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## Central Valley Regional Water Quality Control Board

22 May 2017

John Stanek  
Greenbriar Project Owner, LP  
888 San Clemente Drive, Suite 100  
Newport Beach, CA 92660

CERTIFIED MAIL  
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### **CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE GREENBRIAR DEVELOPMENT PROJECT – SPANGLER MITIGATION SITE, SACRAMENTO COUNTY (WDID#5A34CR00688)**

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 Greenbriar Project Owner, LP for Greenbriar Development Project – Spangler Mitigation Site (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 Greenbriar Project Owner, LP 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](mailto: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](mailto: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](mailto:Elizabeth.Lee@waterboards.ca.gov).

*Original Signed By:*

Stephanie Tadlock  
Environmental Scientist  
401 Water Quality Certification Unit

Enclosures (1): Order for Greenbriar Development Project – Spangler Mitigation Site

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

Joe Morgan (Electronic Copy Only)  
United States Environmental Protection Agency  
Morgan.Joseph@epa.gov

California Department of Fish and Wildlife, Region 2  
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program  
Division of Water Quality  
State Water Resources Control Board  
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Elizabeth Lee  
Unit Supervisor  
Central Valley Regional Water Quality Control Board, Sacramento  
Elizabeth.Lee@waterboards.ca.gov

cc: (w/ enclosure):  
Mary Pakenham-Walsh (SPK-2014-00122)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
1325 J Street, Room 1350  
Sacramento, CA 95814-2922

Bill Jennings  
CA Sportfishing Protection Alliance  
3536 Rainier Avenue  
Stockton, CA 95204

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Central Valley Regional Water Quality Control Board

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**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER**

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<b>Effective Date:</b> 22 May 2017	<b>Reg. Meas. ID:</b> 411593
<b>Expiration Date:</b> 18 March 2022	<b>Place ID:</b> 832146
<b>Program Type:</b> Restoration	<b>WDID:</b> 5A34CR00688
<b>Project Type:</b> Ecological Aquatic/Stream/Habitat Restoration	<b>USACOE#:</b> SPK-2014-00122
<b>Project:</b> Greenbriar Development Project – Spangler Mitigation Site (Project)	
<b>Applicant:</b> Greenbriar Project Owner, LP	
<b>Applicant Contact:</b> John Stanek 888 San Clemente Drive, Suite 100 Newport Beach, CA 92660 Phone: (949) 720-3612 Email: jstanek@integralcommunities.com	
<b>Applicant's Agent:</b> Robert Edgerton Helix Environmental Planning, Inc. 11 Natoma Street, Suite 155 Folsom, CA 95630 Phone: (916) 365-8713 Email: RobertE@helixepi.com	
<b>Water Board Staff:</b> Stephanie Tadlock Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 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.

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**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Greenbriar Project Owner, LP (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 25 January 2017. The application was deemed complete on 9 March 2017. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following dates (Table 1).

<b>Table 1: Record of Notice(s) of Incomplete Application</b>	
Date of Notice of Incomplete Application	Date all requested information was received.
24 February 2017	9 March 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 27 January 2017 to 17 February 2017. The Central Valley Water Board did not receive any comments during the comment period.

**III. Project Purpose**

The Project will establish Spangler Reserve, which is a restoration project intended to offset impacts to special status species and waters of the state on the Greenbriar Project Site that will result from construction of the Greenbriar Development Project.

**IV. Project Description**

The Project creates 142 acres of managed marsh complex and 53.1 acres of annual grassland and seasonal wetland complex.

**V. Project Location**

Address: Powerline Road, 1.2 miles north of Elverta Road and 2 miles west of State Route 70/Highway 99

County: Sacramento

Nearest City: Sacramento

Section 8 & 17, Township 10 North, Range 4 East, MDB&M.

Latitude: 38.72868°N and Longitude: 121.57329°W

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

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

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016 (Basin Plan). The Basin Plan and other plans and policies may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](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 creates 142 acres of managed marsh complex and 53.1 acres of annual grassland/seasonal wetland complex. Approximately 10.04 acres of existing seasonal wetlands will be temporarily impacted to create the new restoration areas.

