



Central Valley Regional Water Quality Control Board

15 March 2019

Chris Vrame
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Sacramento, CA 95825

CERTIFIED MAIL
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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE SMITH PROPERTY PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00621)

Enclosed please find a Clean Water Act Section 401 Water Quality Certification and Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Patrick Pulupa. This Order is issued to Sierra Holdings, LLC for the Smith Property Project (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 Sierra Holdings, LLC for proposed Project discharge 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) 464-4812 or by email at Jordan.Hensley@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:

Jordan Hensley
Environmental Scientist
401 Water Quality Certification Unit

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Enclosures (1): Order for the Smith Property Project

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

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Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 15 March 2019	<table border="1"><tr><td>Reg. Meas. ID:</td><td>412970</td></tr><tr><td>Place ID:</td><td>812467</td></tr><tr><td>WDID:</td><td>5A34CR00621</td></tr><tr><td>USACE#:</td><td>SPK-2008-00795 Individual Permit</td></tr></table>	Reg. Meas. ID:	412970	Place ID:	812467	WDID:	5A34CR00621	USACE#:	SPK-2008-00795 Individual Permit
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Place ID:		812467							
WDID:		5A34CR00621							
USACE#:	SPK-2008-00795 Individual Permit								
Expiration Date: 14 March 2024									
Program Type: Fill/Excavation									
Project Type: Residential									
Project: Smith Property Project (Project)									
Applicant: Sierra Holdings, LLC									
Applicant Contact: Chris Vrame									
	601 University Avenue, Suite 125 Sacramento, CA 95825 Phone: (916) 974-3383								
Applicant's Agent: Kathleen Ports									
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Water Board Staff: Jordan Hensley									
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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.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Sierra Holdings, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 16 January 2015. The application was deemed complete on 25 May 2017. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

Table 1: Record of Notice of Incomplete Application	
Date of Notice of Incomplete Application	Date all requested information was received.
6 March 2015	14 April 2017

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 2).

Table 2: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
27 July 2018	26 September 2018
18 October 2018	21 December 2018
17 January 2019	25 January 2019

Additionally, Central Valley Water Board staff issued a Denial without Prejudice on 26 April 2016.

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 23 January 2015 to 13 February 2015. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to construct a community park, on-site wetland preserve, and school.

IV. Project Description

The 84-acre Project consists of filling wetland and vernal pool habitat in order to grade and develop community and wetland preservation areas.

V. Project Location

Address: East of Rancho Cordova Parkway, west of Grant Line Road, and north of Kiefer Boulevard
County: Sacramento

Nearest City: Rancho Cordova
Section 21, Township 08 North, Range 7 East, MDB&M.
Latitude: 38°32'00"N and Longitude: 121°12'45" W
Maps showing the Project location is found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (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

The Project will permanently impact 0.788 acre of vernal pool and 1.169 acres of wetland habitat. Permanent impacts result from the placement of approximately 1,529 cubic yards of clean soil in order to grade and develop the community park and school. Wetland and vernal pool impacts within the Project area are shown in Figure 2 in Attachment A of this Order.

Dewatering will occur within the Project area. No wet concrete will be placed into wetland and vernal pool habitat.

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
Vernal Pool	-	-	-	0.788	-	-	-	-	-
Wetland	-	-	-	1.169	-	-	-	-	-
Total	-	-	-	1.957	-	-	-	-	-

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)

VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. The following measures identified in the Final Environmental Impact Report/Final Environmental Impact Statement will also limit the potential for water quality and water quantity impacts during construction activities:

The Project will be required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), to prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan shall be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the Permittee, for any discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project), will obtain coverage under the State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) storm water permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed. The Permittee will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova (City) Public Works Department. The SWPPP and other appropriate plans shall identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that shall reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but will not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-storm water management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in storm water drainage and non-storm water discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

The Project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The Permittee will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the specific plan area. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards for hydrology and water quality are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for five consecutive years without undertaking corrective measures.

The Permittee will submit an updated Regional Master Drainage Study for the specific plan area to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:

- the proposed storm water detention basins are appropriately sized in compliance with the Storm Water Quality Plan (SSQP) NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley Water Board) so that hydromodification will not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;
- the storm water detention basins will drain by gravity;
- the storm water detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
- the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.

The Permittee will develop and implement a BMP and Water Quality Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the

Permittee for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Pre- and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the “Stormwater Quality Design Manual for Sacramento and South Placer Regions” and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SunCreek Specific Plan area, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
 - surface swales;
 - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
 - impervious surfaces disconnection; and
 - trees planted to intercept storm water.
- New storm water facilities will be placed along the natural drainage courses within the SunCreek Specific Plan area to the extent practicable so as to mimic the natural drainage patterns.

The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in “Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4” (SSQP 2007) and proposed detention basins and other water quality BMPs will be sized to handle these runoff volumes.

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

On 2 December 2013, the City of Rancho Cordova, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 3 December 2013. 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.

XI. 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.

XII. Fees Received

An application fee deposit of \$1,201.00 was received on 20 January 2015. The remaining application fee balance of \$10,178.00 based on total Project impacts was received on 14 April 2017.

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.

XIII. Conditions

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

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 30th 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 April 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. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials⁴

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:

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.

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.)

- 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 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.

- 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 sampling⁵:
 - a. when performing any in-water work;
 - b. during the entire duration of temporary surface water diversions;
 - c. in the event that the Project activities result in any materials reaching surface waters; or
 - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:**

During planned in-water work 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. 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;

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.

- 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 in Table 4 shall be conducted within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the ambient waters.

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.d.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	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

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.

submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

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

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable 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) Wetland Mitigation and Monitoring Plan: Town Center Property 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 Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & 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.

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.
- d. A method of containment shall be used below the bridges and temporary crossings to prevent debris from falling into the waterbody through the entire duration of the Project.

