



Central Valley Regional Water Quality Control Board

10 April 2017

John Lane
Teichert Materials
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Sacramento, CA 95864

CERTIFIED MAIL
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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE ASPEN VIII AND IX PROJECT, SACRAMENTO COUNTY (WDID#5A34CR00670)

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, Pamela C. Creedon. This Order is issued to Teichert Materials for the Aspen VIII and IX 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 Teichert Materials for proposed Project discharges to waters of the state, to ensure that the water quality standards for all waters of the state impacted by the Project are met. You may proceed with your Project according to the terms and conditions of the enclosed Order.

Please review your Order carefully to ensure that you understand all aspects of the Order. Note that this Order requires reporting and notification. Requirements for the content of the reporting and notification requirements are detailed in Attachment F, 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 F, 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) 464-4644 or by email at Stephanie.Tadlock@waterboards.ca.gov. You may also contact Elizabeth Lee, Unit Supervisor, by phone at (916) 464-4787 or by email at Elizabeth.Lee@waterboards.ca.gov.

Original Signed by Elizabeth M. Lee for:

Stephanie Tadlock
Environmental Scientist
401 Water Quality Certification Unit

Enclosures (1): Order for Aspen VIII and IX 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: 10 April 2017	Reg. Meas. ID: 409658
Expiration Date: 9 April 2022	Place ID: 828900
Program Type: Fill/Excavation	WDID: 5A34CR00670
Project Type: Sand and Gravel Mining	USACOE#: SPK-2008-00909
Project: Aspen VIII and IX Project (Project)	
Applicant: Teichert Materials	
Applicant Contact: John Lane 3500 American River Drive Sacramento, CA 95864 Phone: (916) 484-3256 Email: jlane@teichert.com	
Applicant's Agent: Sarah VonderOhe Madrone Ecological Consulting, LLC 2617 K Street, Suite 175 Sacramento, CA 95816 Phone: (916) 822-3230 Email: svonderohe@madroneeco.com	
Water Board Staff: Stephanie Tadlock Environmental Scientist 11020 Sun Center Drive # 200 Rancho Cordova, California 95670 Phone: (916) 464-4644 Email: Stephanie.Tadlock@waterboards.ca.gov	

Water Board Contact Person:

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

Table of Contents

I. Order3

II. Public Notice3

III. Project Purpose.....3

IV. Project Description3

V. Project Location3

VI. Project Impact and Receiving Waters Information3

VII. Description of Direct Impacts to Waters of the State3

IX. Avoidance and Minimization4

X. Compensatory Mitigation5

XI. California Environmental Quality Act (CEQA)5

XII. Petitions for Reconsideration5

XIII. Fees Received5

XIV. Conditions5

XV. Water Quality Certification20

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

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Teichert Materials (herein after Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 5 October 2016. The application was deemed complete on 3 January 2017.

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 7 October 2016 to 28 October 2016. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The Project includes preparing the Project site for new aggregate mining operations and transport of resources.

IV. Project Description

The Project includes grading in preparation of aggregate mining operations, replacing an existing culvert to increase flow of Elder Creek under Elder Creek Road, and constructing a weir downstream of the culvert replacement to detain the peak flows from Elder Creek.

V. Project Location

Address: 10151 Elder Creek Road, Sacramento, CA
County: Sacramento
Nearest City: Elk Grove

Section 27, 28, and 34, Township 8 North, Range 6 East, MDB&M.
Latitude: 38°30'39.26"N and Longitude: 121°18'52.19"W

A map 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, Fourth Edition, revised April 2016 (Basin Plan). The plan for the region and other plans and policies which 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.

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 includes aggregate mining of approximately 382 acres of land at a depth of 30-50 feet and installing a pre-cast concrete weir structure within the 100-year floodplain to allow potential peak flows from Elder Creek to flow into a detention basin. Four 45-foot long,

8-foot tall, 5-foot wide pre-cast concrete box culverts will be placed under Elder Creek Road to replace the existing corrugated metal culverts. After mining operations are completed and grading activities are concluded, the Project site will be reclaimed as grazing land. A conservation easement will be placed on 92 acres within the Project site.

No wet concrete will be placed into waters of the state. Work will be conducted when water levels in Elder Creek is at its lowest level. A water flow control structure associated with an existing dam located in Elder Creek approximately 80-100 feet upstream of Elder Creek Road will be closed during the culvert installation; halting water flows in the creek. If needed, dewatering will be conducted by pumping water through a plastic pipe around the work area and discharged back into the creek downstream of the work area.

Grading activities will permanently impact 5.386 acres/14,356 linear feet of waters of the state; and culvert installation will temporarily impact 0.068 acre/78 linear feet of waters of the state.

Total Project fill/excavation quantities for all impacts are summarized in Table 1.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY²	LF⁴	Acres	CY	LF	Acres	CY	LF
Lake	-	-	-	0.185	-	-	-	-	-
Riparian Zone	0.058	-	78	0.043	-	63	-	-	-
Stream Channel	-	-	-	2.193	-	14,293	-	-	-
Vernal Pool	-	-	-	0.596	-	-	-	-	-
Wetland	0.010	-	-	2.369	-	-	-	-	-
Total	0.068	-	78	5.386	-	14,356	-	-	-

VIII. Description of Indirect Impacts to Waters of the State – NOT APPLICABLE

IX. Avoidance and Minimization

The Project is designed to retain on-site storm water runoff during the facility’s operations. The Project is required to enroll in California’s National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (General Permit) issued by the State Water Resource Control Board (SWRCB), which requires preparation of a storm water pollution plan (SWPPP) and implementation of standard construction Best Management Practices (BMPs) incorporated into construction designs, plans, and specifications and required of contractors during construction. Weed-free straw wattles will be installed at the base of all slopes adjacent to the areas outside the mining boundary and will be maintained at least until vegetation is fully established and disturbed soils are stabilized.

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)

X. Compensatory Mitigation

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

XI. California Environmental Quality Act (CEQA)

On 27 September 2016, the County of Sacramento, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2015022062) for the Project and filed a Notice of Determination (NOD) at the SCH on 14 December 2016. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of \$90,000.00 was received on 3 January 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.