The managed marsh complex will create 49.7 acres of bulrush marsh and 48.6 acres of open water formed. The aquatic components of the managed marsh complex will include open water and perennial bulrush marsh. These elements will achieve water depths ranging from 6 to 12 inches in shallow areas and 2.5 to 4 feet in deeper areas by grading. Micro-topographic features will be included. Water will be maintained using a series of bypass ditches.

A total of 53.1 acres of annual grassland/seasonal wetland complex will be created during the first phase of restoration on the Project site. This includes 13.2 acres of seasonal wetland and 39.9 acres of annual grassland buffer.

Existing canals and drains will be retained. New water control structures (sluice gates) will allow continual filling and draining of individual managed marsh cells.

New bypass ditches will be constructed to supply irrigation water to the managed marsh complex area in lieu of the existing hydrology controlled by the existing irrigation canals and drainage ditches. Water control structures in the ditches would allow irrigation control, and would provide a means of drawdown to allow vegetation maintenance and grazing every 3 to 5 years.

No wet concrete will be placed into waters of the state. Dewatering will occur only within the existing canals and drains. The Project will temporarily impact 10.04 acres of waters of the state.

Total Project fill/excavation quantities for all impacts are summarized in Table 2.

Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY	LF	Acres	CY	LF
Wetland	10.04	-	-	-	-	-	-	-	-

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

<sup>1</sup> 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.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

**IX. Avoidance and Minimization**

Construction of the Project will take place during the spring/summer, when the project site is dry, and will avoid potential for discharges of sediment or other materials into waters of the state. All disturbed areas will be either hydro seeded or permanently inundated promptly following earthwork. Upland areas such as berms, roads, and upland buffer components of the managed marsh complex and seasonal wetland complex will be hydro seeded with a palette of native annual species following site preparation. Bulrush marsh areas would be planted with bulrush container stock and then inundated along with proposed open water areas. This will take place on a cell-by-cell basis as site preparation is complete, allowing for prompt revegetation and inundation following ground disturbance.

Existing canals will be drained prior to installation of water control structures, thus avoiding potential discharges of sediment and other materials to downstream waters. Canals will be drained at the time of year when water is ordinarily not being delivered to the site, and thus draining will not alter current site hydrology. Overall, the modular design of the managed marsh cells and canals in the Project will allow for compartmentalization of work and prompt restoration of hydrology following completion of project activities. No water will be discharged from the site during grading, thus avoiding potential discharges of sediment and other materials to downstream waters.

**X. Compensatory Mitigation**

No compensatory mitigation is required for impacts because the Project site will be enhanced to a greater value and function as a result of the Project.

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

On 29 January 2008, the City of Sacramento, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2005062144) for the Project and filed a Notice of Determination (NOD) at the SCH on 1 February 2008. 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 \$200.00 was received on 27 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 D - Ecological Restoration and Enhancement Projects (fee code 85) 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 2.

**B. Reporting and Notification Requirements**

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

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: [centralvalleysacramento@waterboards.ca.gov](mailto: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 sampling is required, the Permittee shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every month thereafter.

- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of July beginning 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 and corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 20009-0009-DWQ; NPDES No. CAS000002).

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

the Permittee which will end the active discharge period and associated annual fees.

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,<sup>3</sup> 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 Materials<sup>4</sup>**

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

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
  - first call – 911 (to notify local response agency)
  - then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
  - Lastly follow the required OES procedures as set forth in:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

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

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<sup>3</sup> 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.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

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

**c. In-Water Work and Diversions**

- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means in accordance with section XIV.B.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

**d. Modifications to Project**

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

**e. Transfer of Property Ownership:** This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:

- i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

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

**C. Water Quality Monitoring**

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling:
  - a. when performing any in-water work;

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

**3. In-Water Work or Diversions:**

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

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
  - I. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - II. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - III. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - IV. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
  - V. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.<sup>5</sup> The

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<sup>5</sup> 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.

sampling in Table 3 shall be conducted in ambient waters outside the influence of the Project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to ambient waters.

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 D, 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, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.d.

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

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

#### **D. Standard**

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

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

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

#### **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. **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.

## G. Construction

### 1. Dewatering

- a. If water is present in the work area, the area must be dewatered prior to start of work.
- b. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

### 2. Directional Drilling – NOT APPLICABLE

### 3. Dredging – NOT APPLICABLE

### 4. Fugitive Dust – NOT APPLICABLE

**5. Good Site Management “Housekeeping”**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

**6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

**7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE****8. In-Water Work**

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

**9. Post Construction Storm Water Management – NOT APPLICABLE****10. Roads – NOT APPLICABLE****11. Sediment Control**

- a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
- b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments

from migrating into the waters of the state through the entire duration of the Project.

