3 August 2018

Jaime Matteoli
California Department of Transportation
1656 Union Street
Eureka, CA 95501

CERTIFIED MAIL
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**WASTE DISCHARGE REQUIREMENTS ORDER R5-2018-0061 AND WATER QUALITY CERTIFICATION FOR THE LAKE 29 IMPROVEMENT PROJECT-SEGMENT 2C, LAKE COUNTY (WDID#5A17CR00155)**

Enclosed please find a Waste Discharge Requirements Order R5-2018-0061 and Water Quality Certification, authorized by Central Valley Water Quality Control Board. This Order is issued to California Department of Transportation for Lake 29 Improvement Project-Segment 2C (Project). Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by California Department of Transportation for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

These reports, notifications, and other submissions must be submitted 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. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4856 or by email at Nicholas.White@waterboards.ca.gov. You may also contact Stephanie Tadlock, Unit Supervisor, by phone at (916) 464-4644 or by email at Stephanie.Tadlock@waterboards.ca.gov.

*Original Signed By:*

Nicholas White
Water Resource Control Engineer
401 Water Quality Certification Unit

Enclosures (1): Order for Lake 29 Improvement Project-Segment 2C

cc: [Via email only] (w/ enclosure):

Peck Ha (SPK-2003-00156)
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# WASTE DISCHARGE REQUIREMENTS ORDER R5-2018-0061 AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

| | |
|---|---|
| Reg. Meas. ID: | 418850 |
| Place ID: | 843904 |
| WDID: | 5A17CR00155 |
| USACOE#: | SPK-2003-00156 |

**Effective Date:** 2 August 2018

**Expiration Date:** 1 August 2023

**Program Type:** Fill/Excavation

**Project Type:** Transportation - Roads and Highways

**Project:** Lake 29 Improvement Project-Segment 2C (Project)

**Applicant:** California Department of Transportation

**Applicant Contact:** Jaime Matteoli
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**Water Board Contact Person:**
If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

**Table of Contents**

I. Order ..... 3

II. Public Notice ..... 3

III. Project Purpose ..... 3

IV. Project Description ..... 3

V. Project Location ..... 3

VI. Project Impact and Receiving Waters Information ..... 3

VII. Description of Direct Impacts to Waters of the State ..... 4

VIII. Description of Indirect Impacts to Waters of the State ..... 6

IX. Avoidance and Minimization ..... 6

X. Compensatory Mitigation ..... 7

XI. California Environmental Quality Act (CEQA) ..... 7

XII. Petitions for Reconsideration ..... 7

XIII. Fees Received ..... 7

XIV. Conditions ..... 7

XV. Water Quality Certification ..... 19

**Attachment A** Project Map
**Attachment B** Receiving Waters, Impact, and Mitigation Information
**Attachment C** CEQA Findings of Facts
**Attachment D** Report and Notification Requirements
**Attachment E** Signatory Requirements
**Attachment F** Certification Deviation Procedures

## I. Order

This Order for Waste Discharge Requirements and Clean Water Act section 401 Certification (Order) is issued at the request of California Department of Transportation (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 16 January 2018. The application was deemed complete on 21 February 2018.

Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates (Table 1).

**Table 1: Record of Supplemental Application Information**

| Date of Request for Supplemental Information | Date all requested information was received. |
|---|---|
| 13 March 2018 | 5 April 2018 |

## II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 19 January 2018 to 9 February 2018. The Central Valley Water Board provided a 30-day public notice of the draft order pursuant to Water Code section 13167.5. The Central Valley Water Board did not receive any comments during the comment periods.

## III. Project Purpose

The Project will allow for the improvement of safety and operation of State Route 29 by realigning the highway, improving an intersection and adding new lanes. The Project will improve connectivity within the region and address projected traffic volumes.

## IV. Project Description

The 109-acre Project consists of earthwork (excavation and embankment construction), culvert installation and upgrading, installation of roadside storm water drainage features (culverts, bioswales, ditches), planting (aesthetic and erosion control), temporary detour roads, and reclamation of relinquished and abandoned alignments (paving removal, grading, and revegetation).

## V. Project Location

State Route 29 between Post Miles 28.5 and 31.6

County: Lake

Section 30/33, Township 13 North, Range 8 West, MDB&M.

Start: Latitude: 38°56'35.6"N and Longitude: 122°47'40.6"W

End: Latitude: 38°56'05.6"N and Longitude: 122°45'10.5"W

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, Fourth Edition, revised April 2016 (Basin Plan). The Basin Plan for the region and other plans

and policies may be accessed online at: 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

Project impacts will occur at 10 locations within the Project area, as described below and in Table 2. Project impact locations are shown in Attachment A, Figure 2-1 to 2-7.

**Table 2: Project Impacts by Location and Type**

| Impact Location | Site ID | Resource Type | Temporary Impact | | Permanent Impact | |
|---|---|---|---|---|---|---|
| | | | Acre | Linear Feet | Acre | Linear Feet |
| 1 | SW1 | Wetland | 0.08 | - | 0.01 | - |
| 2 | SW2 | Wetland | - | - | 0.001 | - |
| | DRAIN (2) | Stream | - | - | 0.04 | 891 |
| 3 | DRAIN (3) | Stream | - | - | 0.07 | 1,740 |
| 4 | SW6 (4) | Wetland | - | - | 0.62 | - |
| | DRAIN (4) | Stream | - | - | 0.061 | 1,190 |
| 5 | SW (5) | Wetland | - | - | 3.33 | - |
| | DRAIN (5) | Stream | - | - | 0.03 | 595.5 |
| 6 | SW6 (6) | Wetland | - | - | 1.24 | - |
| | DRAIN (6) | Stream | - | - | 0.02 | 537 |
| 7 | DRAIN (7) | Stream | - | - | 0.01 | 281.5 |
| 8 | SW8 | Wetland | - | - | 0.53 | - |
| 9 | DRAIN (9) | Stream | - | - | 0.016 | 270.5 |
| 10 | DRAIN (10) | Stream | 0.02 | 188 | - | - |

**Location 1**: Activities at Location 1 will result in 0.01 acre of permanent impacts and 0.08 acre of temporary impacts to wetland. Permanent impacts result from filling a seasonal wetland for roadway alignment. Temporary impacts result from placement of soil and aggregate to fill in seasonal wetland to accommodate a temporary detour road.

**Location 2**: Activities at Location 2 will result in 0.001 acre of permanent impacts to wetland and 0.04 acre/891 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetland and roadside drainage (stream channel) for roadway alignment and reconfiguring the roadway drainage systems including placing rock slope protection (RSP) and installing drainage inlet/outlet structures. New roadside ditches will be created to replace those permanently filled.

**Location 3**: Activities at Location 3 will result in 0.07 acre/1,740 linear feet of permanent impacts to stream channel. Permanent impacts result from the filling a roadside drainage

(stream channel) for roadway alignment and reconfiguring the roadway drainage system including placement of RSP and installing drainage inlet/outlet structures. New bioswales will be created to replace permanently filled roadside drainages.

**Location 4**: Activities at Location 4 will result in 0.62 acre of permanent impacts to wetland and 0.061 acre/1,190 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetland and roadside drainage (stream channel) for roadway alignment and reconfiguring of roadway drainage systems including placement of RSP and installation of drainage inlet/outlet structures. New roadside ditches will be created to replace those permanently filled.

**Location 5**: Activities at Location 5 will result in 3.33 acres of permanent impacts to wetland and 0.03 acre/596 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetlands and intermittent watercourse (stream channel) for roadway alignment and headwall installation. Activities include placing RSP and installing a concrete headwall.

**Location 6**: Activities at Location 6 will result in 1.24 acres of permanent impacts to wetland and 0.02 acre/537 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetlands and intermittent watercourse (stream channel) for roadway alignment, reconfiguring roadway drainage systems, and headwall installation. Activities include placing of RSP, channel reconfiguration, and installing a concrete headwall.

**Location 7**: Activities at Location 7 will result in 0.01 acre/282 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetland and ephemeral watercourse (stream channel) for roadway alignment and reconfiguring roadway drainage systems. Activities include placing RSP and creating a new frontage road. New roadside ditches will be created to replace those permanently filled.

**Location 8**: Activities at Location 8 will result in 0.53 acre of permanent impacts to wetland. Permanent impacts result from filling a seasonal wetland for roadway alignment.

**Location 9**: Activities at Location 9 will result in 0.016 acre/271 linear feet of permanent impacts to stream channel. Permanent impacts result from filling a seasonal wetland and ephemeral watercourse (stream channel) for roadway alignment and reconfiguring roadway drainage systems. Activities include placing of RSP, converting a drainage channel to a rock-lined channel, and creating a new frontage road. An existing culvert beneath a dirt road will be removed and converted to an open channel.

**Location 10**: Activities at Location 10 will result in 0.02 acre/188 linear feet of temporary impacts to stream channel associated with a detour road for construction traffic. A temporary culvert and fill will be placed in the ephemeral roadside ditch (stream channel) to create the detour road. Following construction, the culvert and fill material will be removed and the ditch contours restored.

No dewatering will occur within the Project area. Wet concrete will be placed into wetland and stream channel habitat when the work area is naturally dry.