XIV. Conditions

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

A. Authorization

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

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment F, 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 F, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the effective date of this Order. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of May, 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.

- 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**

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
(footnote continued on next page)

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:<http://occupainfo.com/civicax/filebank/blobdload.aspx?BlobID=26396>
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 via delivered 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 via delivered 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 via delivered 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

(footnote continued from previous page)

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.)

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 sampling:
 - a. when perform 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 NTUs;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
 - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

- c. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.⁵ The sampling requirements in Table 2 shall be conducted: 1) upstream out of the influence of the Project; 2) within the in-water work area, discharge area, or within the visible plume to characterize the discharge to lake; and 3) approximately 300 feet downstream of the work area.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. A surface water monitoring report, as described in Attachment F, shall be submitted within two weeks on initiation of in-water construction, and every month thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, parameters, 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

⁵ 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.

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.b.

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Turbidity	NTU	Grab	Every 4 hours
Settleable Material	ml/L	Grab	Every 4 hours

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

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (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, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The 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.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present, the area must be dewatered prior to start of work.
- e. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

2. 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 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.

3. 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.

4. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE

5. In-Water Work

- a. In-water work shall occur during periods of no precipitation.

6. 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.

7. Roads – NOT APPLICABLE**8. Sediment Control**

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

9. Special Status Species – NOT APPLICABLE**10. 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.

11. 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 Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; 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

- a. The Permittee shall work with Central Valley Water Board staff to obtain Waste Discharge Requirements authorizing aggregate mining operations for Aspen VIII and IX prior to commencement of mining operations within the Project area.

I. Total Maximum Daily Load (TMDL) – NOT APPLICABLE**J. Mitigation for Temporary Impacts**

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within ninety days (90) of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed

areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Central Valley Water Board Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within ninety days (90) of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

Table 3: Required Project Mitigation Quantity for Temporary Impacts ⁶								
Aquatic Resource Type	Mit. Type ⁷	Units	Method ⁸					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	PR	Acres	-	0.010	-	-	-	-
Wetland	PR	Acres	-	0.058	-	-	-	-
Total			-	0.068	-	-	-	-

K. Compensatory Mitigation for Permanent Impacts⁹

1. **Final Compensatory Mitigation Plan:** The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Wetland Mitigation Plan (Compensatory Mitigation Plan) dated 19 January 2016 and incorporated herein by reference. Any deviations from, or revisions to, the compensatory mitigation plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.
2. **Irrevocable Letter of Credit – NOT APPLICABLE**
3. **Permittee-Responsible Compensatory Mitigation Responsibility**

⁶ For Staff use only: Record quantities in CIWQS table side B for mitigation for temporary impacts and for permanent degradation of ecological condition; ecological restoration/enhancement projects.

⁷ Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

⁸ Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

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

- a. Permittee responsible compensatory mitigation installation shall be completed within 90 days of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
 - i. Performance standards are met.
 - ii. A Transfer Agreement to a third party has been approved by Central Valley Water Board staff.
 - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
 - iv. A conservation easement, deed restriction, or other appropriate restrictive covenant for the mitigation site has been recorded and approved by Central Valley Water Board staff.
- c. **Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility**
 - i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Central Valley Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the Central Valley Water Board under Water Code section 13385, subdivision (a).
 - ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Central Valley Water Board staff. A draft transfer agreement is due to Central Valley Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Central Valley Water Board staff within 30 days of the completion of the transfer.

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 within 90 days of authorized impacts.
- 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 0.596 acre of vernal pool by purchasing 0.596 vernal pool credits in the Aquatic Resource Watershed Service Area.

- b. The Permittee is required to provide compensatory mitigation for the authorized impact to 4.790 acres of seasonal wetland by purchasing 4.790 floodplain mosaic wetland credits in the Aquatic Resource Watershed Service Area.
- c. The Permittee is required to provide compensatory mitigation for the authorized impact to 2.308 acres of vernal pool invertebrates by purchasing 2.308 vernal pool preservation credits in the Aquatic Resource Watershed Service Area.
- d. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.160 acre of vernal pool by preserving 0.160 acre of vernal pool on-site.
- e. The Permittee is required to provide compensatory mitigation for the authorized impact to 4.733 acres of wetland (i.e., seasonal wetland, seasonal wetland swale, and marsh) by preserving 4.733 acres of wetland (i.e., seasonal wetland, seasonal wetland swale, and marsh) on-site.
- f. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.199 acre of stream channel (i.e., ephemeral drainage and ditch) by preserving 0.199 acre of stream channel (i.e., ephemeral drainage and ditch) on-site.
- g. The Permittee is required to provide compensatory mitigation for the authorized impact to 5.264 acres of riparian habitat (tree canopy and forest scrub) by preserving 5.264 acres of tree canopy within preserved portions of Elder Creek.
- h. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area¹⁰								
Aquatic Resource Type	Comp Mit. Type ¹¹	Units	Method ¹²					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	MB	Acres	0.596	-	-	-	2.308	-
Wetland	MB	Acres	4.790	-	-	-	-	-
Vernal Pool	PR	Acres	-	-	-	-	0.160	-
Wetland	PR	Acres	-	-	-	-	4.733	-
Stream Channel	PR	Acres	-	-	-	-	0.199	-

¹⁰ For Staff use only: Record quantities in CIWQS table side A for Compensatory Mitigation for Permanent Physical Loss of Area.

¹¹ Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

¹² Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

Table 4: Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area¹⁰								
Aquatic Resource Type	Comp Mit. Type¹¹	Units	Method¹²					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian	PR	Acres	-	-	-	-	5.264	-
Total			5.386	-	-	-	12.664	-

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 E. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.
2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Aspen VIII and IX Project, 5A34CR00670 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) and approves the mitigation monitoring and reporting program (MMRP) for the Project.