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. Creosote-treated wood products or any other treated wood products that are highly flammable or toxic to aquatic life shall not be installed in waters of the state.

7. Invasive Species and Soil Borne Pathogens

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

8. In-Water Work

- a. Work in wetland and vernal pool habitat shall occur during periods of no precipitation and when the work area is naturally dry.

9. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
 - i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

10. Roads – Not Applicable

11. Sediment Control

- a. Except for activities permitted by the United States Army Corps of Engineers (USACE) 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 – Not Applicable****K. Compensatory Mitigation for Permanent Impacts⁷**

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

1. Compensatory Mitigation Plan

- a. The Permittee has submitted an approved draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory

⁷ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

mitigation plan for written acceptance by Central Valley Water Board staff. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by Central Valley Water Board staff. Upon acceptance by Central Valley Water Board staff, the Permittee shall implement the approved plan.

- b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR section 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 section 230.94(c)(5)-(6), and the name of the specific mitigation bank or in-lieu fee program to be used.

2. Irrevocable Letter of Credit – Not Applicable

3. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

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

5. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to wetland and vernal pool habitat by:
 - i. Purchasing a minimum of 0.788 acre of vernal pool and 1.169 acres of wetland habitat creation mitigation credits from a USACE approved mitigation bank, in lieu fee program, or as required by the USACE and USFWS; or,
 - ii. Purchasing applicable mitigation fees to the South Sacramento Conservation Agency (SSCA), a joint exercise of power authority formed by Sacramento County and the Cities of Galt and Rancho Cordova, to implement the proposed South Sacramento Habitat Conservation Plan (SSHCP). The total mitigation fee of \$312,327.00, or as required by the adopted SSHCP Fee Calculator, is based on the 31 March 2018 draft SSHCP Fee Calculator for permanent and temporary impacts for urban development and Project impacts. The Permittee shall use the adopted SSHCP Fee Calculator for Project impacts to calculate the accurate total mitigation fee prior to the start of construction.

The Permittee shall provide evidence of the SSCA fees purchased in association with the mitigation requirements of the Project to the Central Valley Water Board prior to proceeding with the activity authorized by this Order. Evidence of mitigation fees purchased with the mitigation requirements of this Project shall be demonstrated by a copy of a purchase receipt from the SSCA. The receipt should include the Project name, Project phase, amount of the mitigation fee, date of purchase, USACE's file number, and detail the mitigation purchased, including, but not limited to the mitigation ratios and other pertinent information.

- b. 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 ⁸	Units	Method ⁹					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	MB or SSHCP	Acres	-	-	-	-	-	0.788
Wetland	MB or SSHCP	Acres	-	-	-	-	-	1.169

L. Certification Deviation

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

⁸ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

⁹ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

XIV. Water Quality Certification

I hereby issue the Order for the Smith Property Project, (WDID#5A34CR00621) 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).

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

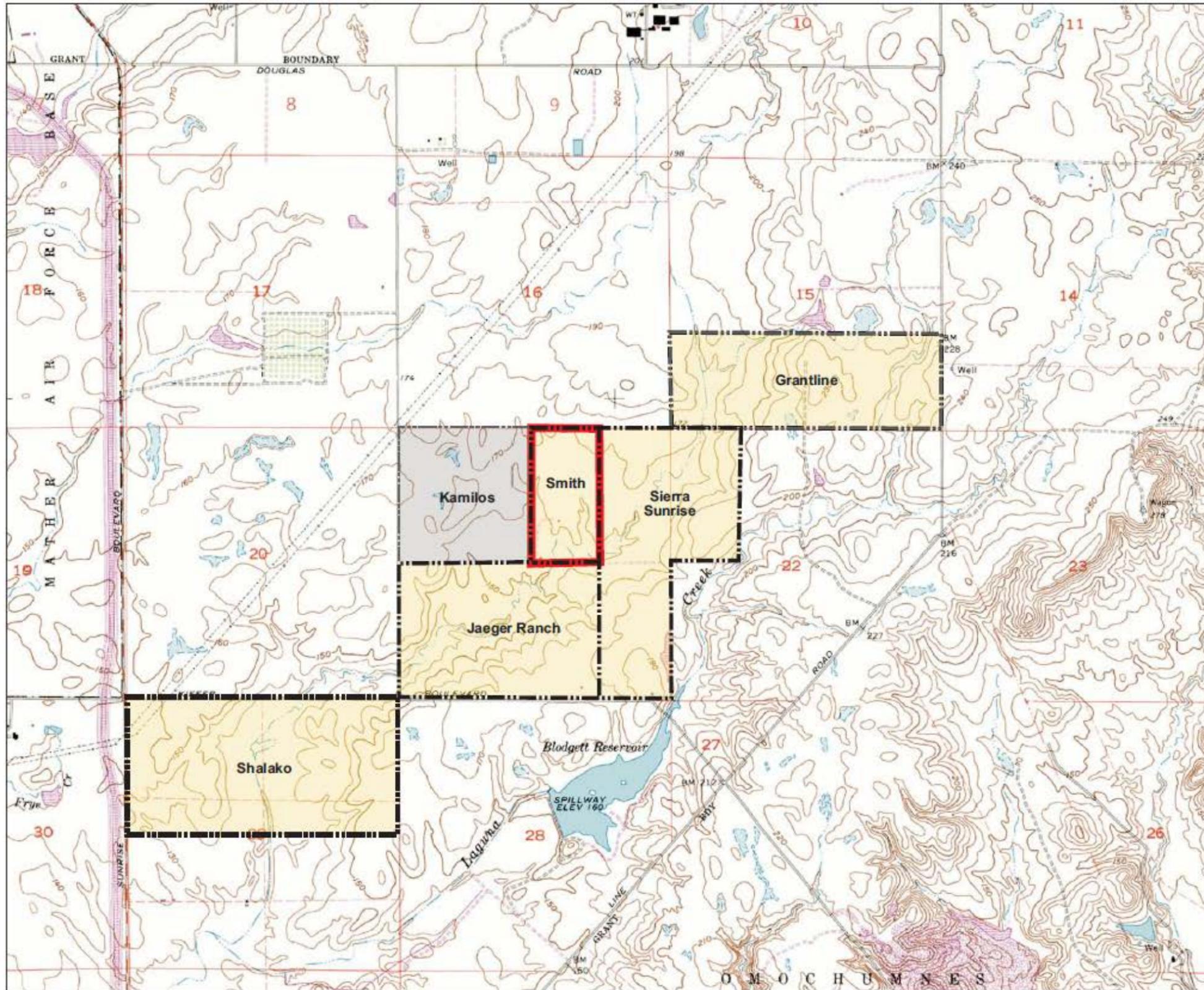
Original Signed By Adam Laputz for:

3.27.19

Patrick Pulupa
 Executive Officer
 Central Valley Regional Water Quality Control Board

Date

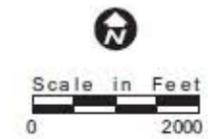
- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures



**Figure 1. Smith Property:
Project Location and Vicinity**

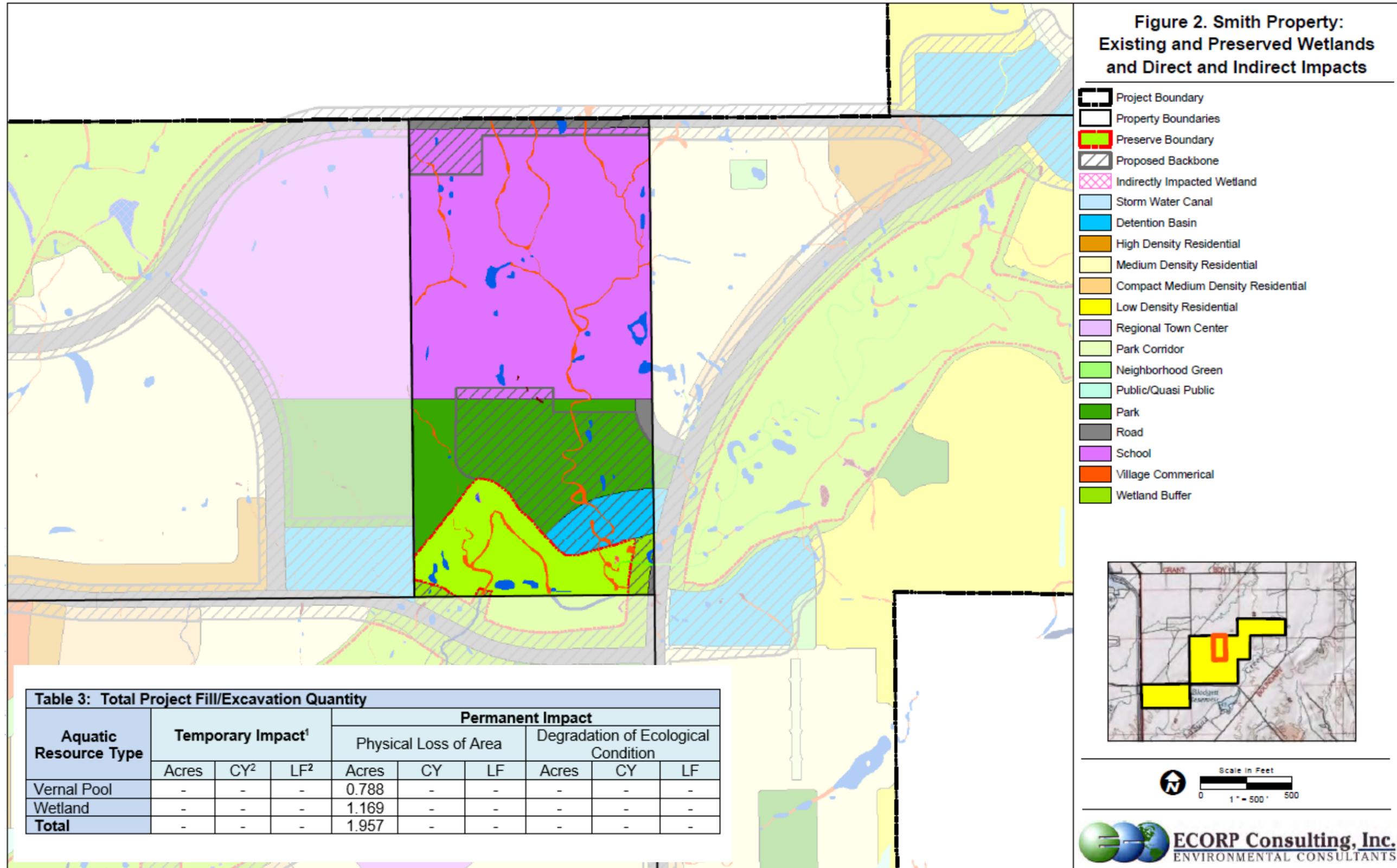
§ 21 T0.8N, R7E, MDMB
Latitude 38° 32' 00" N
Longitude 121° 12' 45" W
Lower Sacmaneto Watershed (18020109)

-  Smith Property
-  Participating Properties
-  Non-participants



Buffalo Creek, California, 7.5 minute topographic
quadrangle, US Geological Survey, 1980.