Total Project fill/excavation quantities for all impacts are summarized in Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

| Table 3: Total Project Fill/Excavation Quantity | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Aquatic Resource Type** | **Temporary Impact[1]** | | | **Permanent Impact** | | | | | |
| | | | | Physical Loss of Area | | | Degradation of Ecological Condition | | |
| | Acres | CY[2] | LF[2] | Acres | CY | LF | Acres | CY | LF |
| Stream Channel | 0.02 | | 188 | 0.25 | - | 5,506 | - | - | - |
| Wetland | 0.08 | - | - | 5.73 | - | - | - | - | - |

## VIII. Description of Indirect Impacts to Waters of the State – Not Applicable

## IX. Avoidance and Minimization

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:

- All wetlands and "other waters" that are to remain within and/or directly adjacent to the project area of direct disturbance will be designated as environmentally sensitive areas (ESAs) and will be temporarily fenced with high visibility fabric fencing throughout all construction activities. ESA fencing will be installed by the contractor as the first order of work; in accordance with Caltrans' standard specifications, the project plans, and with guidance from Caltrans' technical specialist. All project activities will be restricted to the designated work area and all fencing, stakes, and flags will be maintained until completion of project activities.
- Implement applicable Caltrans Standards Specifications, BMPs specified in the National Pollutant Discharge Elimination System (NPDES) permit conditions, and contractor prepared Storm Water Pollution Prevention Plan (SWPPP) such as, but not limited to:
    - Minimize amount of vegetation removed as a result of construction by limiting project footprint to only that needed to construct project.
    - Work within drainage channels and wetlands will only occur during the low-flow, no-flow period, typically May through October.
    - Temporary fills will be removed within 30 days after completion of work at a given location and/or prior to the onset of the rain season. These areas will be returned to their pre-construction contours and treated with an appropriate erosion control seed mix.
    - Temporary construction site BMPs will be implemented under a contractor prepared and agency approved Storm Water Pollution Prevention Plan (SWPPP). The temporary BMPs are aimed at reducing erosion and subsequent sediment transport and preventing accidental spills during construction and may include but are not limited to: hydraulic mulch, hydroseeding, plastic cover, lined ditches, sediment traps, fiber rolls, straw bale barrier, storm drain inlet protection, and concrete washouts.
- Re-seed disturbed exposed soil areas to re-establish vegetation;
- Reconstruct and redesign culverts and roadside ditches, and include bioswales in design;
- Minimize the amount of impermeable surface including an unpaved median;
- Provide inlet/outlet protection and velocity dissipation elements;

[1] Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

[2] Cubic Yards (CY); Linear Feet (LF)

- Remove culverts from existing access road, remove road sections no longer used, and re-contour channel; and
- Implement Caltrans Maintenance Stormwater Management Program, a component of the Statewide Storm Management Plan (SWMP), the Caltrans Stormwater Quality Handbook Maintenance Staff Guide and all appropriate state, federal and local laws regarding water quality.

## X. Compensatory Mitigation

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

## XI. California Environmental Quality Act (CEQA)

On 30 November 2016, the California Department of Transportation, as lead agency, certified an Environmenal Impact Report (EIR) (State Clearinghouse (SCH) No. 2003022011) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 December 2016. 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 Resources Control Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

## XIII. Fees Received

An application fee deposit of $75,454.00 was received on 16 January 2018. The remaining application fee balance of $1,500.00 based on total Project impacts was received on 4 May 2018.

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.

## 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 3.

### B. Reporting and Notification Requirements

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. 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.

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

   b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of October starting one year after the effective date of the Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. **Project Status Notifications**

   a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities which includes the corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

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

   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,[3] and no further Project activities will occur. 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 and associated annual fees.

[3] 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.

3. **Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

   a. **Accidental Discharges of Hazardous Materials**[4]

   Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 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: 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 in accordance with section XIV.B.

   **iii.** Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

   b. **Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.

   **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 in accordance with section XIV.B.

   **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

[4] "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 & Saf. Code, § 25501.)

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:** 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). The Permittee shall perform surface water sampling[5]:

**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.

[5] Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

3. **In-Water Work or Diversions:** During planned in-water work or during the entire duration 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.** The pH shall not be depressed below 6.5 nor raised above 8.5.

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

   I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

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

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

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

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

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

   Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 4 sampling parameters.[6] The sampling requirements in Table 4 shall be conducted upstream out of the influence of the Project, and approximately 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. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report 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.c.

[6] 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.

| Table 4: Sample Type and Frequency Requirements | | | |
|---|---|---|---|
| Parameter | Unit of Measurement | Type of Sample | Minimum Frequency |
| Visible construction related pollutants[7] | Observation | Visual Inspections | Continuous throughout construction period |
| Turbidity | NTU | Grab | Every 4 hours |
| pH[8] | Standard Units | Grab | Every 4 hours |

4. **Post-Construction:** Visually inspect the Project site during the rainy season for one year 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 2050-2068, 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 (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313).

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

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

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

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

[8] Sampling to be conducted if uncured concrete comes into contact with surface water.

**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 Central Valley 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) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement.** The California Department of Transportation shall comply with the Construction General NPDES Permit Order No. 2009-0009-DWQ (NPDES No. CAS 000002) issued by the State Water Resources Control Board.

**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 & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take 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 and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife's lake and 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 – NOT APPLICABLE

### 2. Directional Drilling

**a.** If installation or relocation of utility lines is anticipated, the Permittee shall develop a Utility Work Plan prior to commencement of utility construction. The Utility Work Plan must cover all phases of the certified project that will impact waters of the state, and shall be consistent with this Certification. The Utility Work Plan shall include the types of utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of utility work, as related to any water of the state, in the Project area.

Should the methodology for utility work include directional drilling, the Utility Work Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size. The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

**b.** The Utility Work Plan and Direction Drilling Plan must be made available to Central Valley Water Board staff upon request.

**3. Dredging – NOT APPLICABLE**

**4. Fugitive Dust – NOT APPLICABLE**

**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.** Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

**7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE**

**8. In-Water Work**

**a.** Work in the streambed and wetland shall occur during periods of no precipitation and no flow.

**9. Post-Construction Storm Water Management – NOT APPLICABLE**

**10. Roads – NOT APPLICABLE**

**11. 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.

**12. Special Status Species – NOT APPLICABLE**

**13. 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.

**14. 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.** The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and

**ii.** 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

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.

## K. Compensatory Mitigation for Permanent Impacts[9]

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

**1. Final Compensatory Mitigation Plan – Not Applicable**

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

**2. Compensatory Mitigation Plan**

**a.** The Permittee has submitted a compensatory mitigation plan as part of a complete application.

**b.** The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c)

**c.** Permittees fulfilling their compensatory mitigation obligations by securing credits from an approved mitigation bank or in-lieu fee program, need only include the items described in 40 CFR § 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

**3. Irrevocable Letter of Credit – Not Applicable**

**4. Permittee-Responsible Compensatory Mitigation Responsibility**

**a.** Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.

**b.** The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:

**i.** Performance standards are met.

**ii.** A Transfer Agreement to a third party has been approved by Central Valley Water Board staff.

**iii.** An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.

**iv.** A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Central Valley Water Board staff.

**c.** Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility

**i.** A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Central Valley Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Central Valley Water Board under Water Code section 13385, subdivision (a).

**ii.** Notification of transfer of responsibilities meeting the above condition must be provided to the Central Valley Water Board staff. A draft transfer agreement is due to Central Valley Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Central Valley Water Board staff within 30 days of the completion of the transfer.

5. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

   **a.** A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to start of construction.

   **b.** The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

6. **Total Required Compensatory Mitigation**

   **a.** The Permittee is required to provide compensatory mitigation for the authorized impact to 0.25 acre of stream channel habitat by establishing 0.4 acre of stream channel on-site.

   **b.** The Permittee is required to provide compensatory mitigation for the authorized impact to 5.7 acre of wetland habitat by purchasing 5.2 credits from the Seigler Valley Wetland Mitigation Bank and an additional 0.5 credits from the Seigler Valley Wetland Mitigation Bank or a United States Army Corps of Engineers approved mitigation bank or in lieu fee program or as required by the United States Army Corps of Engineers. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

   **c.** Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5.

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

| Aquatic Resource Type | Comp Mit. Type[10] | Units | Method[11] | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | Est. | Re-est. | Reh. | Enh. | Pres. | Unknown |
| Stream Channel | PR | Acres | 0.40 | - | - | - | - | - |
| Wetland | MB | Acres | - | - | - | - | 5.2 | 0.5 |

**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

[10] Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

[11] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

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 Lake 29 Improvement Project-Segment 2C, (WDID#5A17CR00155) 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). The Central Valley Water Board, as lead agency, hereby certifies an environmenal impact report (EIR) (State Clearinghouse (SCH) No. 2003022011) and approves the mitigation monitoring and reporting program (MMRP) for the Project.

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.

## CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of Order R5-2018-0061 and 5A17CR00155 issued on 2 August 2018.

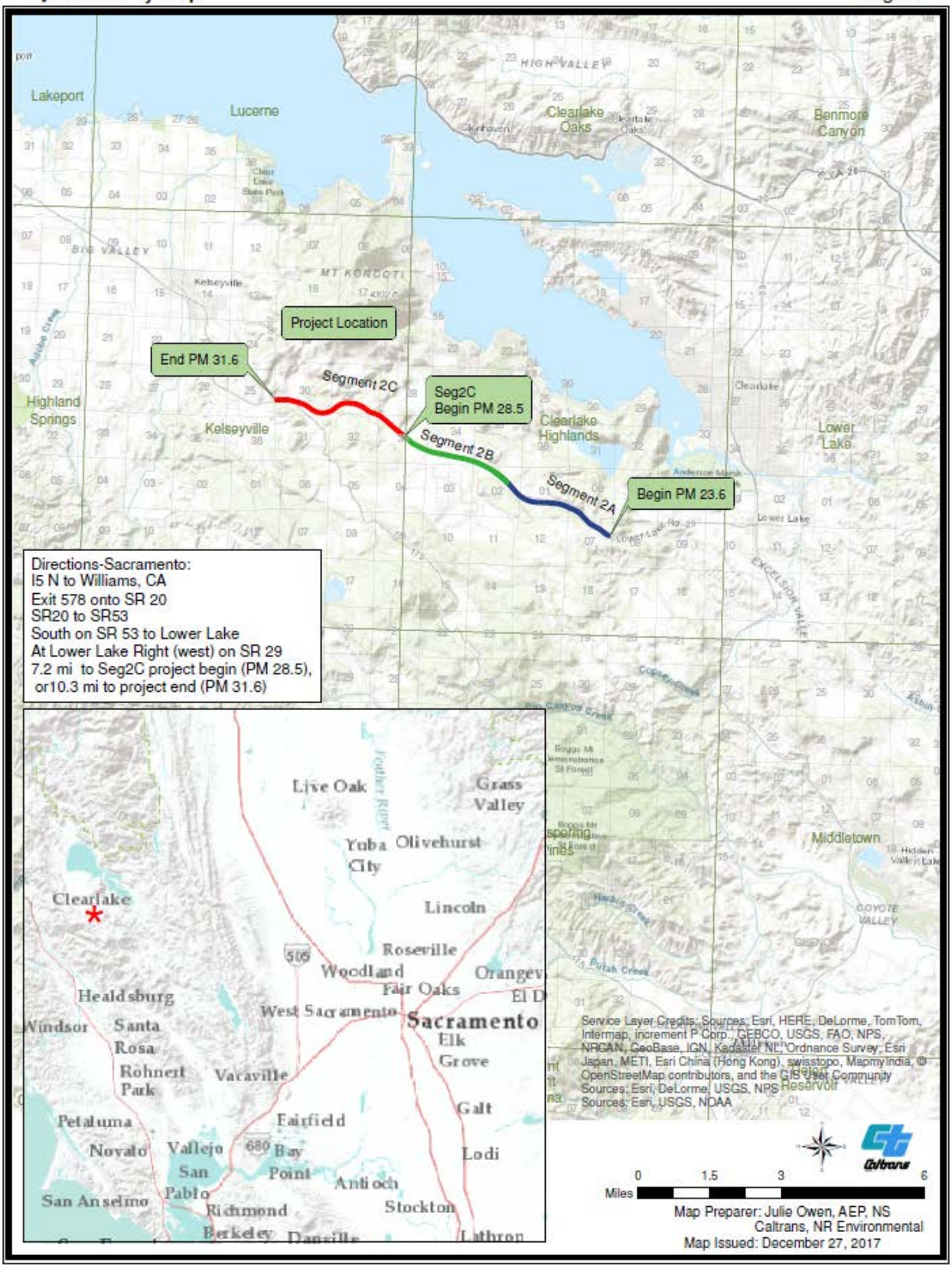
*Original Signed By:*

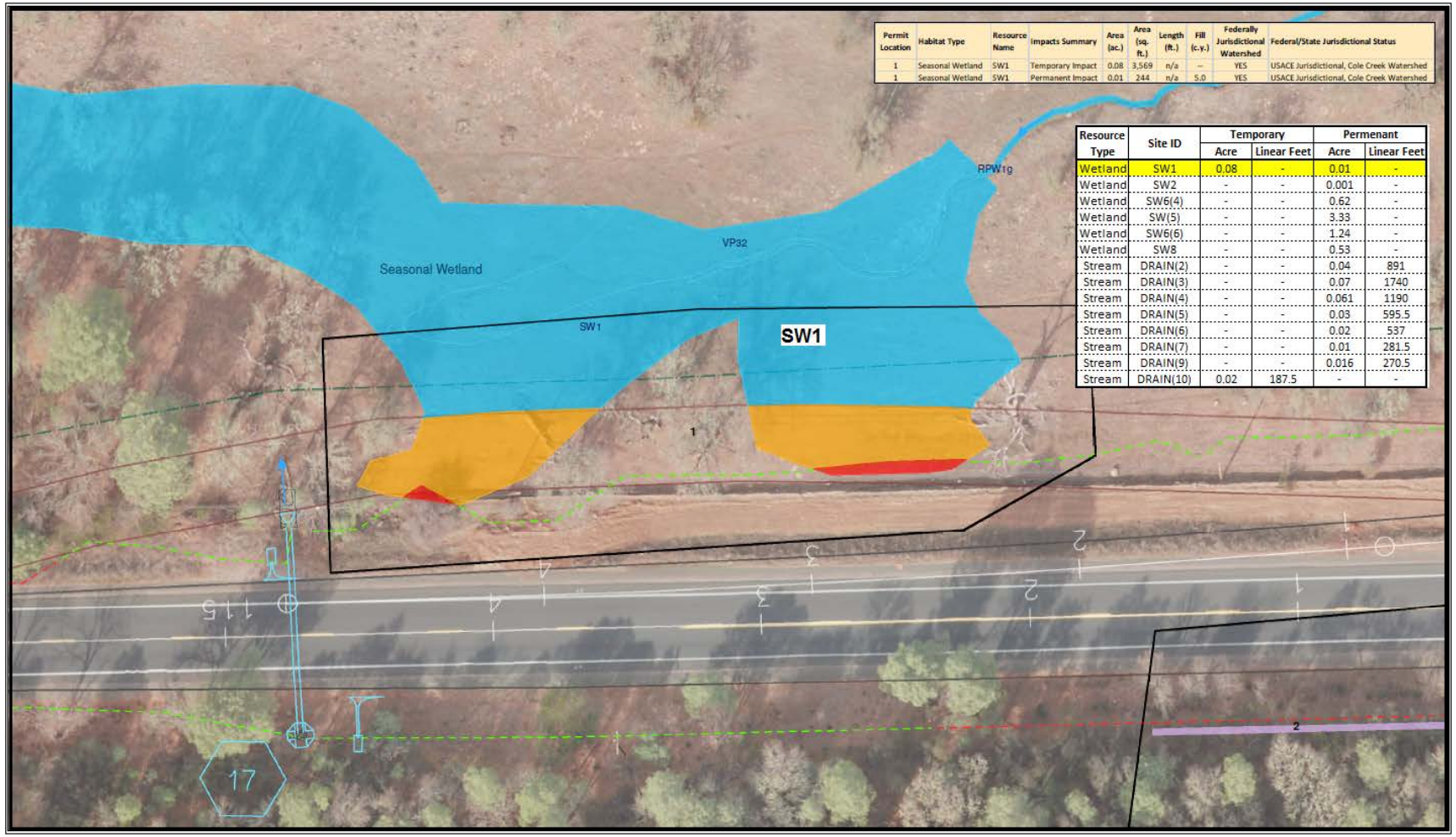
PATRICK PULUPA, Executive Officer
Central Valley Regional Water Quality Control Board

| | |
|---|---|
| **Attachment A** | Project Map |
| **Attachment B** | Receiving Waters, Impact, and Mitigation Information |
| **Attachment C** | CEQA Findings of Facts |
| **Attachment D** | Report and Notification Requirements |
| **Attachment E** | Signatory Requirements |
| **Attachment F** | Certification Deviation Procedures |

**Project Vicinity Map**

Figure 1






| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Seasonal Wetland | SW1 | Temporary Impact | 0.08 | 3,569 | n/a | -- | YES | USACE Jurisdictional, Cole Creek Watershed |
| 1 | Seasonal Wetland | SW1 | Permanent Impact | 0.01 | 244 | n/a | 5.0 | YES | USACE Jurisdictional, Cole Creek Watershed |

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

**Aquatic Impacts Summary**
- Permanent Impact
- Temporary Impact
- New Drainage
- No Impact
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