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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

Original Signed By Andrew Altevogt for:

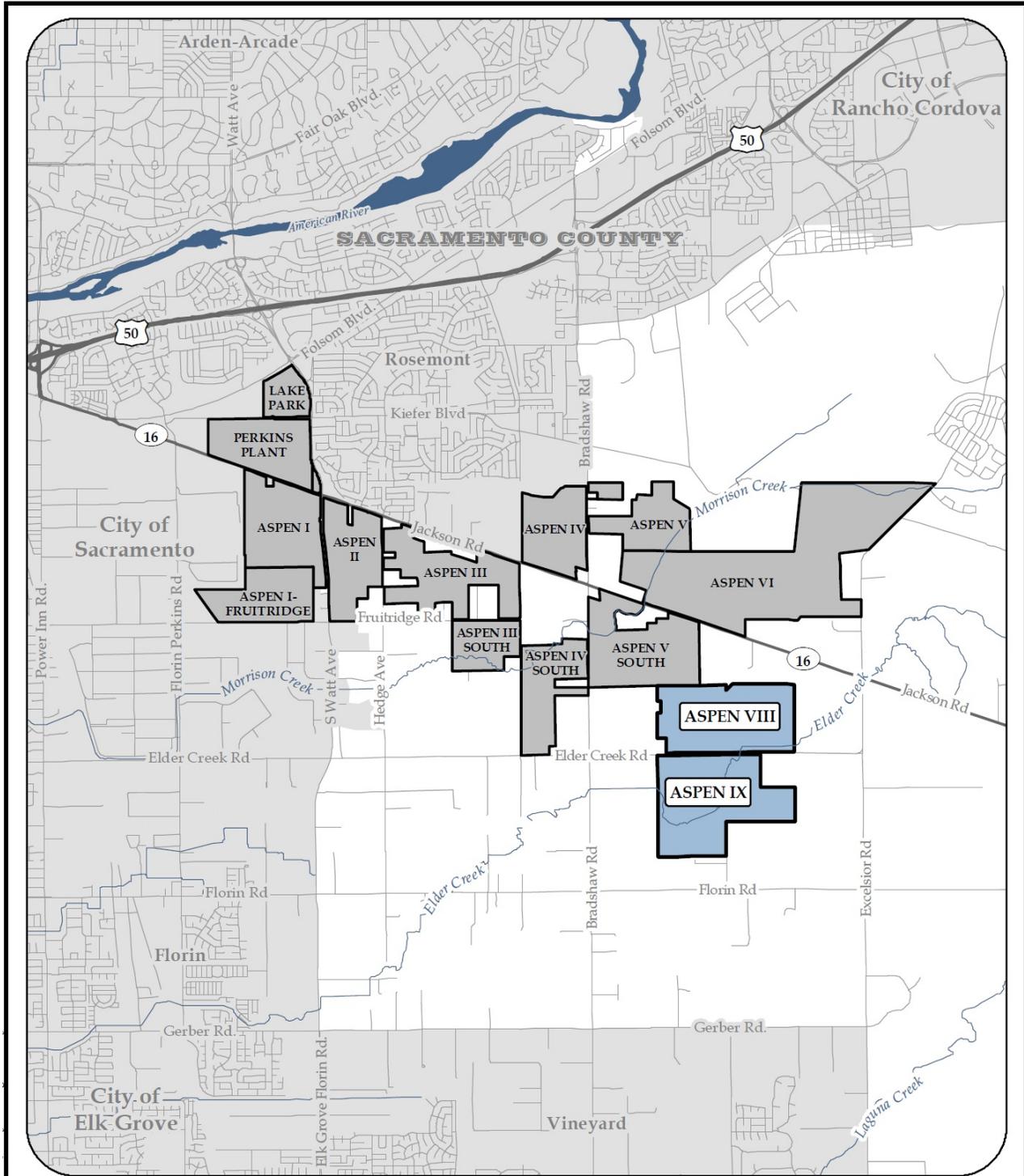
4/10/2017

 Pamela C. Creedon
 Executive Officer
 Central Valley Regional Water Quality Control Board

 Date

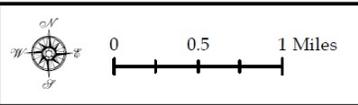
Attachment A Project Map
Attachment B Receiving Waters, Impact, and Mitigation Information
Attachment C CEQA Findings of Facts
Attachment D Signatory Requirements
Attachment E Certification Deviation Procedures
Attachment F Report and Notification Requirements

