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Central Valley Regional Water Quality Control Board

3 August 2016

Greg Fabun
West Sacramento Area Flood Control Agency
1110 West Capitol Avenue
West Sacramento, CA 95691

CERTIFIED MAIL
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CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; WEST SACRAMENTO AREA FLOOD CONTROL AGENCY, SOUTHPORT EARLY IMPLEMENTATION PROJECT (WDID#5A57CR00140), YOLO COUNTY

This Order responds to the 22 January 2016 application submitted by West Sacramento Area Flood Control Agency (Applicant) for the Water Quality Certification of the Southport Early Implementation Project (Project), permanently impacting 11.18 acres/24,008 linear feet and temporarily impacting 0.04 acre/122 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2012-00462) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

- 1. This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Water Board.**
2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of

Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.
6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7. Any person signing a document under Standard Condition number 5 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling:
 - a) when performing any in-water work;
 - b) in the event that Project activities result in any materials reaching surface waters; or
 - c) when any activities result in the creation of a visible plume in surface waters.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2, 4)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ 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.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

⁽⁴⁾ A hand-held field meter may be used, provided the meter utilizes a USEPA-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.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant 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 Certification 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 below.

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

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) 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 NTUs;
 - 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; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
7. In-water work shall occur during periods of no flow and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. 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 Applicant 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.

10. The Applicant 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.
11. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States.
12. 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 United States through the entire duration of the Project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
14. All areas disturbed by Project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. Hydroseeding shall be performed with California native seed mix.
17. All materials resulting from the Project shall be removed from the site and disposed of properly.
18. If water is present, the area must be dewatered prior to the start of work.
19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
20. If temporary surface water diversions and/or dewatering are anticipated, the Applicant 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. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.
21. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is 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 Technical Certification Condition 5 of this Certification.

22. Any temporary dam or other artificial obstruction constructed 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.
23. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
24. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document, the National Marine Fisheries Service decision document, or the California Department of Fish and Wildlife Streambed Alteration Agreement.
25. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Streambed Alteration Agreement No. 1600-2016-0022-R3.
26. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion dated 6 January 2015 (FF08ESMF00-2014-F-0434-2).
27. If Valley elderberry longhorn beetle are discovered within the Project area, the Applicant shall implement the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.
28. The Applicant shall comply with all National Marine Fisheries Service requirements, including those requirements described in the Biological Opinion dated 23 April 2015 (WCR-2015-2522).
29. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.
30. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

31. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report and Subsequent to the Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
32. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
- (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.
33. To mitigate for the loss of 11.18 acres of stream channel habitat, the Applicant shall purchase a minimum of 11.18 floodplain mosaic creation mitigation credits from a United States Army Corps of Engineers approved mitigation bank, in lieu fee program, or as required by the United States Army Corps of Engineers or United States Fish and Wildlife Service for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

NOTIFICATIONS AND REPORTS:

34. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved

amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

35. The Applicant shall 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 number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

CENTRAL VALLEY WATER BOARD CONTACT:

Stephanie Tadlock, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

West Sacramento Area Flood Protection Agency is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Southport Early Implementation Project pursuant to Section 21000 et seq. of the Public Resources Code. West Sacramento Area Flood Protection Agency certified the Environmental Impact Report on 14 August 2014 (SCH No. 2011082069). West Sacramento Area Flood Protection Agency filed a Notice of Determination with the State Clearinghouse on 14 August 2014 (SCH No. 2011082069).

West Sacramento Area Flood Protection Agency certified a Subsequent Environmental Impact Report on 29 June 2016. West Sacramento Area Flood Protection Agency filed a Notice of Determination with the State Clearinghouse on 29 June 2016 (SCH No. 2011082069).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report and Subsequent Environmental Impact Report are in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report and Subsequent Environmental Impact Report. The proposed mitigation measures discussed in the Environmental Impact Report and Subsequent Environmental Impact Report were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report and Subsequent Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the West Sacramento Area Flood Protection Agency, Southport Early Implementation Project (WDID#5A57CR00140) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, West Sacramento Area Flood Protection Agency's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Any person aggrieved by this action may petition the Regional Water Quality Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The Regional Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the Regional Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed By Nichole Morgan for:

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 15

PROJECT INFORMATION SHEET

Application Date: 22 January 2016

Applicant: Greg Fabun
West Sacramento Area Flood Control Agency
1110 West Capitol Avenue
West Sacramento, CA 95691

Applicant Representative: Andrew Humphrey
ICF International
630 K Street, Suite 400
Sacramento, CA 95814

Project Name: Southport Early Implementation Project

Application Number: WDID#5A57CR00140

Date on Public Notice: 22 January 2016

Date Application Deemed Complete: 25 February 2016

Type of Project: Bank and Channel Modification, Non-Restoration Bank Stabilization

Approved Months of Project Implementation: 5 August through 31 September, or as otherwise required by the California Department of Fish and Wildlife, United States Fish and Wildlife Service, or National Marine Fisheries Service