All Aquatic Features in Location 1 are within the ColeCreek Watershed

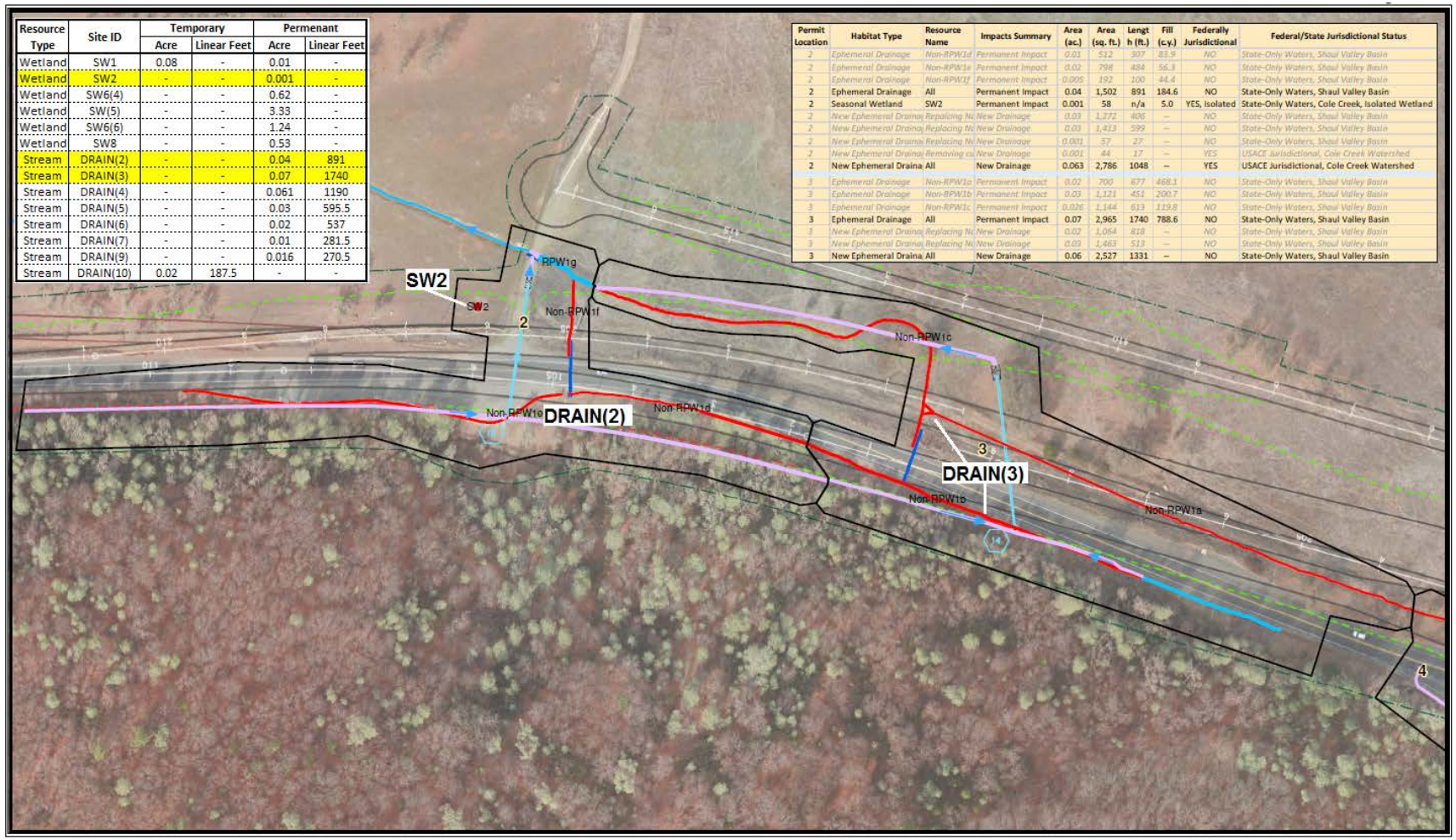
**Figure 2-1 (1/7)**

Lake 29 Improvement Project

0 20 40 80
Feet

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 2 | Ephemeral Drainage | Non-RPW1d | Permanent Impact | 0.01 | 512 | 307 | 81.9 | NO | State-Only Waters, Shaul Valley Basin |
| 2 | Ephemeral Drainage | Non-RPW1e | Permanent Impact | 0.02 | 798 | 484 | 56.3 | NO | State-Only Waters, Shaul Valley Basin |
| 2 | Ephemeral Drainage | Non-RPW1f | Permanent Impact | 0.005 | 192 | 100 | 44.4 | NO | State-Only Waters, Shaul Valley Basin |
| 2 | Ephemeral Drainage | All | Permanent Impact | 0.04 | 1,502 | 891 | 184.6 | NO | State-Only Waters, Shaul Valley Basin |
| 2 | Seasonal Wetland | SW2 | Permanent Impact | 0.001 | 58 | n/a | 5.0 | YES, Isolated | State-Only Waters, Cole Creek, Isolated Wetland |
| 2 | New Ephemeral Drainag | Replacing No | New Drainage | 0.03 | 1,272 | 406 | – | NO | State-Only Waters, Shaul Valley Basin |
| 2 | New Ephemeral Drainag | Replacing No | New Drainage | 0.03 | 1,413 | 599 | – | NO | State-Only Waters, Shaul Valley Basin |
| 2 | New Ephemeral Drainag | Replacing No | New Drainage | 0.001 | 57 | 27 | – | NO | State-Only Waters, Shaul Valley Basin |
| 2 | New Ephemeral Drainag | Removing cu | New Drainage | 0.001 | 44 | 17 | – | YES | USACE Jurisdictional, Cole Creek Watershed |
| 2 | New Ephemeral Draina | All | New Drainage | 0.063 | 2,786 | 1048 | – | YES | USACE Jurisdictional, Cole Creek Watershed |
| 3 | Ephemeral Drainage | Non-RPW1a | Permanent Impact | 0.02 | 700 | 677 | 468.1 | NO | State-Only Waters, Shaul Valley Basin |
| 3 | Ephemeral Drainage | Non-RPW1b | Permanent Impact | 0.03 | 1,121 | 451 | 200.7 | NO | State-Only Waters, Shaul Valley Basin |
| 3 | Ephemeral Drainage | Non-RPW1c | Permanent Impact | 0.026 | 1,144 | 613 | 119.8 | NO | State-Only Waters, Shaul Valley Basin |
| 3 | Ephemeral Drainage | All | Permanent Impact | 0.07 | 2,965 | 1740 | 788.6 | NO | State-Only Waters, Shaul Valley Basin |
| 3 | New Ephemeral Drainag | Replacing No | New Drainage | 0.02 | 1,064 | 818 | – | NO | State-Only Waters, Shaul Valley Basin |
| 3 | New Ephemeral Drainag | Replacing No | New Drainage | 0.03 | 1,463 | 513 | – | NO | State-Only Waters, Shaul Valley Basin |
| 3 | New Ephemeral Draina | All | New Drainage | 0.06 | 2,527 | 1331 | – | NO | State-Only Waters, Shaul Valley Basin |

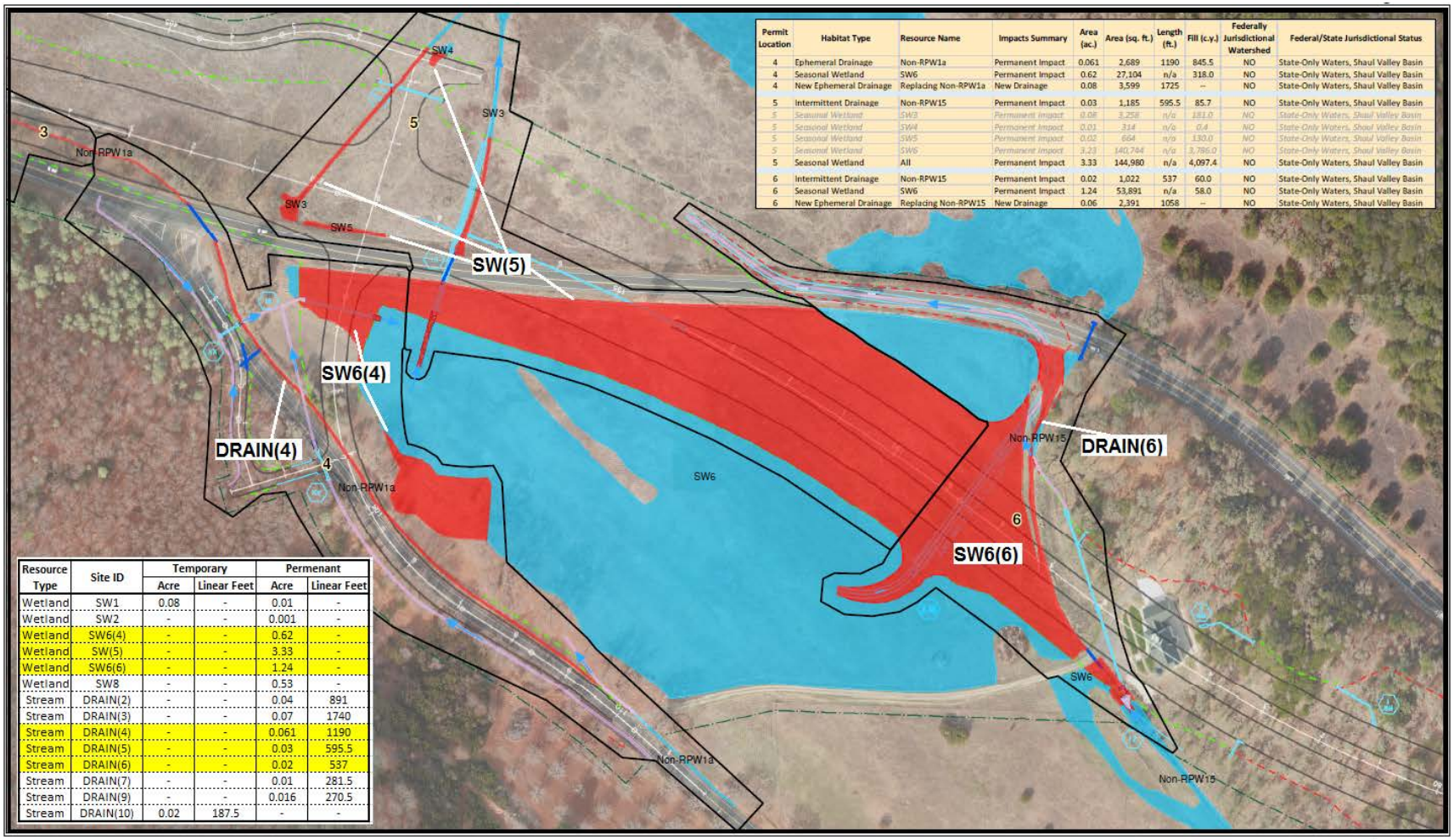



**Aquatic Impacts Summary**
- Permanent Impact
- No Impact
- New Drainage
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