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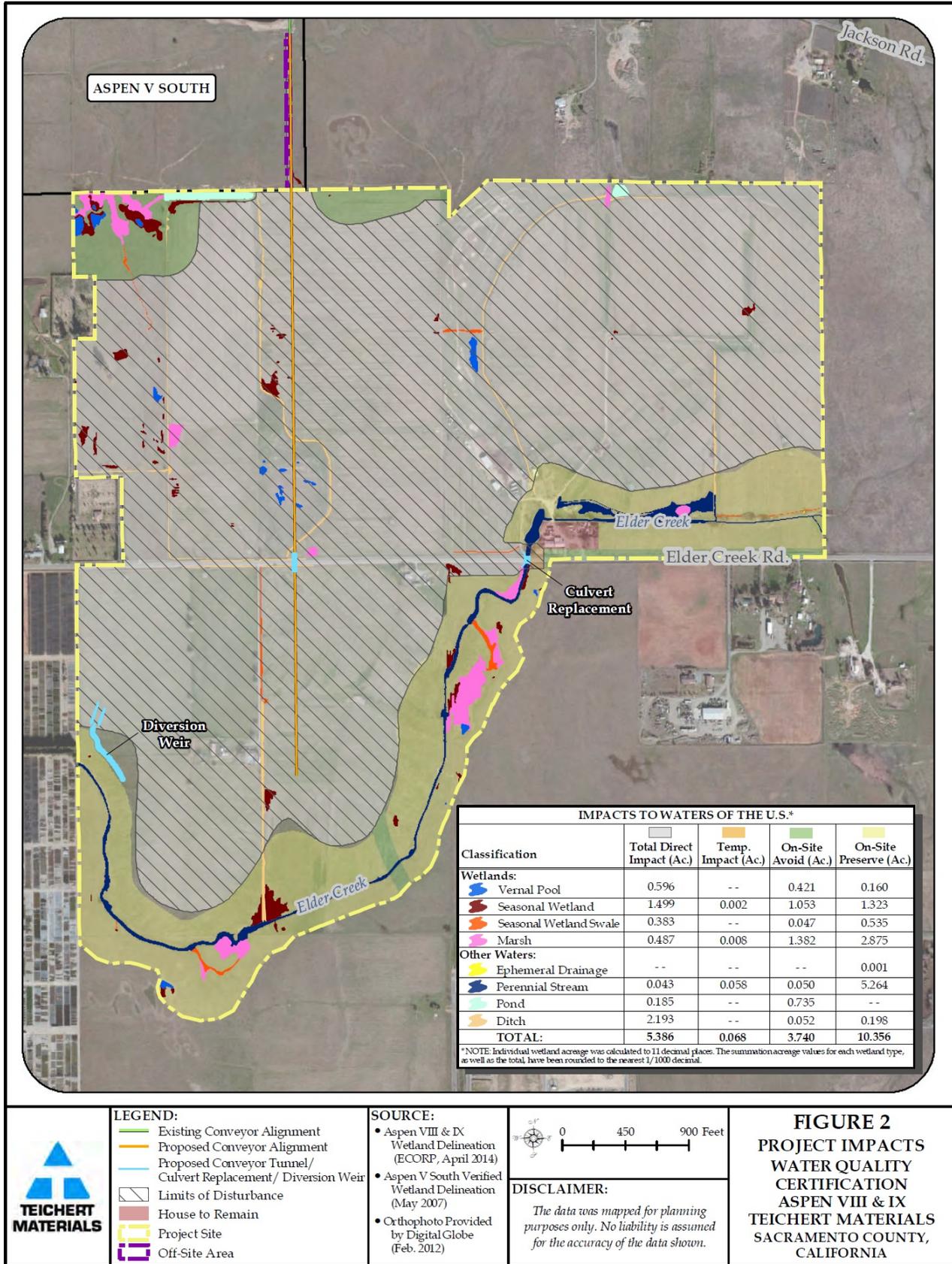
LEGEND:

- Teichert Aggregates Aspen VIII & IX Property Boundary
- Teichert Aggregates Aspen Property Boundaries



DISCLAIMER:
The data was mapped for assessment purposes only. No liability is assumed for the accuracy of the data shown.

FIGURE 1
SITE VICINITY
WATER QUALITY CERTIFICATION
ASPEN VIII & IX
TEICHERT MATERIALS
SACRAMENTO COUNTY, CALIFORNIA



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Receiving Waters

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

Table 1: Receiving Water(s) Information								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ¹
<input type="checkbox"/>	1	Elder Creek	Stream	519.12	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Pyrethroids, Sediment Toxicity	n/a
<input type="checkbox"/>	2	Unnamed Pond	Lake	519.12	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Pyrethroids, Sediment Toxicity	n/a
<input type="checkbox"/>	3	Unnamed Riparian	Riparian	519.12	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Pyrethroids, Sediment Toxicity	n/a
<input type="checkbox"/>	4	Unnamed Wetland	Wetland	519.12	Sacramento San Joaquin Delta	MUN, AGR, PROC, IND, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Pyrethroids, Sediment Toxicity	n/a

¹ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information

Impact 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	38° 30' 39.3622" N	121° 18' 51.3137" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	2.193	-	14,293
2	38° 31' 5.2316" N	121° 18' 43.4344" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.185	-	-
3	38° 30' 42.1427" N	121° 18' 34.1647" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.058	-	78
					Permanent	-	-	-	0.043	-	63
4	38° 30' 39.2600" N	121° 18' 52.1900" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	0.010	-	-
					Permanent	-	-	-	2.965	-	-

Compensatory Mitigation Information

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

Permittee Responsible Compensatory Mitigation Site Information

Table 3: Onsite Permittee Responsible Compensatory Mitigation²						
Impact Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Method	Mitigation Quantity	
					Acres	Linear Feet
DITCH-011	38.504503	-121.321093	Ditch	Preserve	0.1985	490.2
ED-001	38.511816	-121.307587	Ephemeral Drainage	Preserve	0.0008	18.0
MARSH-006	38.511851	-121.310586	Marsh	Preserve	0.1621	
MARSH-008	38.510287	-121.314853	Marsh	Preserve	0.2772	
MARSH-009	38.509173	-121.315258	Marsh	Preserve	0.3190	
MARSH-010	38.508287	-121.315995	Marsh	Preserve	1.5032	
MARSH-011	38.503343	-121.321848	Marsh	Preserve	0.5465	
MARSH-012	38.502856	-121.322602	Marsh	Preserve	0.0668	
STREAM-001	38.511655	-121.310818	Perennial Stream	Preserve	0.6108	2,276.5
STREAM-002	38.511792	-121.311857	Perennial Stream	Preserve	1.2495	1140.7
STREAM-003	38.511553	-121.314254	Perennial Stream	Preserve	0.4178	286.6
STREAM-004 (W)	38.503475	-121.322589	Perennial Stream	Preserve	1.8428	3,433.4
STREAM-004 (E)	38.507921	-121.316561	Perennial Stream	Preserve	1.1424	2,597.7
SW-054	38.510341	-121.314137	Seasonal Wetland	Preserve	0.0090	
SW-055	38.510507	-121.314532	Seasonal Wetland	Preserve	0.0626	
SW-057	38.509613	-121.315184	Seasonal Wetland	Preserve	0.0505	
SW-062	38.508629	-121.315334	Seasonal Wetland	Preserve	0.0036	
SW-063	38.509003	-121.316415	Seasonal Wetland	Preserve	0.1182	
SW-064	38.508305	-121.31629	Seasonal Wetland	Preserve	0.1338	

² Mitigation site is analyzed in the Project CEQA document.