Receiving Waters

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Table 1: Receiving Waters Information							
Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹⁰
<i>Vernal Pool</i>	<i>Unnamed tributary to Laguna Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek</i>	n/a	n/a	n/a
<i>Wetland</i>		<i>Wetland</i>					
<i>Town Center Property</i>	<i>Unnamed tributaries to Laguna Creek and Deer Creek</i>	<i>Vernal Pool</i>	519.12	<i>Laguna Creek and Deer Creek</i>	n/a	n/a	n/a

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.Vernal Pool	38°32'00" N	121°12'45" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.788	-	-
2.Wetland					Temporary	-	-	-	-	-	-
					Permanent	-	-	-	1.169	-	-

¹⁰ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Compensatory Mitigation Information

The following tables show options for individual compensatory mitigation information and locations.

Mitigation Bank Compensatory Mitigation Site Information

Table 3: Mitigation Bank			
Mitigation Bank	Name:	TBD	
	Website:	-	
Contact Information	Name:	TBD	
	Phone:	-	
	Email:	-	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	0.788	-	TBD
Wetland	1.169	-	TBD

In-Lieu Fee Compensatory Mitigation Information

Table 4: South Sacramento Habitat Conservation Plan			
In-Lieu Fee Program	Name:	South Sacramento Habitat Conservation Plan	
	Website:	https://www.southsachcp.com/	
Contact Information	Name:	Kim Hudson	
	Phone:	916-874-5849	
	Email:	hudsonk@saccounty.net	
Mitigation Location	County:	Sacramento	
	Latitude:	-	
	Longitude:	-	
Aquatic Resource Credit Type	Mitigation Quantity		
	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	0.788	-	TBD
Wetland	1.169	-	TBD

A. Environmental Review

On 18 November 2013, the City of Rancho Cordova, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2006072067) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 November 2013. 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 the City of Rancho Cordova'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 the City of Rancho Cordova 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 the City of Rancho Cordova 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: Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, CA 95670.

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, 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.

a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of jurisdictional wetlands and other waters of the United States; potential temporary, short-term construction-related drainage and water quality effects; potential increased risk of flooding and hydromodification from increased storm water runoff; long-term water quality and hydrology effects from urban runoff; potential exposure of people or

structures to a significant risk of flooding as a result of the failure of a levee or dam; and potential impacts from new impervious surfaces and the use of groundwater resources on groundwater recharge and aquifer volume.

a.ii. Facts in Support of Finding:

Mitigation Measure 3.3-1a: Include in Drainage Plans All Wetlands that Remain On-site, Submit Plans to the City of Rancho Cordova (City) and United States Army Corps of Engineers (USACE) for Review and Approval, and Implement all Measures in Drainage Plans. To minimize indirect impacts on water quality and wetland hydrology, the project applicants for any particular discretionary development application will include drainage plans in their improvement plans and will submit the drainage plans to the City Public Works Department for review and approval. Before approval of these improvement plans, the project applicants for all project phases will commit to implement all measures in their drainage plans, to avoid and minimize erosion and runoff into Laguna Creek, its tributaries, and all wetlands to remain on-site. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps will be implemented to control siltation and the potential discharge of pollutants. See Section 3.9, "Hydrology and Water Quality," for further discussion of the project's National Pollutant Discharge Elimination System (NPDES) permit and associated Stormwater Pollution Prevention Plan (SWPPP), which would also reduce erosion and siltation.

The project will result in no-net change to peak flows into Laguna Creek and associated tributaries off site or in the wetland preserve areas. The applicant will establish a baseline of conditions for drainage on site. The baseline flow conditions will be established for 2-, 5-, 10- and 20-year storm events. These baseline conditions will be used to develop monitoring standards for the storm water system in the SPA. The baseline conditions, monitoring standards, and a monitoring program will be submitted to the City for their approval. The detention basins will be designed and constructed so that performance standards described in Section 3.9, "Hydrology and Water Quality" are met. The discharge site into Kite Creek and associated tributaries will be monitored so that pre-project conditions are being met. Corrective measures will be implemented as necessary. The mitigation measures will be considered satisfied when the monitoring standards are met for 5 consecutive years without undertaking corrective measures.

Mitigation Measure 3.3-1b: Secure CWA Section 404 Permit and Implement All Permit Conditions and Ensure No Net Loss of Wetlands and other Waters of the United States and Associated Functions. Before the approval of grading and improvement plans and before any ground-disturbing activity associated with each distinct discretionary development entitlement, the project applicants for any particular discretionary development application requiring fill of wetlands or other waters of the United States or waters of the state will obtain all necessary permits under Sections 401 and 404 of the Clean Water Act (CWA) or the state's Porter-Cologne Act for the respective phase. For each respective discretionary development entitlement, all permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured before implementation of any grading activities within 250 feet (or lesser distance deemed sufficiently protective by a qualified biologist approved by United States Fish and Wildlife Service (USFWS) and USACE) of waters of the United States or wetland habitats, including waters of the state, that potentially support Federally listed species, or within 100 feet of any other waters of the United States or wetland habitats, including waters of the state. The project applicants will commit to replace or

restore on a “no net loss” of function basis (in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB)) the acreage of all wetlands and other waters of the U.S. that would be removed, lost, and/or degraded as a result of implementing project plans for that phase.

Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes, sufficient to achieve the “no net loss” standard.

As part of the Section 404 permitting process, a draft wetland mitigation and monitoring plan (MMP) will be developed for the project and submitted to USACE, the Central Valley RWQCB, and the City for review and approval of those portions of the plan over which they have jurisdiction. The MMP would have to be finalized and approved prior to issuance of a grading permit for any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. The MMP will be implemented before beginning ground-disturbing activities in any project phase that would adversely affect wetlands or other waters of the U.S. or waters of the state. Once the final MMP is approved and implemented, mitigation monitoring will continue for a minimum of 5 years from completion of mitigation, or approved human intervention (including recontouring and grading), or until the performance standards identified in the approved MMP have been met, whichever is longer.

