), systematically searching nesting substrates, and the use of call-broadcasts.
    - i. If no active nests are found during the surveys, work activities may be cleared to proceed.
    - ii. If active nests (i.e., nests with eggs or young birds present) are found, or their presence is inferred, the biologist shall establish a no-disturbance buffer zone around each nest. The default size of the buffer zones

shall be 500 feet for raptors and 100 feet for all other birds, unless the biologist determines otherwise based on site conditions and species to avoid nest disturbance. In select instances, the biologist may allow a reduced buffer zone if the default buffer size is not feasible, and if the biologist determines that a reduced buffer would not adversely affect the nest. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist.

Mitigation Measure M-BI-2b: Avoidance and Minimization of Raptor and Owl Impacts

- SFPUC shall avoid project activities that could affect raptor and owl nest sites during the breeding season as follows:
  - Bald eagle and golden eagle: 1 January – 31 August
  - California spotted owl and northern goshawk: 15 February – 15 September
  - Great gray owl: 1 March – 15 August
  - Swainson's hawk: 15 March – 15 September
- If project activities must occur during the breeding season, and if those activities could adversely affect a raptor or owl nest site, as determined during the biological resource evaluation per Mitigation Measure M-BI-1c, the SFPUC shall solicit protocol-level survey data from the U.S. Forest Service. If the data are insufficient to ensure adverse impacts to raptor or owl nest sites are avoided, a qualified biologist shall conduct species-specific protocol-level surveys to establish whether raptors or owls are present within an appropriate buffer distance from the work area; standard buffer distances for specific species are listed below. Prior to conducting the surveys, the biologist shall coordinate with the U.S. Forest Service to avoid potential conflicts with any of their survey efforts. If protocol-level surveys reveal the presence of an active nest, or potential presence of an active nest (based on an individual displaying nesting behavior), an appropriate buffer shall be established, or if a qualified biologist determines that a smaller buffer would be acceptable, the environmental planner, in consultation with the biologist shall determine the appropriate buffer to ensure species protection.
  - Swainson's hawk, bald eagle and golden eagle – ½ mile buffer
  - Great gray owl, California spotted owl and northern

goshawk – one-quarter mile buffer

Mitigation Measure M-BI-2c: Avoidance and Minimization of Burrowing Owl Impacts

- Before the SFPUC implements manual control, mechanical control or culvert replacement activities in the valley study area west of Don Pedro Reservoir, a qualified biologist shall conduct a borrowing owl habitat assessment as described in the CDFW's Staff Report on Burrowing Owl Mitigation. The habitat assessment shall include the work area, and all potentially suitable habitat within 500 feet of the work area. If no potential habitat is present, project activities may proceed. If potential habitat is present, the biologist shall conduct the Detection Surveys and Take Avoidance Surveys described in the California Department of Fish and Wildlife's Staff Report.
- If the biologist confirms the burrows are unoccupied, project activities that could impact the burrows may proceed. However, if any of the burrows are occupied by owls, the SFPUC shall implement one of the following measures:
    - a. If the burrow is occupied during the breeding season (1 February – 31 August), the biologist shall establish a no-disturbance buffer zone around the burrow, consistent with the recommendations provided in the CDFW Staff Report on Burrowing Owl Mitigation. Vehicles, heavy equipment, and project personnel shall be prohibited from entering the buffer zone for the entirety of the nest occupancy as determined by a qualified biologist. In select instances, and in consultation with CDFW, the biologist may allow a reduced buffer zone if the default buffer size is not feasible, and if the biologist determines that a reduced buffer would not adversely affect the burrow. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist.
    - b. If the burrow is occupied during the non-breeding season, the biologist shall establish a no-disturbance buffer zone around the burrow, consistent with the recommendations provided in the CDFW Staff Report on Burrowing Owl Mitigation. Vehicles, heavy equipment, and project personnel shall be prohibited from entering the buffer zone until the biologist confirms the owl has permanently vacated the burrow. In select instances and in consultation with CDFW, the biologist may allow a reduced buffer zone if the default buffer size is not

feasible, and if the biologist determines that a reduced buffer would not adversely affect the burrow. No work shall occur within the non-disturbance buffers until the young have fledged, as determined by a qualified biologist.