Table 3: Onsite Permittee Responsible Compensatory Mitigation²						
Impact Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Method	Mitigation Quantity	
					Acres	Linear Feet
SW-065	38.506497	-121.316748	Seasonal Wetland	Preserve	0.0109	
SW-066	38.506698	-121.316181	Seasonal Wetland	Preserve	0.0262	
SW-108	38.505835	-121.317793	Seasonal Wetland	Preserve	0.0487	
SW-111	38.503736	-121.320606	Seasonal Wetland	Preserve	0.0152	
SW-112	38.503781	-121.320789	Seasonal Wetland	Preserve	0.0267	
SW-113	38.504144	-121.320858	Seasonal Wetland	Preserve	0.5460	
SW-114	38.503967	-121.321233	Seasonal Wetland	Preserve	0.1851	
SW-117	38.507143	-121.325396	Seasonal Wetland	Preserve	0.0060	
SW-118	38.504378	-121.325380	Seasonal Wetland	Preserve	0.0065	
SW-119	38.503741	-121.324750	Seasonal Wetland	Preserve	0.0051	
SW-121	38.502516	-121.323609	Seasonal Wetland	Preserve	0.0536	
SW-122	38.502545	-121.323366	Seasonal Wetland	Preserve	0.0156	
SWS-006	38.511739	-121.308498	Seasonal Wetland Swale	Preserve	0.0674	746.3
SWS-014	38.509284	-121.315453	Seasonal Wetland Swale	Preserve	0.2828	412.3
SWS-026	38.502942	-121.322321	Seasonal Wetland Swale	Preserve	0.1817	457.5
SWS-027	38.503842	-121.324755	Seasonal Wetland Swale	Preserve	0.0026	55.3
VP-027	38.510282	-121.314274	Vernal Pool	Preserve	0.0191	
VP-030	38.507633	-121.316063	Vernal Pool	Preserve	0.0677	
VP-055	38.506165	-121.316543	Vernal Pool	Preserve	0.0032	
VP-061	38.502659	-121.323537	Vernal Pool	Preserve	0.0702	

Mitigation Bank Compensatory Mitigation Site Information

Table 4: Mitigation Bank				
Mitigation Bank	Name:	Van Vleck Mitigation Bank		
	Website:	http://www.wesmitigation.com/cabanks/van-vleck-mitigation-bank/		
Contact Information	Name:	Travis Hemmen		
	Phone:	(916) 646-3644		
	Email:	themmen@westervelt.com		
Mitigation Location	County:	Sacramento		
	Latitude:	TBD		
	Longitude:	TBD		
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	Creation	0.596	-	0.596

Table 5: Mitigation Bank				
Mitigation Bank	Name:	Cosumnes Floodplain Mitigation Bank		
	Website:	http://www.wesmitigation.com/cosumnes-floodplain-mitigation-bank/		
Contact Information	Name:	Travis Hemmen		
	Phone:	(916) 646-3644		
	Email:	themmen@westervelt.com		
Mitigation Location	County:	Sacramento		
	Latitude:	TBD		
	Longitude:	TBD		
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased
Floodplain Mosaic Wetland	Creation	4.790	-	4.790

Table 6: Mitigation Bank				
Mitigation Bank	Name:	Gill Ranch Conservation Bank		
	Website:	http://www.conservation-resources.com/properties_grcb.html		
Contact Information	Name:	Kari Hawkins		
	Phone:	(916) 974-3383		
	Email:	khawkins@conservation-resources.com		
Mitigation Location	County:	Sacramento		
	Latitude:	TBD		
	Longitude:	TBD		
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased
Vernal Pool	Preservation	2.308	-	2.308

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A. Environmental Review

On 27 September 2016, the the County of Sacramento, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2015022062) for the Project and filed a Notice of Determination (NOD) at the SCH on 19 December 2016. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the County of Sacramento'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 County of Sacramento addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the County of Sacramento 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.

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 resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings

1. Findings regarding impacts that will be 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:

Alteration of drainage patterns with increased surface water runoff or potential flooding; loss of habitat and Sanford's arrowhead loss of habitat and impact to vernal pool invertebrates; loss of habitat and disturbance to western spadefoot toad, western pond turtle; disturbance to nesting birds protected under the Migratory Bird Treaty Act (MBTA); loss of foraging habitat to listed birds; impacts to jurisdictional wetlands; removal of native or landmark trees; conflict with local policies or ordinances protecting biological resources.

a.ii. Facts in Support of Finding:

HW-1: Prior to approval of the Work Authorization Permit, the applicant shall prepare and submit to the County of Sacramento Department of Water Resources an analysis prepared by a registered Civil Engineer that demonstrates the project will not result in an increase in base flood elevation of 0.1 feet or greater, as follows:

- a. The applicant shall implement measures to reduce the project related increase in base flood elevation to below 0.1 feet. Such measures may include, but not be limited to the following and are subject to review and approval by County of Sacramento Department of Water Resources and the Sacramento County Department of Community Development:
 - Construction of a side-weir on Elder Creek within Aspen VIII or IX, to divert excess flows from the creek directly from Elder Creek to the pit.
 - Construction of a side-weir on the stream's right bank just upstream of Elder Creek Road at the location of the current westbound spill on Aspen VIII. The new weir would be sized to pass the equivalent of the flow that the County of Sacramento Department of Water Resources modeling predicts would flow to Morrison Creek. A path would be provided to convey this flow to the west edge of Aspen VIII. Alternatively, the flow would be accepted in to a proposed retention area near the southwest corner of Aspen VIII mining pit.

This mitigation measure shall be incorporated into the Project's mining and reclamation plans prior to the issuance of the Work Authorization Permit for the Project. The project proponent shall obtain all required federal, state, and local permits/approvals for implementing the identified mitigation measure(s) prior to initiating work in the Federal Emergency Management Agency floodplain.

BR-1.1: The applicant shall transplant no less than 40 plugs with no fewer than three individual Sanford's arrowhead plants per plug, to a portion of Elder Creek that is within 2 miles of the project site. The plugs shall be taken from areas as far away as possible from each other and with the most diverse soil and hydrologic conditions from each other. This is to ensure the greatest potential genetic diversity of the source plants.

Surveys shall be performed annually at the transplant location of the Sanford's Arrowhead for a period of three years, to ensure success. If survival is not meeting a minimum 70% survivorship, transplantation will be deemed failed. In cases where transplanting has failed, compensatory mitigation shall be provided. Compensatory mitigation shall consist of placement of a conservation easement over a known, unprotected population of the species.