Project Location: Sections 10, 15, 21, 22, 28, 29, & 32, Township 8 North, Range 4 East, MDB&M.
Latitude: 38°33'21.24" N and Longitude: 121°30'58.68" W

County: Yolo County

Receiving Water(s) (hydrologic unit): Sacramento River; and unnamed irrigation, roadside, and riparian ditches, Sacramento Hydrologic Basin, Sacramento Delta Hydrologic Unit #510.00

Water Body Type: Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD);

Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: The Sacramento River and unnamed irrigation, roadside, and riparian ditches are the receiving waters for the Southport Early Implementation Project. The Sacramento River is on the 303(d) list for chlordane, chlorpyrifos, DDT, diazinon, dieldrin, diuron, mercury, and PCBs. This project, as conditioned with mitigation measures to prevent transport of sediment due to project activities, will minimize impacts to the Sacramento River. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The Southport Early Implementation Project (Project) is located on the Sacramento River in West Sacramento, as shown in Figure 1. The Project consists of: 1) implementing flood risk-reduction measures; 2) breaching the levee; 3) replacing rip rap; 4) repairing erosion sites; 5) stabilizing and revegetating offset area bank; and 6) excavating materials from on-site borrow areas.

Flood Risk-Reduction Measures

Several flood risk-reduction measures will be constructed along the entire reach of the Project (Figure 1), including a new 20-foot wide setback levee connecting to the existing levee; slope flattening; a new 5-foot tall, 130 foot wide seepage berm; and slurry cutoff wall construction. Construction will take place within a 20-foot easement on the waterside of the levee and within a 100-foot maximum distance on the landside of the levee. The new seepage berm material will be constructed using borrow material excavated from other areas of the Project site. The slurry cutoff wall will be constructed through the center of the levee crown. Flood risk-reduction measures will permanently impact 0.448 acre/4,624 linear feet of waters of the United States.

Levee Breach

Portions of the existing levee will be breached to allow Sacramento River flows into new offset areas during high flow events. One breach will occur at the northern offset area and two other breaches will occur at the southern offset area, as shown in Figure 1. Levee breach activities will permanently impact 3.902 acres/4,098 linear feet of waters of the United States.

Rip Rap Placement

Rock will be placed along the toe of the river bank at erosion sites C1 and C2 to create erosion control along the outer bank of a bend in the Sacramento River. Erosion Site C1 and C2 are shown on Figure 1. Rip Rap erosion control activities will permanently impact 0.326 acre/679 linear feet of waters of the United States.

Erosion Site Repairs

Rip rap will be placed along the entire length of the existing levee for bank stabilization to control erosion and maintain existing vegetation and instream woody material. Rock benches will be constructed to serve as buffers against erosion and provide space for essential riparian

habitat to remain intact for aquatic habitat features. Barges will be used to place rip rap on the levee slope from the Sacramento River. Erosion site repairs will permanently impact 5.017 acres/2,158 linear feet of waters of the United States.

Offset Area Bank Stabilization and Revegetation

Two offset areas will be constructed between the new setback levee and existing levee to receive flow during high flow events in the Sacramento River. Rip rap will be placed into the offset areas to help minimize erosion. The offset area will be revegetated with native riparian vegetation. Offset area bank stabilization will permanently impact 1.142 acres/10,667 linear feet of waters of the United States.

Borrow Area Excavation

Borrow material will be used for fill material during erosion control and levee improvements. Borrow sites adjacent to the construction area, as shown in Figure 1, will maintain a 300-foot offset from the proposed levee alignment to avoid potential seepage. Borrow area excavation will permanently impact 0.335 acre/1,782 linear feet and temporarily impact 0.04 acre/122 linear feet of waters of the United States.

Summary of Impacts

Valley Elderberry Longhorn Beetle (VELB) has been known to occur in or near the Project area and may be impacted as a result of construction activities. If VELB are discovered within the Project area, the Applicant will follow the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.

Following the completion of construction activities, all temporarily disturbed areas will be restored to pre-project conditions and contours, and all temporary fills will be removed. Dewatering will occur within the Project area. Work will be performed after the area has been completely dewatered and during no precipitation. No wet concrete will be placed into the waters of the United States. The Project will permanently impact 11.18 acres/24,008 linear feet and temporarily impact 0.04 acre/122 linear feet of waters of the United States.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: No materials will be excavated from waters of the United States.

Approximately 66,292 cubic yards of rip rap and 3,337 cubic yards of clean soil will be placed into 11.18 acres of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 11.18 acres/24,008 linear feet of stream bed habitat and temporarily impact 0.04 acre/122 linear feet of stream bed habitat from fill activities.

Table 2: Impacts from Fill Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	0.04	--	122	11.18	--	24,008	--	--	--

United States Army Corps of Engineers File Number: SPK-2012-00462

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:
 1600-2016-0022-R3

Possible Listed Species: Valley elderberry longhorn beetle, Giant garter snake, Swainson's hawk, Delta smelt, Central Valley steelhead, Sacramento River winter-run Chinook salmon, Green sturgeon, and Longfin smelt.