**Figure 2-2 (2/7)**

Lake 29 Improvement Project

0 65 130 260
Feet




| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 4 | Ephemeral Drainage | Non-RPW1a | Permanent Impact | 0.061 | 2,689 | 1190 | 845.5 | NO | State-Only Waters, Shaul Valley Basin |
| 4 | Seasonal Wetland | SW6 | Permanent Impact | 0.62 | 27,104 | n/a | 318.0 | NO | State-Only Waters, Shaul Valley Basin |
| 4 | New Ephemeral Drainage | Replacing Non-RPW1a | New Drainage | 0.08 | 3,599 | 1725 | -- | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Intermittent Drainage | Non-RPW15 | Permanent Impact | 0.03 | 1,185 | 595.5 | 85.7 | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Seasonal Wetland | SW3 | Permanent Impact | 0.08 | 3,258 | n/a | 181.0 | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Seasonal Wetland | SW4 | Permanent Impact | 0.01 | 314 | n/a | 0.4 | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Seasonal Wetland | SW5 | Permanent Impact | 0.02 | 664 | n/a | 130.0 | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Seasonal Wetland | SW6 | Permanent Impact | 3.23 | 140,744 | n/a | 3,786.0 | NO | State-Only Waters, Shaul Valley Basin |
| 5 | Seasonal Wetland | All | Permanent Impact | 3.33 | 144,980 | n/a | 4,097.4 | NO | State-Only Waters, Shaul Valley Basin |
| 6 | Intermittent Drainage | Non-RPW15 | Permanent Impact | 0.02 | 1,022 | 537 | 60.0 | NO | State-Only Waters, Shaul Valley Basin |
| 6 | Seasonal Wetland | SW6 | Permanent Impact | 1.24 | 53,891 | n/a | 58.0 | NO | State-Only Waters, Shaul Valley Basin |
| 6 | New Ephemeral Drainage | Replacing Non-RPW15 | New Drainage | 0.06 | 2,391 | 1058 | -- | NO | State-Only Waters, Shaul Valley Basin |

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

**Aquatic Impact Summary**
- Permanent Impact
- New Drainage
- No Impact
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

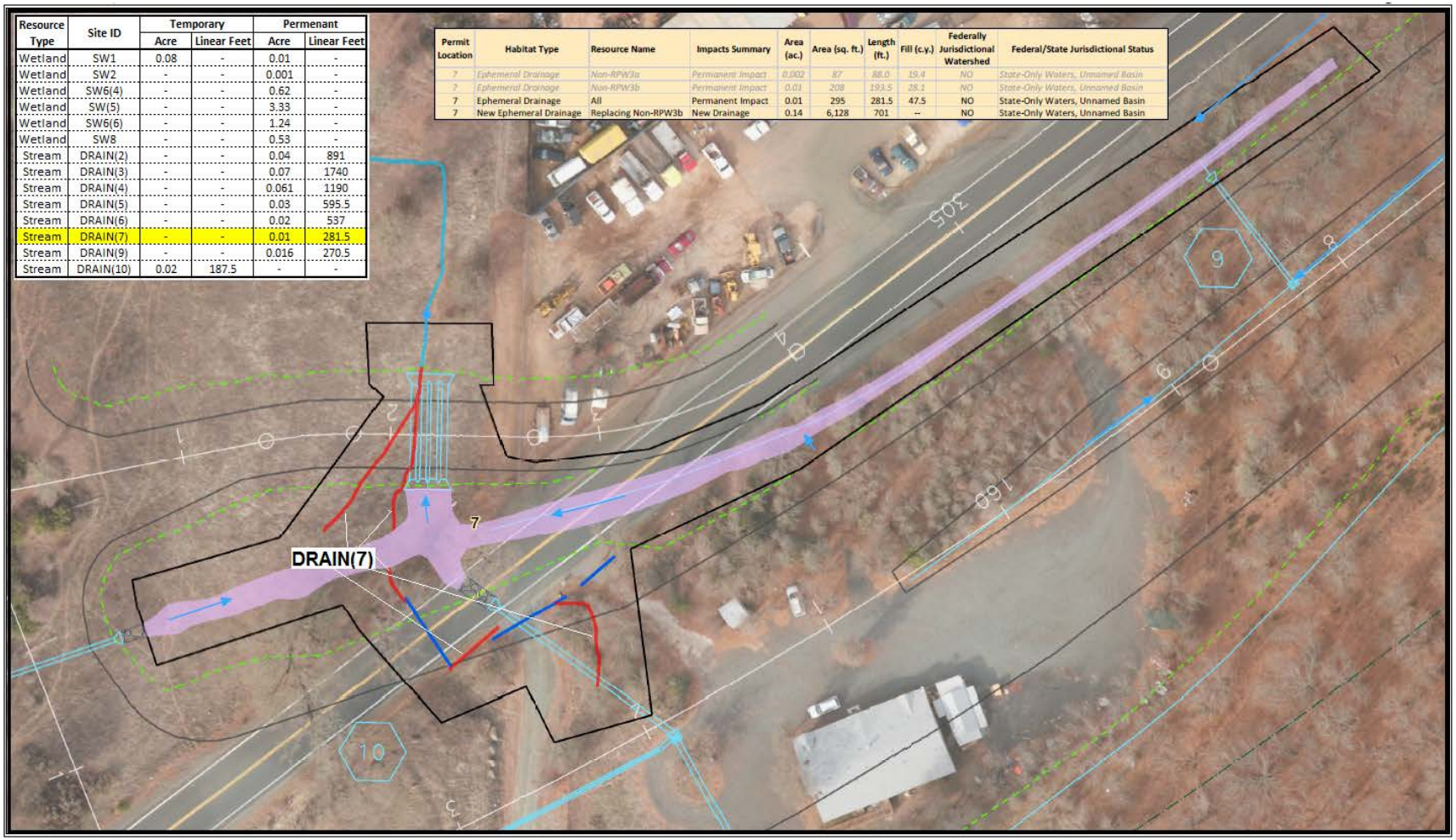
**Figure 2-3 (3/7)**

Lake 29 Improvement Project

0 80 160 320
Feet

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 7 | Ephemeral Drainage | Non-RPW3a | Permanent Impact | 0.002 | 87 | 88.0 | 19.4 | NO | State-Only Waters, Unnamed Basin |
| 7 | Ephemeral Drainage | Non-RPW3b | Permanent Impact | 0.01 | 208 | 193.5 | 28.1 | NO | State-Only Waters, Unnamed Basin |
| 7 | Ephemeral Drainage | All | Permanent Impact | 0.01 | 295 | 281.5 | 47.5 | NO | State-Only Waters, Unnamed Basin |
| 7 | New Ephemeral Drainage | Replacing Non-RPW3b | New Drainage | 0.14 | 6,128 | 701 | -- | NO | State-Only Waters, Unnamed Basin |