BR-1.2: Presence of listed vernal pool crustaceans shall be assumed unless determinate surveys that comply with the United States Fish and Wildlife Service (USFWS) protocol "Interim Survey Guidelines to Permittees for Recovery Permits under Section 10(a)(1)(A) of the Endangered Species Act for the Listed Vernal Pool Branchiopods" (published April 19, 1996) conclude that the species is absent. In order to reduce impacts to listed vernal pool branchiopods and wetland habitat, the applicant shall:

- a. Prior to issuance of Work Authorization Permit, obtain all applicable permits from the United States Army Corps of Engineers (USACE), USFWS, the Central Valley Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).
- b. Where a Section 404 Permit has been issued by the USACE, or an application has been made to obtain a Section 404 Permit, the Mitigation and Management Plan required by that permit or proposed to satisfy the requirements of the USACE for granting a permit may be submitted for purposes of achieving a no net loss of wetlands. The required Plan shall be submitted to the Sacramento County Environmental Coordinator, USACE, and USFWS for approval prior to its implementation.
- c. If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, the Project applicant shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include payment into a mitigation bank or protection of off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Environmental Coordinator.
- d. The Project applicant may participate in the South Sacramento Habitat Conservation Plan (SSHCP) if it is adopted, and if the Project area and activities are covered. The applicant shall prepare Project plans in accordance with that Plan and any and all fees or land dedications shall be completed prior to construction.
- e. Prior to issuance of Work Authorization Permit, all areas designated within the project area as Avoided shall be placed within a permanent conservation easement, which shall be reviewed and approved by the Environmental Coordinator. At a minimum, the permanent conservation easements must cover all areas which are required to be preserved as part of the Section 404 and Section 401 wetland permits.

BR-1.3: Twenty four hours prior to the commencement of ground disturbing activity (i.e. clearing, grubbing, or grading), suitable habitat within the project area shall be surveyed for western spadefoot toad by a qualified biologist. The survey shall include aquatic habitat and 1,650 feet of adjacent uplands surrounding aquatic habitat within the project area. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor, and survey results) to the Environmental Coordinator prior to ground disturbing activity.

Construction personnel shall receive worker environmental awareness training. This training instructs workers how to recognize western spadefoot toad and their habitat.

If a western spadefoot toad is encountered during active construction, all construction shall cease until the animal has moved out of the construction area on its own or been relocated by a qualified biologist. If the animal is injured or trapped, a qualified biologist shall move the animal out of the construction area and into a suitable habitat area. CDFW and the Environmental Coordinator shall be notified within 24-hours that a toad was encountered.

BR-1.4: Twenty four hours prior to the commencement of ground disturbing activity (i.e. clearing, grubbing, or grading), suitable habitat within the project area shall be surveyed for western pond turtle by a qualified biologist. The survey shall include aquatic habitat and 1,650 feet of adjacent uplands surrounding aquatic habitat within the project area. The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor, and survey results) to the Environmental Coordinator prior to ground disturbing activity.

Construction personnel shall receive worker environmental awareness training. This training instructs workers how to recognize western pond turtle and their habitat.

If a western pond turtle is encountered during active construction, all construction shall cease until the animal has moved out of the construction area on its own or been relocated by a qualified biologist. If the animal is injured or trapped, a qualified biologist shall move the animal out of the construction area and into a suitable habitat area. CDFW and the Environmental Coordinator shall be notified within 24-hours that a turtle was encountered.

BR-1.5: If mining activity or construction activity (which includes clearing, grubbing, or grading) is to commence between February 1 and September 15, a survey for nesting birds of prey shall be conducted by a qualified biologist within 30 days prior to the start of construction.

The survey shall include a focused survey for Swainson's hawk nests within a ½ mile radius of the project site, and shall cover all potential habitats on-site and off-site up to a distance of 500 feet from the project boundary for other special status birds of prey. A letter report documenting survey methods and findings shall be submitted to the Environmental Coordinator prior to commencement of construction.

If no active nests are found in the survey area, no further mitigation is necessary.

If active nests are found, the applicant shall contact the Environmental Coordinator and consult with CDFW prior to mining or construction to determine the appropriate protective measures. Protective measures shall be implemented prior to the start of construction activity.

A non-disturbance buffer shall be established and maintained around the nest(s). The buffer area shall be determined through consultation with CDFW. All mining or construction activities shall be avoided within this buffer area until a qualified biologist determines that nestlings have fledged, or until September 15 unless otherwise approved by CDFW.

BR-1.6: A pre-mining burrowing owl survey shall be conducted by a qualified wildlife biologist prior to any mining-related vegetation removal or earthmoving (including rough grading) conducted between January 1 and February 14.

The pre-mining survey shall be conducted by a qualified biologist within 500 feet of proposed mining-related vegetation. Removal or earthmoving according to the methodology provided in the CDFW Staff Report on Burrowing Owl Mitigation (2012). All burrows or atypical refugium showing evidence of occupation by burrowing owls that are

found during the survey shall be geo-referenced with a global positioning system (GPS) unit and mapped on an appropriate scale map to the project site.

The results of the survey, including negative findings, shall be submitted to CDFW within three days of their conclusion. If burrowing owls are found during the nesting season (i.e., February 15 and August 31), no ground disturbance shall occur within 250 feet of occupied burrows until a qualified biologist determines that a fledging has occurred. If burrowing owls are found during non-nesting season (i.e., September 1 through February 14), no ground disturbance shall occur within 160 feet of occupied burrows.

Alternatively, the applicant may retain a qualified biologist to conduct passive relocation of individuals from occupied burrows utilizing one-way doors for a minimum of three consecutive days (only during non-nesting season). Once the occupied burrows have been cleared, the applicant may backfill the burrows. If passive relocation is utilized, the applicant shall also provide alternate natural or artificial burrows that are beyond 160 feet from the impact area and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated burrowing owls. One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact area. Artificial burrow creation, if utilized, shall follow the guidelines in Trulio (1995) and the CDFW Staff Report on Burrowing Owl Mitigation (2012). The applicant shall be responsible for reporting all observations of burrowing owl to the California Natural Diversity Database (CNDDB) within ten days of sighting.