- c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

## **12. Special Status Species**

- a. If Valley elderberry longhorn beetle are discovered within 100 feet of the Project area, the Permittee shall implement the United States Fish and Wildlife Conservation Guidelines for the Valley Elderberry Longhorn Beetle dated 9 July 1999.
- b. All grading activity within Giant garter snake habitat, aquatic habitat, and uplands within 200 feet of aquatic habitat, shall be restricted to a period between 1 May and 30 September, or as allowed by the United States Fish and Wildlife Service.

## **13. Stabilization/Erosion Control**

- a. All areas disturbed by Project activities shall be protected from washout and erosion.
- b. Hydroseeding shall be performed with California native seed mix.

## **14. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. The 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 – NOT APPLICABLE**

## **I. Total Maximum Daily Load (TMDL) – NOT APPLICABLE**

## **J. Mitigation for Temporary Impacts**

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities or in accordance with the Greenbriar Development Project Mitigation and Monitoring Plan: Spangler Reserve dated 1 January 2017 and incorporated herein by reference.
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

Table 4: Required Project Mitigation Quantity for Temporary Impacts								
Aquatic Resource Type	Mit. Type <sup>6</sup>	Units	Method <sup>7</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	PR	Acres	-	10.04	-	-	-	-

**K. Compensatory Mitigation for Permanent Impacts<sup>8</sup> – NOT APPLICABLE**

**L. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation – NOT APPLICABLE**

**M. Ecological Restoration and Enhancement:** The quantity of waters of the state permanently gained by the Project is shown in Table 5.

Table 5: Total Ecological Restoration and Enhancement Quantity							
Aquatic Resource Type	Res. <sup>9</sup> Type	Units	Method <sup>10</sup>				
			Est.	Re-est.	Reh.	Enh.	Pres.
Wetland	PR	Acres	142	-	-	-	-
Wetland	PR	Acres	53.1	-	-	-	-

**N. Certification Deviation**

- Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For

<sup>6</sup> Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

<sup>7</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

<sup>8</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

<sup>9</sup> Restoration (Res.)

<sup>10</sup> Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.).

purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

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

#### **XV. Water Quality Certification**

I hereby issue the Order for the Greenbriar Development Project – Spangler Mitigation Site (WDID#5A31CR00688) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (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 Adam Laputz for:*