- c. If the burrow is occupied during the non-breeding season, and if it is not possible to avoid impacts to the burrow, the environmental planner, in consultation with the biologist shall consult with the CDFW to develop a mitigation plan consistent with methods described in the CDFW Staff Report on Burrowing Owl Mitigation. These may include burrow exclusion techniques. After the biologist confirms the owl has vacated the burrow, project activities that would impact the burrow may proceed.

Mitigation Measure M-BI-2d: Restrictions in Helicopter Use

- If helicopters are required for the project, helicopter pilots shall not approach cliffs, shall provide deference to flying eagles (and other raptors) at all times, and shall adhere to all other aerial practices recommended by the USFWS in the February 2010 Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance. During the raptor breeding season (1 January – 31 August), helicopters shall not operate within 1,600 feet of a feature (i.e., cliff or large tree) that appears to serve as a breeding substrate for bald or golden eagles.

Mitigation Measure M-BI-2e: Avoidance/Protection of Special-Status Bat Species

- If suitable bat habitat could be disturbed, the work area and a 100-foot buffer shall be surveyed by a qualified biologist to determine if special-status bats are using the site for roosting.
    - a. The survey shall include a visual inspection of features within 100 feet of the work area for potential roosting features and sign of roosting bats no more than 2 weeks prior to disturbance of such features. If no sign of bats roosting is observed, the potential habitat features found during the survey shall be flagged or marked for avoidance. If signs of roosting bats are observed during the survey, and it is not feasible for the potential habitat features to be avoided, a phased disturbance strategy will be implemented during tree removal. If bats (individuals or colonies, not just roosting habitat) are detected during the survey or during work activities, the

following additional measures shall be implemented to minimize impacts to special status bats and their roosts.

- i. A qualified biologist shall conduct auditory surveys using ultrasound bat detectors to determine if special status bat species occur in the area.
- ii. If special-status bats are documented and any occupied hibernation or maternal roosts identified during the surveys will be altered or disturbed by project activities (i.e., by conducting work within 100 feet of the roost), the work shall occur when the roost is no longer occupied. If exclusion of bats from roosting habitat is required for this to occur, the applicable regulatory agency shall be contacted for further instructions on how to proceed.

Mitigation Measure M-BI-2f: Avoid Impacts to Special-Status Species in and Adjacent to Aquatic Features

- To avoid adverse impacts to special-status species associated with aquatic habitats, including western pond turtle, San Joaquin roach, hardhead, California tiger salamander, western spadefoot, and foothill yellow-legged frog, the SFPUC shall avoid impacts to aquatic resources to the greatest extent feasible. If work must be completed in or adjacent to an aquatic feature, a qualified biologist shall evaluate the aquatic feature to determine the special-status species that could be affected by work activities. The biologist shall then conduct focused surveys for those species to determine if there are species present that would require adjustments to location or timing of activities. Surveys shall be conducted within one week of the onset of work activities. The surveys shall focus on the aquatic habitat and any adjacent riparian or upland habitat that would be disturbed (i.e., within 1,200 feet for sites with potential habitat for California tiger salamander and western spadefoot, and 1,640 feet for sites with potential habitat for western pond turtle). In addition, the SFPUC shall implement the following measures to avoid and minimize impacts to aquatic species and their habitats.
  - a. Fences designed to exclude sensitive species from the work area shall be installed if ground-disturbing work will occur within 100 feet of aquatic resources.
  - b. To the extent feasible, the SFPUC shall avoid use of vehicles and heavy equipment within 1,200 feet of

suitable aquatic breeding habitat for the California tiger salamander and western spadefoot toad. If impacts to small mammal burrows suitable for California tiger salamander or western spadefoot must occur, each burrow shall be surveyed using appropriate survey protocols. If California tiger salamander or western spadefoot are observed, all work within 100 feet shall cease and the applicable regulatory agency shall be contacted for further instructions on how to proceed.

- c. Aquatic habitats affected by project activities shall be restored on site at the completion of maintenance or construction work.