BR-1.7: If mining activities or construction activity (which includes clearing, grubbing, or grading) is to commence within 50 feet of nesting habitat between February 1 and August 31, a survey for active migratory bird nests shall be conducted no more than 14 days prior to construction by a qualified biologist.

Trees slated for removal shall be removed during the period of September through January, in order to avoid the nesting season. Any trees that are to be removed during the nesting season, which is February through August, shall be surveyed by a qualified biologist and will only be removed if no nesting migratory birds are found.

If active nest(s) are found in the survey area, a non-disturbance buffer, the size of which has been determined by a qualified biologist, shall be established and maintained around the nest to prevent nest failure. All construction activities shall be avoided within this buffer area until a qualified biologist determines that nestlings have fledged, or until September 1.

BR-1.8: Prior to any site disturbance, such as clearing or grubbing, the issuance of any permits such as a Work Authorization Permit for grading, building, or other site improvements, one of the following options to mitigate for the loss of 371.2 acres of tricolored blackbird, white-tailed kite, and Swainson's hawk foraging habitat on the project site at a 1:1 ratio to account for the permanent loss of habitat.

- a. The project proponent shall utilize one or more of the mitigation options (land dedication and/or fee payment) established in Sacramento County's Swainson's Hawk Impact Mitigation Program (Chapter 16.130 of the Sacramento County Code).

- b. The project proponent shall, to the satisfaction of CDFW, prepare and implement a Swainson's hawk mitigation plan that will include preservation of tricolored blackbird, white-tailed kite, and Swainson's hawk foraging habitat.
- c. Should the County Board of Supervisors adopt a Swainson's hawk mitigation policy/program (which may include a mitigation fee payable prior to issuance of building permits) prior to the implementation of one of the measures above, the project proponent may be subject to that program instead.

BR-1-9: To avoid and minimize impacts to nesting loggerhead shrikes, the applicant shall not initiate mining-related vegetation removal or earthmoving during the nesting season (February 15 through August 31). All initial mining-related vegetation removal and earthmoving shall occur between September 1 and February 14 to the extent feasible.

Alternatively, if the applicant initiates mining-related vegetation removal or earthmoving between February 15 and August 31, surveys shall be conducted for nesting loggerhead shrikes in all suitable shrubs and trees that are within and out to 200 feet from the project boundaries. The surveys shall be conducted by a qualified biologist immediately preceding initiation of each phase of mining-related vegetation removal or earthmoving on the project site according to the following schedule: the first visit shall occur within 14 days prior to vegetation removal or earthmoving and the second visit shall occur within three days prior to vegetation removal or earthmoving.

If nesting individuals are found prior to initiation of mining-related vegetation removal or earthmoving in the year of the survey, a mining exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest.

Alternatively, the applicant may retain a qualified biologist to monitor any active nests that are within 200 feet or less from mining-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 200 feet of the nest will be terminated until the young-of-the-year are no longer reliant upon the nest. Under no circumstances shall mining-related vegetation removal or earthmoving be initiated within 100 feet of an active nest once nesting has begun.

BR-1.10: To avoid and minimize impacts to nesting yellow-billed magpies, the applicant shall not initiate mining-related vegetation removal or earthmoving during the nesting season (February 15 through August 31). All initial vegetation removal or earthmoving shall occur between September 1 and February 14 to the extent feasible.

Alternatively, if the applicant initiates mining-related vegetation removal or earthmoving between February 15 and August 31, surveys shall be conducted for nesting yellow-billed magpies in all suitable trees that are within 200 feet of the project boundaries. The surveys shall be conducted by a qualified biologist immediately preceding initiation of each phase of mining-related vegetation removal or earthmoving and the second visit shall occur within three days prior to vegetation removal or earthmoving.

If nesting individuals are found prior to initiation of mining-related vegetation removal or earthmoving in the year of the survey, a mining exclusion zone shall be established within 200 feet of the active nest(s) until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest.

Alternatively, the applicant may retain a qualified biologist to monitor any active nests that are within 200 feet from mining-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 200 feet of the nest will be terminated until the young-of-the-year are no longer reliant upon the nest. Under no circumstances shall mining-related vegetation removal or earth moving be initiated within 100 feet of an active nest once nesting has begun.

BR-1.11: To avoid and minimize impacts to nesting tricolored blackbirds, the applicant shall not initiate mining-related vegetation removal or earthmoving during the nesting season (February 15 through August 31). All initial vegetation removal or earthmoving shall occur between September 1 and February 14 to the extent feasible.

Alternatively, if the applicant initiates mining-related vegetation removal or earthmoving between February 15 and August 31, surveys shall be conducted for prospecting or nesting tricolored blackbird colonies in all potentially suitable Himalayan blackberry stands that are within and out to 250 feet from the project boundaries. The surveys shall be conducted by a qualified biologist immediately preceding initiation of each phase of mining-related vegetation removal or earthmoving and the second visit shall occur within three days prior to vegetation removal or earthmoving.

If nesting colonies are found prior to initiation of mining-related vegetation removal or earthmoving in the year of the survey, a mining exclusion zone shall be established within 200 feet of the active nesting colony until a qualified biologist determines that the young-of-the-year are no longer reliant upon the nest.

Alternatively, the applicant may retain a qualified biologist to monitor any active nesting colonies that are within 200 feet from mining-related vegetation removal or earthmoving to determine if the individuals are exhibiting any behaviors that would suggest that nest failure could occur. If the qualified biologist determines that disturbance is sufficient to cause nest failure, all activities within 250 feet of the nesting colony will be terminated until the young-of-the-year are no longer reliant upon the nest. Under no circumstances shall mining-related vegetation removal or earth moving be initiated within 150 feet of an active nest colony once prospecting or nesting has begun.