5-23-2017

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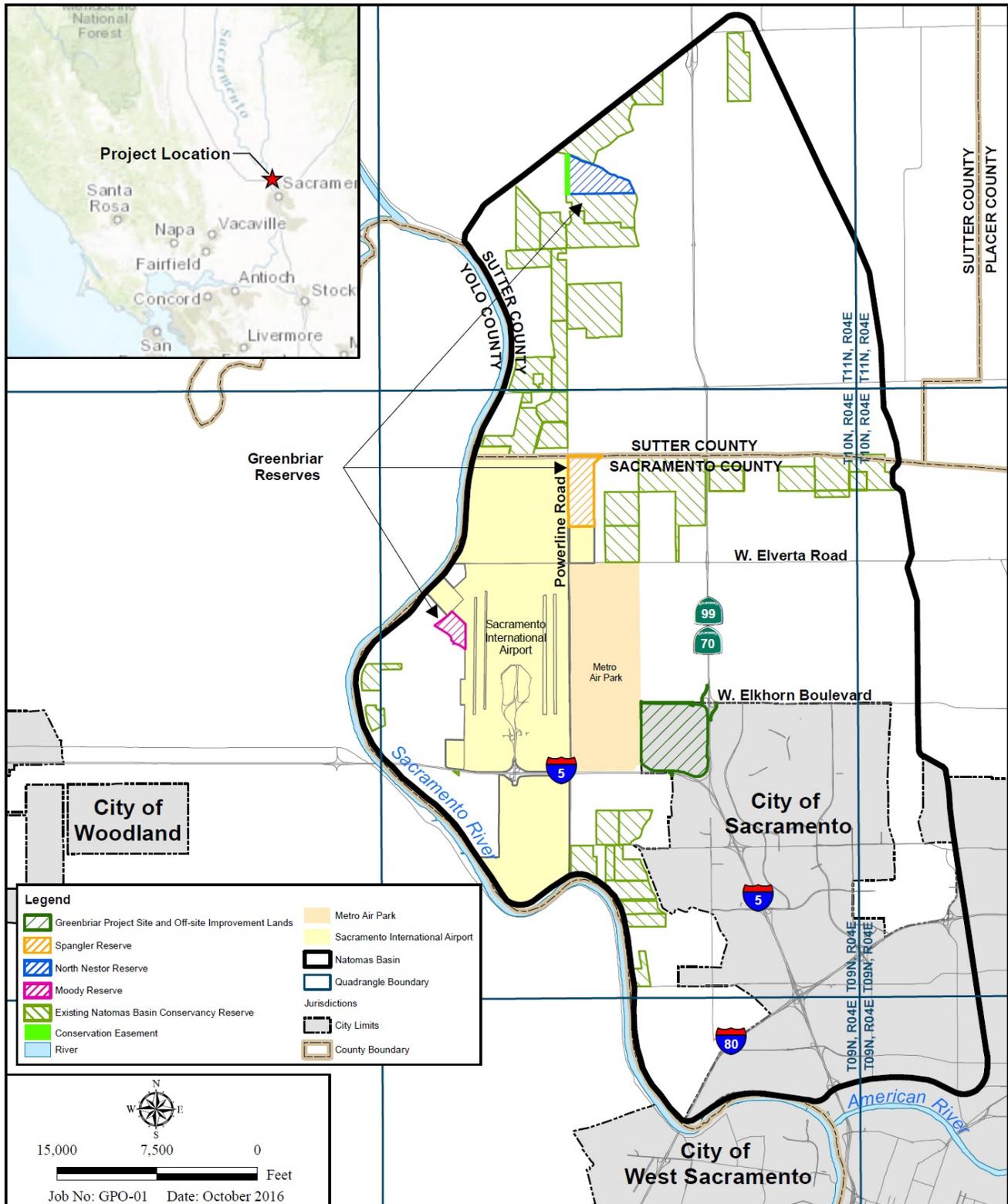
Pamela C. Creedon  
Executive Officer  
Central Valley Regional Water Quality Control Board