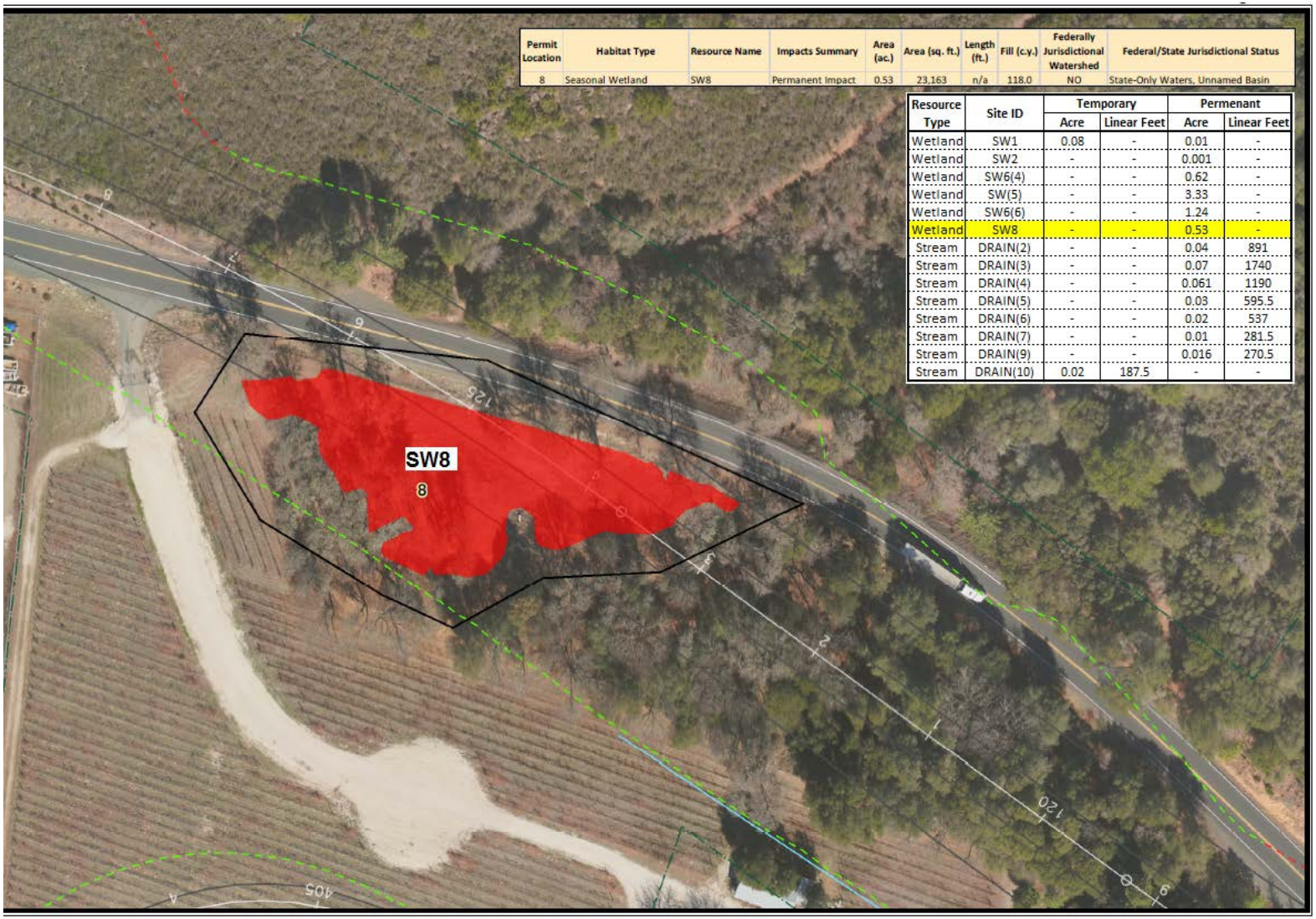



**Aquatic Impact Summary**
- Permanent Impact
- No Impact
- New Drainage
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

**Figure 2-4 (4/7)**

Lake 29 Improvement Project

0 25 50 100
Feet




| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 8 | Seasonal Wetland | SW8 | Permanent Impact | 0.53 | 23,163 | n/a | 118.0 | NO | State-Only Waters, Unnamed Basin |

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

**Aquatic Impact Summary**
- Permanent Impact
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

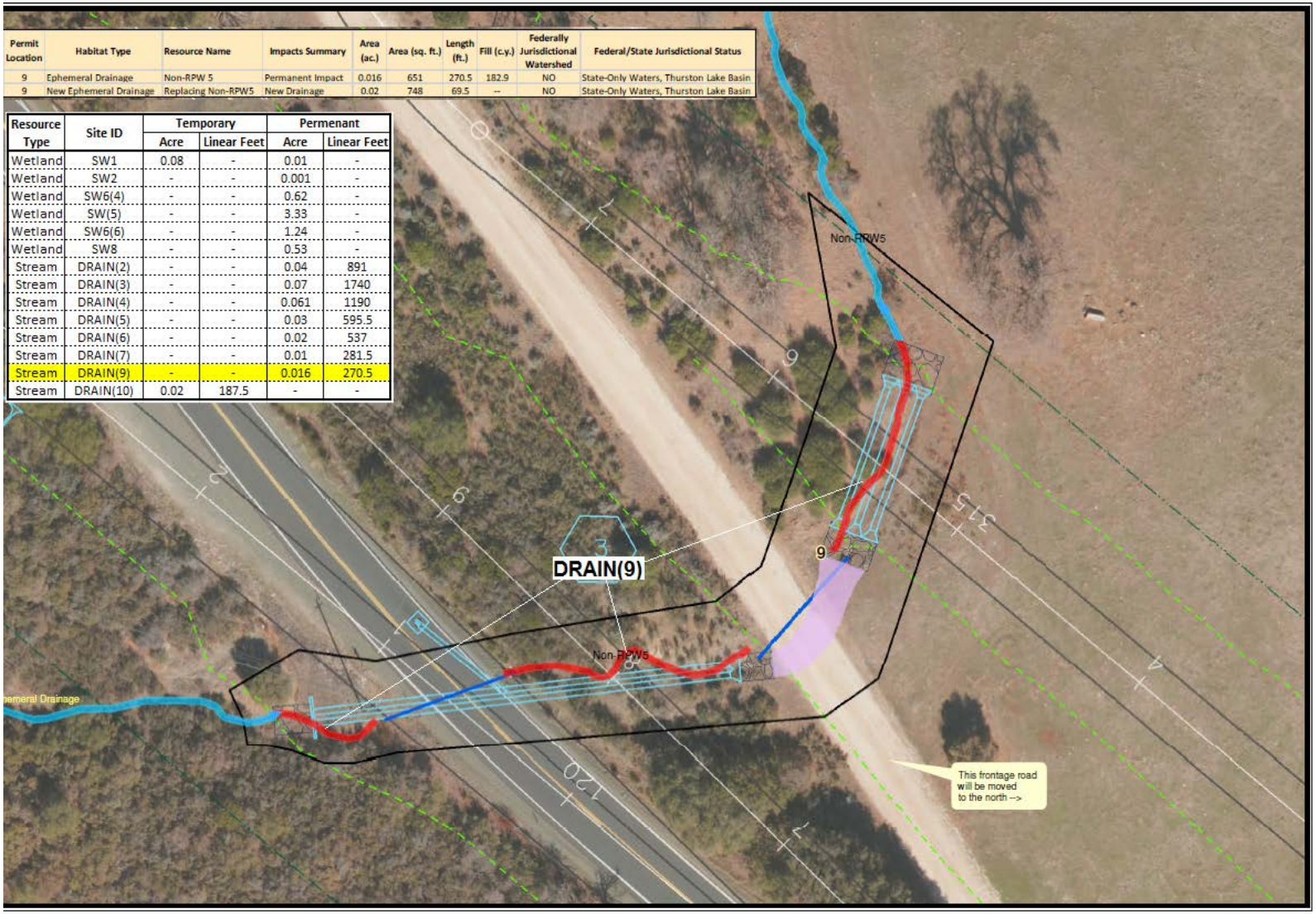
**Figure 2-5 (5/7)**

Lake 29 Improvement Project

0 40 80 160
Feet

| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Fill (c.y.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|---|
| 9 | Ephemeral Drainage | Non-RPW 5 | Permanent Impact | 0.016 | 651 | 270.5 | 182.9 | NO | State-Only Waters, Thurston Lake Basin |
| 9 | New Ephemeral Drainage | Replacing Non-RPW5 | New Drainage | 0.02 | 748 | 69.5 | -- | NO | State-Only Waters, Thurston Lake Basin |