BR-3: To compensate for the permanent loss of wetlands and waters, the applicant shall perform one or a combination of the following prior to issuance of a Work Authorization Permit, and shall also obtain all applicable permits from the USACE, USFWS, RWQCB, and CDFW:

- a. Mitigate for all wetlands directly impacted on a 1:1 basis. Acceptable means of mitigation include placement of a permanent conservation easement over an equivalent amount of wetland habitat, purchase of credits from a mitigation bank, or other similar methods. Also, obtain all applicable permits from the USFWS, USACE, CDFW, and RWQCB for the proposed modifications to on-site wetlands

and mitigate for habitat loss in accordance with the published regulatory guidelines. If mitigation implemented through the permit process results in 1:1 mitigation, no further compensation is required. Proof of mitigation for impacts to waters of the United States shall be provided to the Environmental Coordinator.

- b. If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, the Project applicant shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include payment into a mitigation bank or protection of off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Environmental Coordinator.

BR-4: The removal of 23 inches diameter at breast height (dbh) of valley oak trees shall be compensated for by planting oak trees and the removal of 157 inches of dbh of California black walnut trees shall be compensated by planting in kind native trees equivalent to the dbh inches lost, based on the ratios listed below, at locations that are authorized by the Environmental Coordinator. On-site preservation of native trees that are less than 6 inches dbh, may also be used to meet this compensation requirement. Native trees include: valley oak, interior live oak, blue oak, or oracle oak, California sycamore, California black walnut, Oregon ash, western redbud, gray pine, California white alder, boxelder, California buckeye, narrowleaf willow, Gooding's willow, red willow, arroyo willow, shining willow, Pacific willow, and dusky willow.

A total of 23 inches of oak trees and 157 inches of California black walnut will require compensation.

Equivalent compensation based on the following ratio is required:

- One preserved native tree less than six inches dbh on-site = 1 inch dbh
- One D-pot seedling (40 cubic inches or larger) – 1 inch dbh
- One 15-gallon tree = 1 inch dbh
- One 24-inch box tree = 2 inches dbh
- One 36-inch box tree = 3 inches dbh

Prior to the approval of Work Authorization Permit, a Replacement Tree Planting Plan shall be prepared by a certified arborist or licensed landscape architect and shall be submitted to the Environmental Coordinator for approval. The Replacement Tree Planting Plan(s) shall include the following minimum elements:

- a. Species, size, and locations of all replacement plantings and less than six inch dbh trees to be preserved;
- b. Method of irrigation;
- c. If planting in soils with hardpan/duripan or claypan layer, include the Sacramento County Standard Tree Planting Detail L-1, including the 10-foot deep boring hole to provide for adequate drainage;
- d. Planting, irrigation, and maintenance schedules;
- e. Identification of the maintenance entity and a written agreement with that entity to provide care and irrigation of the trees for a 3-year establishment period, and to replace any of the replacement trees which do not survive that period; and
- f. Designation of a 20-foot root zone radius and landscaping to occur within the radius of trees less than six inches dbh to be preserved on-site.

No replacement tree shall be planted within 15 feet of the driplines of existing native trees or landmark size trees that are retained on-site, or within 15 feet of a building foundation or swimming pool excavation. The minimum spacing for replacement native trees shall be 20 feet on-center. Examples of acceptable planting locations are publically owned lands, common areas, and landscaped frontages (with adequate spacing). Generally unacceptable locations are utility easements (PUE, sewer, storm drains), under overhead utility lines, private yards of single family lots (including front yards), and roadway medians.

Native trees less than six inches dbh to be retained on-site shall have at least a 20-foot radius suitable root zone. The suitable root zone shall not have impermeable surfaces, turf/lawn, dense plantings, soil compaction, drainage conditions that create ponding (in the case of oak trees), utility easements, or other overstory tree(s) within 20 feet of the tree to be preserved. Trees to be retained shall be determined to be healthy and structurally sound for future growth, by an ISA Certified Arborist subject to Environmental Coordinator Approval.

If tree replacement plantings are demonstrated to the satisfaction of the Environmental Coordinator to be infeasible for any or all trees removed, then compensation shall be through payment into the County Tree Preservation Fund. Payment shall be made at a rate of \$325.00 per dbh inch removed but not otherwise compensated, or at the prevailing rate at the time payment into the fund is made.

Removal of a non-native tree canopy shall be mitigated by creation of new tree canopy equivalent to the acreage of non-native tree canopy removed. New tree canopy acreage shall be calculated using the Sacramento County Department of Transportation 15-year shade cover values for tree species. Preference is given to on-site mitigation, but if this is infeasible, then funding shall be contributed to the Sacramento Tree Foundation's Greenprint program in an amount proportional to the tree canopy lost (as determined by the 15-year shade cover calculations for the tree species to be planted through the funding, with the cost to be determined by the Sacramento County Tree Foundation).

BR-5: Comply with mitigation measures BR-1.1 through BR-1.12, BR-3, and BR-4 to address conflicts with local policies or ordinances protection biological resources.

D. Statement of Overriding Considerations

The County of Sacramento 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 Aspen VIII and IX Project are disclosed in the County of Sacramento FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts to water resources 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 resources and finds that the specific economic, legal, social, and technological benefits of

implementing the Project outweigh the significant and unavoidable impacts to water resources.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the County of Sacramento, 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.)

Attachment D
Signatory Requirements

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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.”

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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 XIV (L) of the Order, may be requested by the Permittee as set forth below:

Process Steps

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

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

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

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide 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).

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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: Stephanie.Tadlock@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Stephanie Tadlock; Reg. Measure ID: 409658_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.
5. **Effective Date:** 10 April 2017

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: Aspen VIII and IX Project
Permittee: Teichert Materials
Reg. Meas. ID: 409658 **Place ID:** 828900
Order Effective Date: 10 April 2017
Order Expiration Date: 9 April 2022

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 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 (BMPs¹). Include Construction Storm Water General Permit Waste Discharge Identification Number (WDID#). 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. 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

¹ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

Report Type 2	Annual Report
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of May 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
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	<p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none"> 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <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.

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.
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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	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

	<p>photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</p> <ol style="list-style-type: none"> 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.
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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	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 subject to administrative and/or civil liability for failure to do so; and b. responsibility for compliance with any long-term BMP² maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

² Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.