As part of the MMP, the project applicants will prepare and submit plans for the creation of aquatic habitat to adequately offset and replace the aquatic functions and services that would be lost at the Specific Plan Area (SPA), account for the temporal loss of habitat, and contain an adequate margin of safety to reflect anticipated success. Restoration of previously altered and degraded wetlands will be a priority of the MMP for offsetting losses of aquatic functions in the SPA because it is typically easier to achieve functional success in restored wetlands than in those created from uplands. The MMP must demonstrate how the aquatic functions that would be lost through project implementation will be replaced.

The habitat MMP for jurisdictional wetland features will be consistent with USACE’s and Environmental Protection Agency’s (EPA) April 10, 2008 Final Rule for Compensatory Mitigation for Losses of Aquatic Resources (73 CFR 19594) and USACE’s October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* (USACE 2010). According to the Final Rule, mitigation banks should be given preference over other types of mitigation because much of the risk and uncertainty regarding mitigation success is alleviated by the fact that mitigation bank wetlands must be established and demonstrating functionality before the USACE will approve the sale of credits. The use of mitigation bank credits also alleviates temporal losses of wetland function while compensatory wetlands are being established. Mitigation banks also tend to be on larger, more ecologically valuable parcels and are subjected to more rigorous scientific study and planning and implementation procedures than typical permittee-responsible mitigation sites (USACE and EPA 2008). Permittee-responsible on-site mitigation areas can be exposed to long-term negative effects of surrounding development since they tend to be smaller and less buffered than mitigation banks. The Final Rule also establishes a preference for a “watershed approach” in selecting locations for compensatory mitigation project locations, that mitigation selection must be “appropriate and practicable” and that mitigation banks must address watershed needs based on criteria set forth in the *Final*

Rule. The watershed approach accomplishes this objective by expanding the informational and analytic basis of mitigation project site selection decisions and ensuring that both authorized impacts and mitigation are considered on a watershed scale rather than only project by project. This requires a degree of flexibility so that district engineers can authorize mitigation projects that most effectively address the case-specific circumstances and needs of the watershed, while remaining practicable for the permittee.

The majority of the SPA is within the Laguna Creek Watershed, but the northwest portion of the Kamilos property is within the Morrison Creek Watershed. Both of these watersheds are part of the Lower Sacramento River Watershed. As shown in Table 3.3-5, as of the writing of this document, mitigation credits are available within the Laguna Creek Watershed at the Bryte Ranch, Laguna Terrace East, and the Sunrise Douglas Conservation Banks; however, there are no available mitigation credits within the Morrison Creek Watershed. If USACE determines that the use of mitigation bank credits is not sufficient mitigation to offset impacts within the SPA, the October 26, 2010 *Memorandum Re: Minimum Level of Documentation Required for Permit Decisions* requires USACE to specifically demonstrate why the use of bank credits is not acceptable to USACE in accordance with Section 33 CFR 332.3(a)(1).

Mitigation for SunCreek impacts must be consistent with the USACE's *Record of Decision for the Sunridge Properties*, as stated below:

The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pool wetlands within the Mather Core Recovery Area, including those associated with the Arista del Sol project, compensatory mitigation will be:

1. Based on a method for assessing the functions of all waters of the U.S. on the project site;
2. Accomplished at a ratio of greater than 1:1 (final ratio will be based, in part, on wetland functional condition determined during the functional assessment), after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
3. Located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.

If the South Sacramento Habitat Conservation Plan (SSHCP) is adopted and available before the project is fully implemented, project applicants may participate in the SSHCP mechanisms, such as payment of fees, purchase of mitigation bank credits, acquisition of conservation easement(s), and/or acquisition of mitigation land(s) in fee title to mitigate project effects on wetland habitats. In the event that mitigation is not available through the SSCHP, the applicants will mitigate by purchasing a combination of appropriate credits from an agency-approved mitigation bank or providing an agency-approved off-site mitigation area. The applicants' biological consultant, ECORP, has identified mitigation banks whose service areas appear to include the SPA. However, some of these banks are not yet approved and the availability of credits at the other banks is subject to change. Therefore, a combination of mitigation bank credits and permittee responsible on and off-site mitigation may be necessary to fully offset project impacts on wetlands and other waters of the United States.

Compensatory mitigation for losses of stream and ephemeral and intermittent drainage channels will be achieved through in-kind preservation, restoration, or enhancement, as specified in the Final Rule guidelines. The wetland MMP will address how to

mitigate impacts on vernal pool, seasonal wetland, swale, pond, and intermittent and ephemeral stream habitat, and will describe specific method(s) to be implemented to avoid and/or mitigate any off-site project-related impacts. The wetland compensation section of the habitat MMP will include the following:

- Compensatory mitigation sites and criteria for selecting these mitigation sites. In General, compensatory mitigation sites should meet the following criteria, based on the Final Rule;
- Located within the same watershed as the wetland or other waters that would be lost, as appropriate and practicable;
- Located in the most likely position to successfully replace wetland functions lost on the impact site considering watershed-scale features such as aquatic habitat diversity, habitat connectivity, available water sources and hydrologic relationships, land use trends, ecological benefits, the likelihood of success and sustainability, and compatibility with adjacent land uses,
- A complete assessment of the existing biological resources in both the on-site preservation areas and off-site compensatory mitigation areas, including wetland functional assessment using the California Rapid Assessment Method (CRAM) (Collins et al. 2008), to establish baseline conditions;
- Specific creation and restoration plans for each mitigation site;
- Use of CRAM to compare compensatory wetlands to the baseline CRAM scores from wetlands in the SPA. The compensatory wetland CRAM scores will be compared against the highest quality wetland of each type from the SPA;
- CRAM scores, or other wetland assessment protocol scores, from the compensatory wetlands will be compared against the highest quality wetland scores for each wetland type to document success of compensatory wetlands in replacing the functions of the affected wetlands to be replaced;
- Monitoring protocol, including schedule and annual report requirements, and the following elements:
 - Ecological performance standards, based on the best available science, that can be assessed in a practicable manner (e.g., performance standards proposed by Barbour et al. 2007). Performance standards must be based on attributes that are objective and verifiable;
 - CRAM, or other USACE-approved wetland assessment protocol, conducted annually for 5 years after construction or restoration of compensatory wetlands to determine whether these areas are acquiring wetland functions and to plot the performance trajectory of compensatory wetlands over time.