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Date

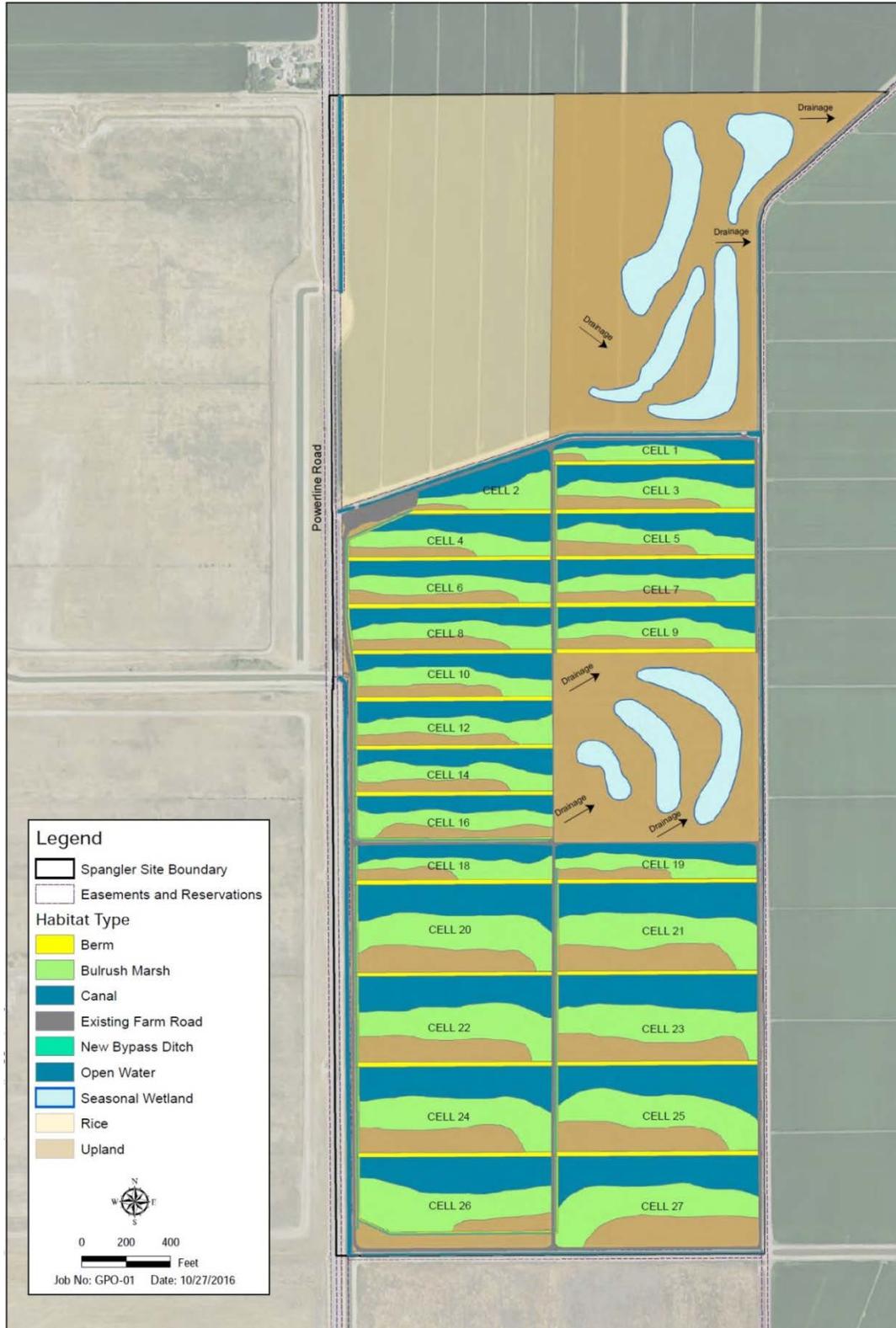
<b>Attachment A</b>	Project Map
<b>Attachment B</b>	Receiving Waters, Impact, and Mitigation Information
<b>Attachment C</b>	CEQA Findings of Facts
<b>Attachment D</b>	Report and Notification Requirements
<b>Attachment E</b>	Signatory Requirements
<b>Attachment F</b>	Certification Deviation Procedures





**Regional Locator and Site Vicinity**

**Figure 1 – Vicinity Map**



Spangler Reserve Conceptual Mitigation Design  
GREENBRIAR DEVELOPMENT PROJECT

Figure 2 – Site Map



**Receiving Waters**

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

<b>Table 1: Receiving Water(s) Information</b>							
Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID <sup>11</sup>
Site 1	Unnamed Wetlands	Wetland	519.22	Unnamed Wetlands	n/a	n/a	n/a

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
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
Site 1	38.72868°N	121.57329°W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	10.04	-	-
					Permanent	-	-	-	-	-	-

<sup>11</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.



## **A. Environmental Review**

On 29 January 2008, the City of Sacramento, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2005062144) for the Project and filed a Notice of Determination (NOD) at the SCH on 1 February 2008. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the City of 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 City 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 City 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.

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 for the Greenbriar Development, Spangler Mitigation Site, and Natomas 130 Site. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

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

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

### a.i. Potential Significant Impact:

Impacts to Giant garter snake, impacts to Swainson's hawk, loss and degradation to wetlands and waters of the United States, modifications to burrowing owl habitat, impacts to Northwestern pond turtle, and potential loss of Loggerhead shrike nests.

### a.ii. Facts in Support of Finding:

#### **6.12-1: (City of Sacramento and LAFCo)**

- a. To mitigate impacts to Giant garter snake, the project applicant shall prepare an Habitat Conservation Plan (HCP), pursuant to Section 10(a) of Endangered Species Act (ESA), and shall obtain appropriate authorization for incidental take of Giant garter

snake from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (DFW). (DFW would issue permits through Section 2081 of the Fish and Game Code.) The HCP shall include a comprehensive Giant garter snake conservation strategy, developed through consultation with USFWS and DFW. This strategy shall be consistent with the goals of the regional basin-wide conservation program described in the Natomas Basin Habitat Conservation Plan (NBHCP), and shall advance the NBHCP's regional conservation strategy. This conservation strategy shall be designed to include avoidance, minimization and compensation measures that are adequate to assure that the proposed project shall not compromise the effectiveness of the NBHCP.