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

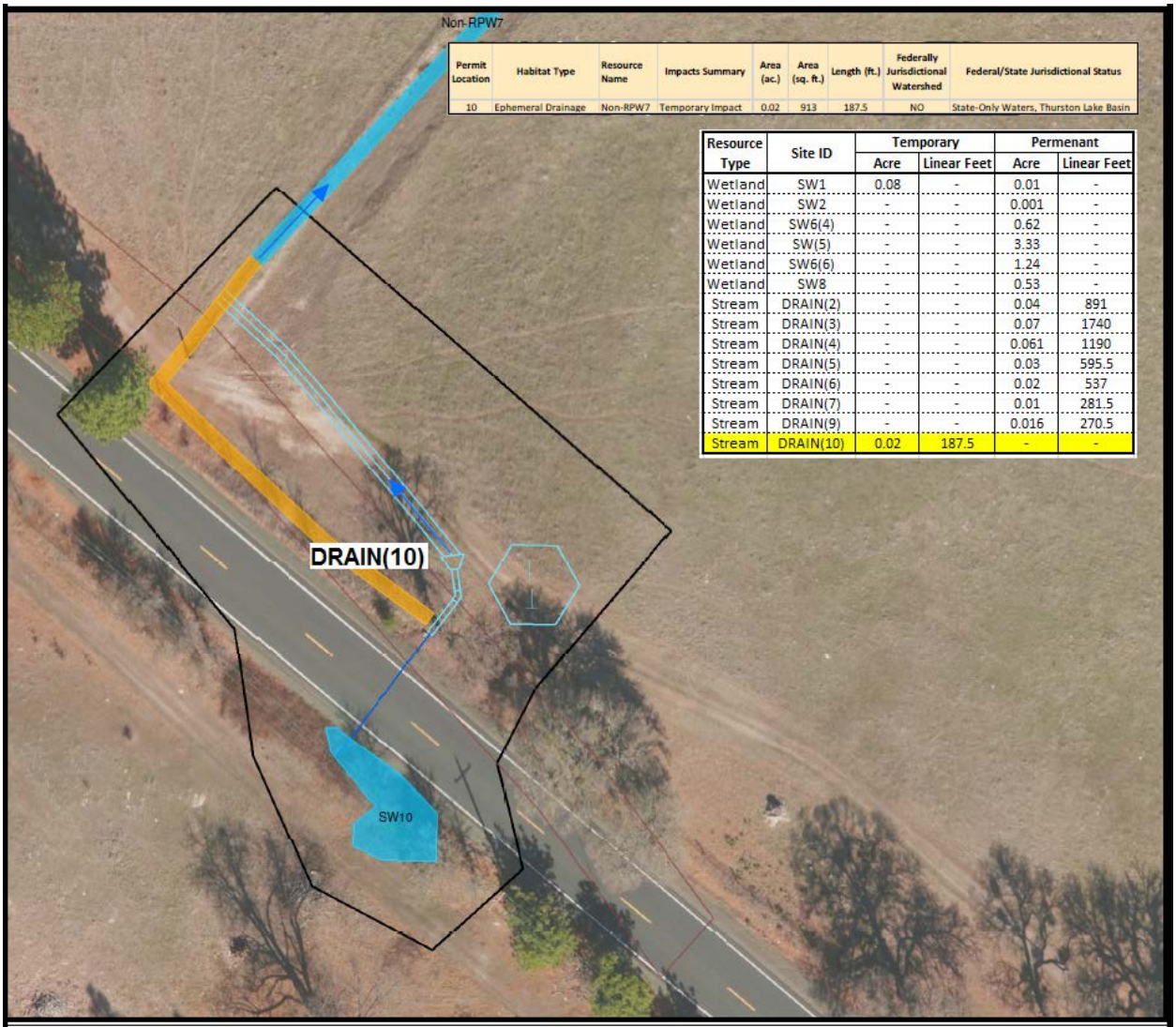



**Aquatic Impact Summary**
- Permanent Impact
- No Impact
- New Drainage
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Rock Slope Protection (RSP)

**Figure 2-6 (6/7)**

Lake 29 Improvement Project

0 20 40 80
Feet




| Permit Location | Habitat Type | Resource Name | Impacts Summary | Area (ac.) | Area (sq. ft.) | Length (ft.) | Federally Jurisdictional Watershed | Federal/State Jurisdictional Status |
|---|---|---|---|---|---|---|---|---|
| 10 | Ephemeral Drainage | Non-RPW7 | Temporary Impact | 0.02 | 913 | 187.5 | NO | State-Only Waters, Thurston Lake Basin |

| Resource Type | Site ID | Temporary | | Permenant | |
|---|---|---|---|---|---|
| | | Acre | Linear Feet | Acre | Linear Feet |
| Wetland | SW1 | 0.08 | - | 0.01 | - |
| Wetland | SW2 | - | - | 0.001 | - |
| Wetland | SW6(4) | - | - | 0.62 | - |
| Wetland | SW(5) | - | - | 3.33 | - |
| Wetland | SW6(6) | - | - | 1.24 | - |
| Wetland | SW8 | - | - | 0.53 | - |
| Stream | DRAIN(2) | - | - | 0.04 | 891 |
| Stream | DRAIN(3) | - | - | 0.07 | 1740 |
| Stream | DRAIN(4) | - | - | 0.061 | 1190 |
| Stream | DRAIN(5) | - | - | 0.03 | 595.5 |
| Stream | DRAIN(6) | - | - | 0.02 | 537 |
| Stream | DRAIN(7) | - | - | 0.01 | 281.5 |
| Stream | DRAIN(9) | - | - | 0.016 | 270.5 |
| Stream | DRAIN(10) | 0.02 | 187.5 | - | - |

**Aquatic Impact Summary**
- Temporary Impact
- No Impact
- Permit Location
- Temporary Road Detour
- Temporary Construction Easement (TCE)
- Centerline
- Paved Edges
- Cut
- Fill
- Existing Culvert
- New Culvert System
- Erosional Control Area
- Rock Slope Protection (RSP)

**Figure 2-7 (7/7)**

Lake 29 Improvement Project

0 20 40 80
Feet

## Receiving Waters

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

**Table 1: Receiving Water(s) Information**

| Non-Federal Waters | Impact Site ID | Waterbody Name | Impacted Aquatic Resource Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | eCRAM ID[12] |
|---|---|---|---|---|---|---|---|---|
| ☒ | DRAIN (2) | Unnamed tributary to Cole Creek | Stream | 513.55 | Clear Lake | MUN, AGR, REC-1, REC-2, WARM, SPWN, WILD, COMM | N/A | N/A |
| ☒ | DRAIN (3) | | | | | | | |
| ☒ | DRAIN (4) | | | | | | | |
| ☒ | DRAIN (5) | | | | | | | |
| ☒ | DRAIN (6) | | | | | | | |
| ☒ | DRAIN (7) | | | | | | | |
| ☒ | DRAIN (9) | | | | | | | |
| ☒ | DRAIN (10) | | | | | | | |
| ☐ | SW1 | | Wetland | | | | | |
| ☒ | SW2 | | | | | | | |
| ☒ | SW6 (4) | | | | | | | |
| ☒ | SW (5) | | | | | | | |
| ☒ | SW6 (6) | | | | | | | |
| ☒ | SW8 | | | | | | | |

[12] California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

## Individual Direct Impact Locations

The following table shows individual impact locations.

**Table 2: Individual Direct Impact Information**

| Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation | | Direct Impact Duration | Dredge | | | Fill/Excavation | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Yes | No | | Acres | Cubic Yards | Linear Feet | Acres | Cubic Yards | Linear Feet |
| 1. DRAIN (2) | 38°56'36.9"N | 122°47'47.0"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.04 | - | 891 |
| 2. DRAIN (3) | 38°56'36.7"N | 122°47'41.6"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.07 | - | 1,740 |
| 3. DRAIN (4) | 38°56'30.6"N | 122°47'29.6"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.061 | - | 1,190 |
| 4. DRAIN (5) | 38°56'33.5"N | 122°47'26.5"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.03 | - | 595.5 |
| 5. DRAIN (6) | 38°56'30.3"N | 122°47'15.2"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.02 | - | 537 |
| 6. DRAIN (7) | 38°56'28.0"N | 122°46'46.4"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.01 | - | 281.5 |
| 7. DRAIN (9) | 38°56'16.5"N | 122°45'26.6"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.016 | - | 270.5 |
| 8. DRAIN (10) | 38°56'03.0"N | 122°45'05.6"W | ☐ | ☒ | Temporary | - | - | - | 0.02 | - | 188 |
| | | | | | Permanent | - | - | - | - | - | - |
| 9. SW1 | 38°56'37.2"N | 122°47'56.4"W | ☐ | ☒ | Temporary | - | - | - | 0.08 | - | - |
| | | | | | Permanent | - | - | - | 0.01 | - | - |
| 10. SW2 | 38°56'37.5"N | 122°47'48.5"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.001 | - | - |

## Table 2: Individual Direct Impact Information

| Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation | | Direct Impact Duration | Dredge | | | Fill/Excavation | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Yes | No | | Acres | Cubic Yards | Linear Feet | Acres | Cubic Yards | Linear Feet |
| 11. SW6 (4) | 38°56'29.0"N | 122°47'22.2"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.62 | - | - |
| 12. SW (5) | 38°56'33.8"N | 122°47'28.8"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 3.33 | - | - |
| 13. SW6 (6) | 38°56'28.8"N | 122°47'17.0"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 1.24 | - | - |
| 14. SW8 | 38°56'31.1"N | 122°46'01.4"W | ☐ | ☒ | Temporary | - | - | - | - | - | - |
| | | | | | Permanent | - | - | - | 0.53 | - | - |

## Compensatory Mitigation Information

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

### Mitigation Bank Compensatory Mitigation Site Information

**Table 3: Mitigation Bank**

| | | |
|---|---|---|
| Mitigation Bank | Name: | Siegler Valley Wetlands Mitigation Bank |
| | Website: | http://coastrangewetlands.com/ |
| Contact Information | Name: | - |
| | Phone: | - |
| | Email: | - |
| Mitigation Location | County: | Lake |
| | Latitude: | 38°52’28.8” |
| | Longitude: | -122°40’37.58” |

| Aquatic Resource Credit Type | Mitigation Quantity | | |
|---|---|---|---|
| | Acres | Linear Feet | Number of Credits Purchased |
| Wetland Credits | 0.5 | | TBD |
| Freshwater Wet Meadow Credits | 2.0 | - | 2.0 |
| Freshwater Emergent Marsh Credits | 3.2 | - | 3.2 |

## A. Environmental Review

On 30 November 2016, the California Department of Transportation, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2003022011) for the Project and filed a Notice of Determination (NOD) at the SCH on 5 December 2016. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that California Department of Transportation's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by California Department of Transportation addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by California Department of Transportation for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

## B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Caltrans District 1 Office, 1656 Union Street, Eureka, CA 95501

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

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

## C. Findings

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

(1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

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

<u>a.i. Potential Significant Impact</u>: The Project will result in the permanent loss of wetlands (excluding vernal pools) of the United States and the State. Permanent impacts could potentially result from the following two sources: sediment carried by storm water from project-related erosion and vehicle-related toxic pollutants carried in storm water runoff. During construction, there is the potential for increased erosion, and storm water runoff carrying sediments could drain into Thurston Creek or other

drainages. Soil erosion could, especially during heavy rainfall, increase suspended solids, dissolved solids, and organic pollutants in nearby creeks.

a.ii. Facts in Support of Finding:

Mitigation for the permanent loss of wetlands (excluding vernal pools) of the United States and the State will include offsite mitigation through the purchase of mitigation credits at a wetland mitigation bank approved by the United States Army Corps of Engineers. Mitigation credits would be purchased at a 1:1 ratio to ensure there is no net loss to wetlands.