For each phase of development, the project applicants will secure the permits and regulatory approvals described below and will implement all permit conditions. All permits, regulatory approvals, and permit conditions for effects on wetland habitats will be secured prior to implementing any grading activities within 250 feet of waters of the United States, or wetland habitats that potentially support Federally listed species.

The setback may be reduced to a distance approved by the City and USFWS if a wetland avoidance plan is developed and implemented by a qualified biologist. The wetland avoidance plan must be approved by USFWS and the City and will

demonstrate that all direct and indirect impacts on wetlands will be avoided. Project phases in upland areas with no wetlands or waters of the U.S. within 250 feet, and no overland hydrologic flow patterns, the disturbance of which may affect such waters, may begin construction before these particular permits are obtained. Buffers around wetlands that do not support Federally listed species will be a minimum of 50 feet from the edge of these features in accordance with conditions of the NPDES permit and associated best management practices (BMPs).

Water Quality certification pursuant to Section 401 of the Clean Water Act will be required prior to issuance of a Section 404 permit. Before construction in any areas containing wetland features, the project applicants will obtain water quality certification for the applicable phase of the project.

Mitigation Measure 3.9-1: Acquire Appropriate Regulatory Permits and Prepare and Implement an Erosion and Sediment Control Plan, SWPPP, and BMPs. As required by the Land Grading and Erosion Control Ordinance (Chapter 16.44 of County and City of Rancho Cordova Municipal Codes), projects disturbing 350 cubic yards or more of soil or one or more acres of land will prepare an erosion and sediment control plan specifying best management practices (BMPs) for erosion and sediment control. This erosion and sediment control plan will be checked in the field by the City inspector during construction.

Prior to the issuance of grading permits, the project applicants for any particular discretionary development application disturbing one or more acres (including phased construction of smaller areas which are part of the larger project) will obtain coverage under the SWRCB's NPDES stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific storm water pollution prevention plan (SWPPP) at the time the NOI to discharge is filed.

The project applicants will also prepare and submit any other necessary erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Rancho Cordova Public Works Department. The SWPPP and other appropriate plans will identify and specify:

- the use of an effective combination of robust erosion and sediment control BMPs and construction techniques accepted by the City for use in the project area at the time of construction, that will reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from project-related construction sites. These may include but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and non-stormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;

- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that will be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

Where applicable, BMPs identified in the SWPPP will be in place throughout all site work and construction/demolition activities and will be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.

- Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
- Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
- Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP will be maintained and available at all times on the construction site.

Mitigation Measure 3.9-2: Prepare and Submit Updated Regional Master Drainage Studies and Final Drainage Plans and Implement Requirements Contained in Those Plans. Before approval of the first large lot tentative subdivision map in the SPA, the project applicants will:

1. Submit an updated Regional Master Drainage Study for the SPA to the City demonstrating to the satisfaction of the City of Rancho Cordova Public Works Department that:
 - a. the proposed stormwater detention basins are appropriately sized in compliance with the SSQP's NPDES Permit and the draft Hydromodification Management Plan (as finally adopted by the Central Valley RWQCB) so that hydromodification would not increase from predevelopment levels enough to alter existing stream geomorphology. Drainage improvements will be designed to address hydromodification impacts caused by development using methods approved by the SSQP and/or City of Rancho Cordova Public Works Department;

- b. the stormwater detention basins will drain by gravity;
 - c. the stormwater detention basins can be designed to minimize long-term maintenance, especially as it relates to the basin outlet structures; and
 - d. the depth and duration of the existing flooding problem at the Sunrise Boulevard crossing of Laguna Creek is not substantially increased by project development.
2. Prepare and submit a Conditional Letters of Map Revision (CLOMR) to FEMA showing the existing 100-year (0.01 AEP) floodplain for the existing site (existing conditions).

Furthermore, before the approval of grading plans, site improvements, and/or building permits, the project applicants for any particular discretionary development application will obtain an approved CLOMR from FEMA and submit a final construction level drainage study and plans to the City demonstrating that project-related on-site runoff would be appropriately contained in detention basins or managed with other improvements (e.g., source controls using LID techniques) to maintain peak storm flows at no greater than the level existing before development and to accommodate flows based on a 100-year storm event, as required by the Sacramento County Flood Control Ordinance.

The drainage study and plans will include all the items required for tentative map level study. In addition, the drainage study and plans will include, but not be limited to, the following items:

- an accurate calculation of pre-project and post-project runoff for the final design scenario, obtained using appropriate engineering methods, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 AEP) storm events (and other, smaller storm events as required) will be performed and the trunk drainage pipeline sizes confirmed based on alignments and finalized detention facility locations;
- a description of the proposed maintenance program for the on-site drainage system; and
- City flood control design requirements and measures designed to comply with them.

Implementation of stormwater management BMPs that avoid increases in the erosive force of flows beyond a specific range of conditions will limit hydromodification and maintain current stream geomorphology. BMPs may include, but are not limited to, the use of LID techniques to limit increases in stormwater runoff at the point of origination (these may include but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; impervious surfaces disconnection; and trees planted to intercept stormwater). These BMPs may be designed and constructed in accordance with the forthcoming SSQP Hydromodification Management Plan (to be adopted by the Central Valley RWQCB), as appropriate.