Status of CEQA Compliance: The West Sacramento Area Flood Protection Agency certified an Environmental Impact Report on 14 August 2014. The West Sacramento Area Flood Protection Agency filed a Notice of Determination with the State Clearinghouse on 14 August 2014 (SCH No. 2011082069). The West Sacramento Area Flood Protection Agency certified a Subsequent Environmental Impact Report on 29 June 2016. The West Sacramento Area Flood Protection Agency filed a Notice of Determination with the State Clearinghouse on 29 June 2016 (SCH No. 2016032003).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: To mitigate for the loss of 11.18 acres of stream channel habitat, the Applicant shall purchase a minimum of 11.18 floodplain mosaic creation mitigation credits from a United States Army Corps of Engineers approved mitigation bank, in lieu fee program, or as required by the United States Army Corps of Engineers or United States Fish and Wildlife Service.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Stream Channel	X	X	-	11.18	-	X	-	-	-	X	-

Application Fee Provided: Total fees of \$90,000.00 have been submitted to the Central Valley Water Board as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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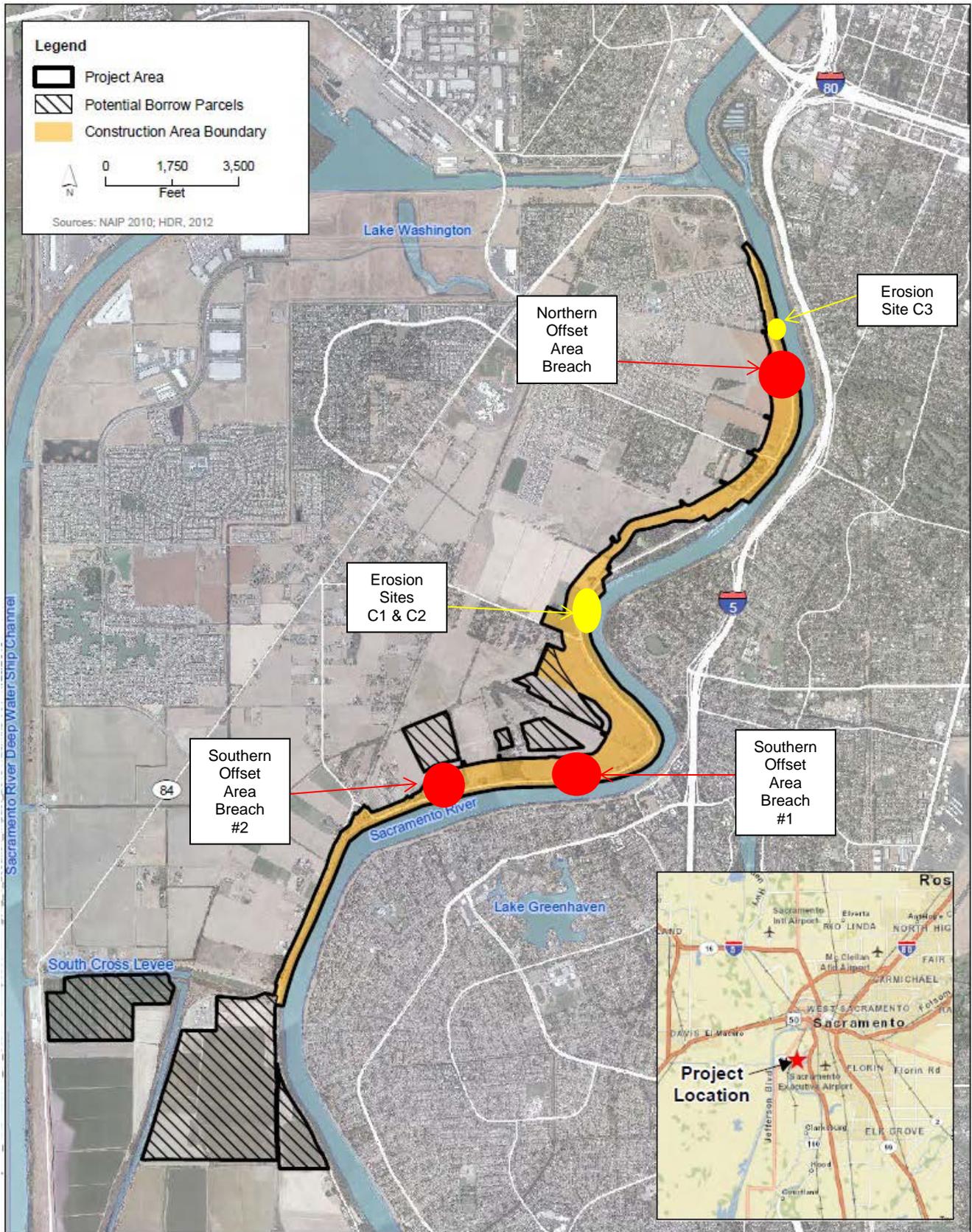


Figure 1 – Project Location Map