Mitigation Measure M-BI-2g: Valley Elderberry Longhorn Beetle

- Prior to the start of work, blue elderberry plants growing at elevations below 800 feet in elevation with any stems one inch or greater in diameter shall be flagged by a qualified biologist for avoidance using a 100-foot buffer from individual plants.

f.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

f.ii. Facts in Support of Finding:

- The project area includes riparian habitat and four sensitive natural communities, two of which are potential habitat for vernal pool species.
- Culvert replacement activities could affect a small amount of wet meadow and 0.43 acres of serpentine chaparral. These impacts would be potentially significant.
- Implementation of the SFPUC's standard construction measures and proposed vegetation management best management practices described in Section B.3 of the project setting, as well as Mitigation Measures M-BI-1a: Training, M-BI-3a: Riparian Vegetation Replacement, and M-BI-3b: Avoidance or Restoration of Serpentine Chaparral, would reduce impacts to less-than-significant levels by requiring restoration of riparian vegetation that would be removed for culvert maintenance and replacement, and avoidance or restoration of sensitive serpentine chaparral. Therefore, impacts to sensitive natural communities due to project activities would be less than significant with mitigation incorporated.

Mitigation Measure M-BI-3a: Riparian Vegetation Replacement

- All exposed/disturbed areas and temporary access points within the riparian zone left barren of vegetation following culvert repairs or replacements shall be mulched with certified weed-free straw or rice straw, or revegetated or seeded with appropriate seed mixes or container species, as determined by a qualified biologist. Mature riparian trees shall be replaced at a 3:1 ratio. Revegetation shall take place upon the completion of ground-disturbing activity and prior to or concurrent with the rainy season. A qualified biologist shall monitor site conditions for up to three years following project completion or until a minimum of 70 percent vegetation cover is achieved.

Mitigation Measure M-BI-3b: Avoidance or Restoration of Serpentine Chaparral.

- Work activities immediately adjacent to or within sensitive serpentine chaparral shall be avoided if possible. Any serpentine chaparral that occurs within the project area shall be flagged and avoided with a 10-foot buffer, at a minimum, or at a greater distance determined by the qualified biologist based on site specific conditions. If avoidance is not feasible, where culvert maintenance or replacement activities require removal of vegetation in mixed serpentine chaparral communities, chamise shrubs would be cut with a chainsaw above the burl at the top of the root crown to allow for natural regeneration after culvert construction is complete.

g.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

g.ii. Facts in Support of Finding:

- Any activity that fills, destroys, degrades the water quality, or disturbs the natural hydrology of a wetland or other water of the U.S. or of the state would be a significant impact. Wetlands and other waters of the U.S. or of the state may also provide habitat for a variety of special-status species.

  Culvert Replacement

- Culvert replacement work would be conducted between late spring/early summer and early fall (15 April – 15 November). Culvert replacements would not occur during the winter period (when conditions are generally wetter).

- Culvert repair and replacement activities would occur at various culvert locations in the project area. Culverts are manmade structures that convey water beneath roads or other utilities. Culverts within the project area convey water associated with a variety of jurisdictional wetlands and other waters, including seasonal streams, seasonal wetlands (such as wet meadows), and canal/ditches. Excavation, removal of culverts, and backfilling would have direct impacts on jurisdictional waters, including placement of fill (new structures such as headwalls, wingwalls and energy dissipaters may be required), temporary disruption of hydrology (flows may need to be diverted during construction), and temporary removal of vegetation, which would reduce habitat value and degradation of water quality due to sedimentation. This activity could cause potentially significant impacts given that it could result in both temporary and permanent loss of wetland habitat. It is currently anticipated that a total of 1.944 acres of wetlands and waters of the U.S. would be temporarily affected by culvert construction.
- However, implementation of Mitigation Measures M-BI-1a: Training, M-BI-3a: Riparian Vegetation Replacement, and M-BI-4b: Compensation for Unavoidable Wetland and Aquatic Habitat Impacts, would reduce impacts to less-than-significant levels by requiring compensation for any unavoidable loss of wetlands through restoration, creation, enhancement, or a combination of these measures so as to ensure no permanent net loss of wetland extent or function.
- Thus, impacts on wetlands and other waters from culvert replacement activities would be less than significant with mitigation incorporated.
    - M-BI-1a See Attachment C, Section C.(1)d.ii. above
    - M-BI-3a See Attachment C, Section C.(1)f.ii. above

    Mitigation Measure M-BI-4b: Compensation for Unavoidable Wetland and Aquatic Habitat Impacts