The final drainage plan will demonstrate to the satisfaction of the City of Rancho Cordova Community Development and Public Works Departments that 100-year (0.01

AEP) flood flows would be appropriately channeled and contained, such that the risk to people or damage to structures within or down gradient of the SPA would not occur, and that hydromodification would not be increased from predevelopment levels such that existing stream geomorphology would be changed. The range of conditions should be calculated for each receiving water (if feasible), as approved by the SSQP and/or City of Rancho Cordova Public Works Department).

Mitigation Measure 3.9-3: Develop and Implement a BMP and Water Quality

Maintenance Plan. Before approval of the final small-lot subdivision map for all project phases, a detailed BMP and water quality maintenance plan will be prepared by a qualified engineer retained by the project applicants for any particular discretionary development application. Drafts of the plan will be submitted to the City of Rancho Cordova for review and approval concurrently with development of tentative subdivision maps for all project phases. The plan will finalize the water quality improvements and further detail the structural and nonstructural BMPs proposed for the project. The plan will include the elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features.
- Predevelopment and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Rancho Cordova and including details regarding the size, geometry, and functional timing of storage and release pursuant to the "Stormwater Quality Design Manual for Sacramento and South Placer Regions" and the draft Hydromodification Management Plan ([SSQP 2007] per NPDES Permit No. CAS082597 WDR Order No. R5-2008-0142, page 46).
- Source control programs to control water quality pollutants on the SPA, which may include but are limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed basins that will include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures will be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
 - surface swales;
 - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
 - impervious surfaces disconnection; and
 - trees planted to intercept stormwater.
- New stormwater facilities will be placed along the natural drainage courses within the SPA to the extent practicable so as to mimic the natural drainage patterns. The reduction in runoff as a result of the LID configurations will be quantified based on the runoff reduction credit system methodology described in "Stormwater Quality Design Manual for the Sacramento and South Placer Regions, Chapter 5 and Appendix D4" (SSQP 2007) and proposed detention

basins and other water quality BMPs will be sized to handle these runoff volumes.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, Title 14, section 15091, subd.(a)(2).)

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

a.i. Potential Significant Impact:

The Project may cause significant impacts in the following areas: loss and degradation of habitat for special-status wildlife; potential for substantial interference with the movement of any native resident or migrator wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; substantial reduction in the habitat of a wildlife species.

a.ii. Facts in Support of Finding:

Mitigation Measure 3.3-3a: Conduct Preconstruction Surveys for Nesting Swainson's Hawk, White-Tailed Kite, Burrowing Owls, and Other Raptors, and if Found, Establish Appropriate Buffers, and Implement Avoidance or Appropriate Mitigation. To mitigate impacts on Swainson's hawk and other raptors (including burrowing owl), the project applicants for any particular discretionary development application will retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the SPA and active burrows in the SPA. The surveys will be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases. To the extent feasible, guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) will be followed for surveys for Swainson's hawk. If no nests are found, no further mitigation is required.

If active nests are found, impacts on nesting Swainson's hawks and other raptors will be avoided by establishing appropriate buffers around the nests. No project activity will commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined in coordination with DFG that reducing the buffer would not result in nest abandonment. DFG guidelines recommend establishing buffers of 0.25- to 0.5-mile, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with DFG, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

If active burrows are found, a mitigation plan will be submitted to the City for review and approval before any ground-disturbing activities. The City will consult with DFG regarding appropriate mitigation before approving the mitigation plan. The mitigation

plan may consist of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed; however, burrowing owl exclusions may only be used if a qualified biologist verifies that the burrow does not contain eggs or dependent young. If active burrows contain eggs and/or young, no construction will occur within 50 feet of the burrow until young have fledged. Once it is confirmed that there are no owls inside burrows, these burrows may be collapsed.

Mitigation Measure 3.3-3b: Prepare and Implement a Swainson's Hawk Mitigation Plan. To mitigate for the loss of Swainson's hawk foraging habitat, the project applicants for any particular discretionary development application will prepare and implement a Swainson's hawk mitigation plan including, but not limited to the requirements described below.

- Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, the project applicants will preserve, to the satisfaction of the City, suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation of habitat value for Swainson's hawk foraging habitat lost as a result of the project, as determined by the City after consultation with California Department of Fish and Wildlife (CDFW) and a qualified biologist.
- The 1:1 habitat value will be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the City's planning area. The mitigation ratio will be consistent with the 1994 CDFW Swainson's Hawk Guidelines included in the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. Such mitigation will be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land will be located within the known foraging area and within Sacramento County. The City, after consultation with CDFW, will determine the appropriateness of the mitigation land.
- Before approval of such proposed mitigation, the City will consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through conservation easement, then such an easement will ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement will be recordable and will prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk habitat.
- The project applicants will transfer said Swainson's hawk mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and DFG named as third-party beneficiaries. The Conservation Operator will be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator will be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and will be selected or approved by the City,

after consultation with CDFW. The City, after consultation with CDFW and the conservation Operator, will approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator will each have the power to enforce the terms of the conservation easement. The Conservation Operator will monitor the easement in perpetuity to assure compliance with the terms of the easement.

The project applicants, after consultation with the City, CDFW, and the Conservation Operator, will establish an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement. If an endowment is used, either the endowment funds will be submitted to the City to be distributed to an appropriate third-party nonprofit conservation agency, or they will be submitted directly to the third party nonprofit conservation agency in exchange for an agreement to manage and maintain the lands in perpetuity. The Conservation Operator will not sell, lease, or transfer any interest of any conservation easement or mitigation land it acquires without prior written approval of the City and CDFW.