As Caltrans standard practice, temporary erosion control measures would be applied to all exposed areas during construction. To address potential temporary water quality impacts resulting from construction activities associated with this project, Caltrans would require the project contractor to prepare and adhere to a Storm Water Pollution Prevention Plan.

The proposed project would modify the roadside drainage and raise the roadway grade, where needed, along State Route (SR) 29 to accommodate the widened highway facility and the 100-year flood. Where SR 281 crosses Thurston Creek, the capacity of the existing culverts would be increased. Along SR 29, additional culverts would be added, and existing culverts would be repaired or upgraded as necessary to add flow capacity across the highway and decrease the flood elevation at the highway.

The impacts of the Project on the natural and beneficial floodplain values are expected to be minimal. The uses of the existing floodplain lands include vineyards and fallow, undeveloped land in the project area west of SR 281/Red Hills Road. The only physical impact to the floodplain would be the new footprint of the highway widening, which would include additional culverts. The movement of fish that may exist in Thurston Creek would not be impeded by the existing or proposed crossing of SR 281. At the SR 29 crossing, a drop of less than approximately 2 feet exists at the downstream end of the culvert. The proposed project would improve conditions as a large multi barreled, natural substrate bottom box culvert would be constructed at grade at this location.

Storm water runoff volumes from the project area would increase with the implementation of the project due to the increase in impervious surfaces. However, this additional runoff is not anticipated to exceed the capacity of the proposed drainage systems.

## D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 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. (Cal. Code Regs., tit. 14, §§ 15096, subd. (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:

**1.** Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

**2.** Find your Order in the table based on Applicant, Date, and Subject headers.

## Report Submittal Instructions

**1.** Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.

- **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date 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.

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

**3. Electronic Report Submittal Instructions:**

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.White@waterboards.ca.gov
- Include in the subject line of the email:
  Subject: ATTN: Nicholas White; Reg. Measure ID: 418850_Report

## Definition of Reporting Terms

**1.** **<u>Active Discharge Period:</u>** 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.

**2.** **<u>Request for Notice of Completion of Discharges Letter:</u>** 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 and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

3. **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.

4. **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.

5. **Effective Date:** 2 August 2018.

## Map/Photo Documentation Information

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

1. **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 (NAD38) 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.

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

## REPORT AND NOTIFICATION COVER SHEET

| | | | |
|---|---|---|---|
| **Project:** | Lake 29 Improvement Project-Segment 2C | | |
| **Permittee:** | California Department of Transportation | | |
| **Reg. Meas. ID:** | 418850 | **Place ID:** | 843904 |
| **WDID:** | 5A17CR00155 | **Construction Storm Water General Permit WDID#:** | _____ |
| **Order Effective Date:** | 2 August 2018 | | |
| **Order Expiration Date:** | 1 August 2023 | | |

## Report Type Submitted

| | |
|---|---|
| **Part A – Project Reporting** | |
| **Report Type 1** | ☐ **Monthly Report # _____** |
| **Report Type 2** | ☐ **Annual Report # _____** |
| **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** |
| **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.**

## Part A – Project Reporting

| Report Type 1 | Monthly Report |
|---|---|
| **Report Purpose** | Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis. |
| **When to Submit** | On the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee. |
| **Report Contents** | **1. Construction Summary**<br>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[13]). If construction has not started, provide estimated start date.<br><br>**2. Event Summary**<br>Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.<br><br>**3. Photo Summary**<br>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.<br><br>**4. Compliance Summary**<br>**a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.<br>**b)** List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.<br>**c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.<br>**d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution. |

[13] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

| | |
|---|---|
| **Report Type 2** | **Annual Report** |
| **Report Purpose** | Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods. |
| **When to Submit** | Annual reports shall be submitted each year on the 1st day of October starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee. |
| **Report Contents** | The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.<br><br>**<u>During the Active Discharge Period</u>**<br>• **Topic 1: Construction Summary**<br>• **Topic 2: Mitigation for Temporary Impacts Status**<br>• **Topic 3: Compensatory Mitigation for Permanent Impacts Status**<br><br>**<u>During the Post-Discharge Monitoring Period</u>**<br>• **Topic 2: Mitigation for Temporary Impacts Status**<br>• **Topic 3: Compensatory Mitigation for Permanent Impacts Status** |
| **Annual Report Topics (1-3)** | |
| **Annual Report Topic 1** | **Construction Summary** |
| **When to Submit** | With the annual report during the Active Discharge Period. |
| **Report Contents** | **1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.<br>**2.** Map showing general Project progress.<br>**3.** If applicable:<br>**a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below).<br>**b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information. |
| **Annual Report Topic 2** | **Mitigation for Temporary Impacts Status** |
| **When to Submit** | With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period. |
| **Report Contents** | **1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.**<br><br>**2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan. |

| **Annual Report Topic 3** | **Compensatory Mitigation for Permanent Impacts Status** |
|---|---|
| **When to Submit** | With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period. |
| **Report Contents** | ***If not applicable report N/A.**<br><br>**Part A. Permittee Responsible**<br>**1.** Planned date of initiation of compensatory mitigation site installation**.**<br>**2.** If installation is in progress, a map of what has been completed to date.<br>**3.** If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.<br><br>**Part B. Mitigation Bank or In-Lieu Fee**<br>**1.** Status or proof of purchase of credit types and quantities.<br>**2.** Include the name of bank/ILF Program and contact information.<br>**3.** If ILF, location of project and type if known. |

## Part B – Project Status Notifications

| **Report Type 3** | **Commencement of Construction** |
|---|---|
| **Report Purpose** | Notify Central Valley Water Board staff prior to the start of construction. |
| **When to Submit** | Must be received at least seven (7) days prior to start of initial ground disturbance activities. |
| **Report Contents** | **1.** Date of commencement of construction.<br>**2.** Anticipated date when discharges to waters of the state will occur.<br>**3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.<br>**4.** Construction Storm Water General Permit WDID No.<br>**5.** Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program. |

| **Report Type 4** | **Request for Notice of Completion of Discharges Letter** |
|---|---|
| **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. |
| **When to Submit** | Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. |
| **Report Contents** | **1.** Status of storm water Notice of Termination(s), if applicable.<br>**2.** Status of post-construction storm water BMP installation.<br>**3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.<br>**4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.<br>**5.** 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. |

| **Report Type 5** | **Request for Notice of Project Complete Letter** |
|---|---|
| **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. |
| **When to Submit** | Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities. |
| **Report Contents** | **Part A: Mitigation for Temporary Impacts**<br>**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.<br>**2.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to |

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| | waters of the state. Pre- and post-photo documentation of all restoration sites.<br><br>**Part B: Permittee Responsible Compensatory Mitigation**<br>**3.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.<br><br>**4.** Status on the implementation of the long-term maintenance and management plan and funding of endowment.<br><br>**5.** Pre- and post-photo documentation of all compensatory mitigation sites.<br><br>**6.** Final maps of all compensatory mitigation areas (including buffers).<br><br>**Part C: Post-Construction Storm Water BMPs**<br>**7.** Date of storm water Notice of Termination(s), if applicable.<br>**8.** Report status and functionality of all post-construction BMPs. |

## Part C – Conditional Notifications and Reports

| **Report Type 6** | **Accidental Discharge of Hazardous Material Report** |
|---|---|
| **Report Purpose** | Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred. |
| **When to Submit** | Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff. |
| **Report Contents** | **1.** 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.<br>**2.** 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.<br>**3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring. |

| **Report Type 7** | **Violation of Compliance with Water Quality Standards Report** |
|---|---|
| **Report Purpose** | Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred. |
| **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. |
| **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. |

| **Report Type 8** | **In-Water Work and Diversions Water Quality Monitoring Report** |
|---|---|
| **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. |
| **When to Submit** | 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. |
| **Report Contents** | As required by the approved water quality monitoring plan or as indicated in XIV.C.3. |

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

| **Report Type 10** | **Transfer of Property Ownership Report** |
|---|---|
| **Report Purpose** | Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area. |
| **When to Submit** | At least 10 working days prior to the transfer of ownership. |
| **Report Contents** | **1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:<br>**a.** 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<br>**b.** responsibility for compliance with any long-term BMP[14] maintenance plan requirements in this Order.<br>**2.** 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. |

| **Report Type 11** | **Transfer of Long-Term BMP Maintenance Report** |
|---|---|
| **Report Purpose** | Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility. |
| **When to Submit** | At least 10 working days prior to the transfer of BMP maintenance responsibility. |
| **Report Contents** | A copy of the legal document transferring maintenance responsibility of post-construction BMPs. |

[14] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

# SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order Shall Meet The Following Signatory Requirements:*

1. 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:

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

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

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

3. 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."

# Certification Deviation Procedures

## 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 L of the Order, may be requested by the Permittee as set forth below:

## Process Steps

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

How to apply: By letter or email to the 401 staff designated as the contact for this Order.

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.)

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.

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;
    g. Mitigation to be provided (approved mitigation ratio and amount).