    - Where the project cannot avoid disturbance or cannot maintain a 10-foot buffer (e.g., culvert replacements), the SFPUC shall employ measures to minimize impacts to wetlands and other waters of the U.S. and of the state. These measures shall be developed in consultation with the applicable regulatory agencies (e.g., Central Valley Water Board, CDFW and/or the USACE) and may include, but are not limited to, the following:
        - Prior to the start of culvert replacement, a qualified biologist shall identify all avoidable and unavoidable wetlands and other waters within project limits. Identification shall be based on anticipated repair or replacement activities, anticipated ground disturbance

areas, field investigation and existing maps of all wetlands and waters within the project area.

- All wetlands and other waters identified for avoidance shall be clearly marked in the field throughout repair or replacement activities. Under the direction of the SFPUC's Natural Resources and Land Management staff, as advised by a qualified biologist, the contractor shall install appropriate exclusion fencing (generally silt fencing or orange construction barrier fencing) along the edge of all construction areas and at least 20 feet away from areas flagged for avoidance. The contractor shall install erosion and sediment control measures (e.g., silt fence or straw wattles) along the edge of all construction areas that are upslope and at least 20 feet away from wetland or aquatic habitat to control soil erosion and prevent sediment from flowing into these habitats.
- The SFPUC's Natural Resources and Lands Management Division staff shall ensure that the work plan contains clear language stating that construction-related activities, vehicle operation, material and equipment storage, and other surface-disturbing activities are prohibited within the flagged area.

- Where direct permanent impacts to wetlands and other waters of the U.S. and the state are unavoidable, the SFPUC shall compensate for such impacts by implementing wetland restoration, creation, enhancement, or a combination of these measures, to ensure no permanent net loss of wetland extent or function. Compensation may also be met by purchasing credits from an approved mitigation bank or paying into a federal or state sponsored mitigation fund. During the permitting process, any required compensation would be determined in consultation with appropriate resource/permitting agencies such as the USACE to ensure that there is no net loss of habitat functions and values. Compensation shall result in no net loss of habitat functions and values and shall be provided at a minimum ratio of 1:1 for permanent impacts to wetlands.

D. Determination

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

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Attachment D – Reports and Notification Requirements

I. Copies of this form

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

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

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

II. Report Submittal Instructions

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

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

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

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Carter.Cook@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Carter Cook; Project Name; and WDID No. 5B55CR00191.

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:

24 October 2025

IV. Map/Photo Documentation Information

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

A. Map Format Information:

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

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

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

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

B. <u>Photo-Documentation:</u>

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

V. Report and Notification Cover Sheet

Project: T107SCV-0.80M Culvert Replacement Project
Permittee: San Francisco Public Utilities Commission
WDID: 5B55CR00191
Reg. Meas. ID: 461949
Place ID: 902285
Order Effective Date: 24 October 2025
Order Expiration Date: 23 October 2030

VI. Report Type Submitted

A. Part A – Project Reporting

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

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

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

Signature	**Date**

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

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

Permittee's Signature	**Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

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

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

c. Report Contents -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. Report Type 2 - Annual Report- Not Applicable

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

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

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

c. Report Contents -

i. Date of commencement of construction.

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

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

iv. Construction Storm Water General Permit WDID No.

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

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

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

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

c. Report Contents -

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

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

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

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

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

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

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

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

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

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

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

ii. Part B: Permittee Responsible Compensatory Mitigation

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

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

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

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

iii. Part C: Post-Construction Storm Water BMPs

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

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

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

C. Part C – Conditional Notifications and Reports

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

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

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

c. Report Contents -

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

Follow-Up Report may be substituted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Report Type 10 - Transfer of Property Ownership Report

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

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

c. Report Contents -

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

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

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

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

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

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

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

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

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Attachment E – Signatory Requirements

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

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

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

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

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

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

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

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Attachment F – Certification Deviation Procedures

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

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

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

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

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

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

I. General Justification for Section XIV Conditions

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

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

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

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

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

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

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

II. Specific Justification for Section XIV Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

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

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

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

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

D. Standard

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

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

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

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

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

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

E. General Compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. **Construction General Permit Requirement- Not Applicable**

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- Not Applicable

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts . . . .

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

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