- If the Conservation Operator ceases to exist, the duty to hold, administer, manage, maintain, and enforce the interest will be transferred to another entity acceptable to the City and CDFW. The City Planning Department will ensure that mitigation habitat is properly established and is functioning as habitat by conducting regular monitoring of the mitigation site(s) for the first 10 years after establishment of the easement.

Mitigation Measure 3.3-3c: Secure Take Authorization of Federally Listed Vernal Pool Invertebrates and Implement Permit Conditions, Develop and Implement a Habitat Mitigation and Monitoring Plan. No project construction will proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS) until a biological opinion (BO) and incidental take permit has been issued by USFWS and the project applicant has abided by conditions in the BO, including all conservation and minimization measures. A similar process will be followed for future subsequent improvement plans and conservation and minimization measures for those phases will also be implemented according to the BO. Conservation and minimization measures will include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements. Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measure 3.3-3c would also reduce impacts to western spadefoot.

The project applicants will identify mitigation acceptable to the City, USACE, and USFWS for the impacts to vernal pools and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates in such a manner that there will be no net loss of habitat (acreage and function) for these species following project implementation. As described under Mitigation Measure

3.3-1a, project applicants will complete and implement a habitat MMP describing how loss of vernal pool and other wetland habitats will be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. Mitigation will include, where feasible and practicable, preservation and or restoration of in-kind wetland habitats within the Mather Core Area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the Mather Core Area.

The project applicants will preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation.

This mitigation will occur before the approval of any grading or improvement plans for any project phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. Unless otherwise agreed to by USFWS, vernal pool habitat within 250 feet of development will be considered indirectly affected. The project applicants will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or mitigation plan.

A standard set of BMPs will be applied when working in areas within 250 feet of off-site vernal pool habitat or within any lesser distance deemed by a qualified biologist to constitute a sufficient buffer from such habitat with approval from USFWS. Refer to Section 3.9 "Hydrology and Water Quality" for the details of BMPs to be implemented.

Mitigation Measure 3.3-3d: Obtain Incidental Take Permit for Impacts to Valley Elderberry Longhorn Beetle (VELB) and Implement All Permit Conditions. No project construction will proceed in areas containing VELB habitat (i.e., elderberry shrubs) until a BO and an Incidental Take Permit have been issued by USFWS and the project applicant has abided by all pertinent conditions in the BO relating to the proposed construction, including all conservation and minimization measures. Conservation and minimization measures are likely to include preparation of supporting documentation describing methods for relocating the existing shrub.

Relocation of existing elderberry shrubs and planting of new elderberry seedlings will be implemented on a no-net-loss basis. Detailed information on monitoring success of relocated and planted shrubs, and measures to compensate should success criteria not be met, would also likely be required in the BO. Ratios for mitigation of VELB habitat will ultimately be determined through the Federal Endangered Species Act (ESA) Section 7 consultation process with USFWS, but will be a minimum of "no net loss."

Mitigation Measure 3.3-3e: Conduct Preconstruction Surveys to Avoid Western Pond Turtle. A preconstruction survey for western pond turtle will be conducted by a qualified biologist prior to work in suitable aquatic habitat. If no pond turtles are observed, no further mitigation is necessary.

If pond turtles are found, they will be relocated by a qualified biologist to the nearest area with suitable aquatic habitat that will not be disturbed by project-related construction activities.

D. Statement of Overriding Considerations

The City of Rancho Cordova FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Pub. Resources Code, § 21081, subd (b); Cal. Code Regs., tit. 14, § 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Smith Property Project are disclosed in the City of Rancho Cordova FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water quality are discussed in subsection C above.

The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic, legal, social, and technological benefits of implementing the Project outweigh the significant and unavoidable impacts to water quality.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the City of Rancho Cordova, and has reached its own conclusion to approve this Project. 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.)

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: Jordan.Hensley@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Jordan Hensley; Reg. Measure ID: 412970_Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period 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.

Effective Date: 15 March 2019

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:	Smith Property Project		
Permittee:	Sierra Holdings, LLC		
Reg. Meas. ID:	412970	Place ID:	812467
WDID:	5A34CR00621	Construction Storm Water General Permit WDID#:	_____
Order Effective Date:	15 March 2019		
Order Expiration Date:	14 March 2024		

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

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

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

Permittee's Signature

Date

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

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	<ol style="list-style-type: none"> 1. Construction Summary Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs¹¹). If construction has not started, provide estimated start date. 2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. Photo Summary Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. 4. Compliance Summary <ol style="list-style-type: none"> a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. 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”. c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.

¹¹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	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.
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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 April 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	<p>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.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • 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	<ol style="list-style-type: none"> 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. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below). b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	Mitigation for Temporary Impacts Status – Not Applicable
When to Submit	Not Required
Report Contents	-

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	Part A. Mitigation Bank or In-Lieu Fee <ol style="list-style-type: none"> 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/ILF Program and contact information. 3. If ILF, location of project and type if known.

Part B – Project Status Notifications
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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	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. 4. Construction Storm Water General Permit WDID No. 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	<ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. 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	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. <p>Part B: Permittee Responsible Compensatory Mitigation</p> <ol style="list-style-type: none"> 3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. 4. Status on the implementation of the long-term maintenance and management plan and funding of endowment. 5. Pre- and post-photo documentation of all compensatory mitigation sites. 6. Final maps of all compensatory mitigation areas (including buffers). <p>Part C: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none"> 7. Date of storm water Notice of Termination(s), if applicable. 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	<ol style="list-style-type: none"> 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. 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. 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	<ol style="list-style-type: none"> 1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. the Order's requirements and the obligation to implement them or be

	<p>subject to administrative and/or civil liability for failure to do so; and</p> <p>b. responsibility for compliance with any long-term BMP maintenance plan requirements in this Order.</p> <p>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.</p>
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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.

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 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 any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 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).