- b.** The conservation strategy shall include habitat preservation and restoration consistent with the NBHCP's strategy of establishing an interconnected reserve system composed of marshlands, uplands, and rice fields in the Natomas Basin. Key elements of the Giant garter snake conservation shall include on-site/off-site habitat preservation, restoration, and creation, and on-site avoidance and minimization measures. The conservation strategy that would ultimately be implemented as mitigation would be developed through consultation with DFW and USFWS as part of the permitting process. Refinements may occur through the USFWS/DFW consultation process, to the extent that the NBHCP regional conservation strategy is advanced.

- i.** Habitat Creation, Preservation, and Management in the Lone Tree Canal Linear Open Space/Buffer Area

- 1.** To ensure that the project does not diminish habitat connectivity for Giant garter snake between the southwest and northwest zones identified in the NBHCP, approximately 30.6 acres along Lone Tree Canal shall be protected and managed as Giant garter snake habitat. This on-site habitat preservation shall protect an approximately 250-foot wide corridor of Giant garter snake habitat that includes the canal and approximately 200 feet of adjacent uplands. Uplands within the linear open space/buffer area shall be managed as perennial grassland as described below. Additional aquatic habitat for Giant garter snake shall be created along the east bank of Lone Tree Canal by construction and maintenance of a 2.7 acre Tule bench. The habitat shall be managed in perpetuity as high-quality habitat for Giant garter snake. Compliance and biological effectiveness monitoring shall be performed and annual monitoring reports prepared within six months of completion of monitoring for any given year. This monitoring, reporting, and adaptive management shall be performed as described in Section IV of the NBHCP.
    - 2.** To ensure that the project does not diminish Giant garter snake movement along Lone Tree Canal, all new road crossings of Lone Tree Canal shall be designed to minimize obstacles to Giant garter snake movement. The use of culverts under new road crossings on Lone Tree Canal shall be prohibited unless it can be demonstrated that the culverts will not diminish the potential for Giant garter snake movement through the section of Lone Tree Canal protected by the setback fence and conservation easement.

3. Upland Giant garter snake habitat within the Lone Tree Canal linear open space/buffer area shall be created and managed to provide cover, basking areas, and refugia during the winter dormant period. Hibernacula would be constructed at regular intervals by embedding concrete or coarse rock in the bank or in a berm along the Lone Tree Canal corridor to provide additional winter refugia. Upland habitat with the linear open space/buffer areas shall be converted to native perennial grassland and managed, in perpetuity, as perennial grassland habitat.
4. Aquatic habitat shall be maintained throughout the Giant garter snake active season in Lone Tree Canal, in perpetuity. This is the legal responsibility and obligation of Metro Air Park property owners (MAP). The MAP HCP includes provisions for maintaining water in the canal such that the basic habitat requirements of the Giant garter snake are met. The MAP HCP also provides a road map to address procedures to follow if water is not being maintained in the canal to meet these requirements. As described in the MAP HCP, the MAP is legally obligated to assure these requirements are met, and financial and procedural mechanisms are included in the MAP HCP to enforce this. It is, therefore, assumed that MAP will provide water to Lone Tree Canal, as required by the MAP HCP and ITP, in perpetuity. It is also assumed that USFWS will use all reasonable means available to it, to enforce this MAP HCP requirement. If water is not provided to Lone Tree Canal by the MAP to meet the habitat requirements of Giant garter snake, as required by the MAP HCP, and USFWS exhausts its enforcement responsibilities, the project applicant shall assume the responsibility of providing suitable Giant garter snake aquatic habitat throughout the section of Lone Tree Canal protected by the fence and conservation easement. However, as stated herein, the project applicant shall only assume this responsibility if it has been sufficiently demonstrated to the City that USFWS has exhausted all reasonable means to compel MAP to comply with the relevant conditions of the MAP ITP. Specific requirements related to ensuring suitable aquatic habitat in Lone Tree Canal is present, in perpetuity, throughout the Giant garter snake active season shall be developed through consultation with DFW and USFWS, and included in the new or amended HCP for Greenbriar, and may include mechanisms, such as installation of a well, to assure water is provided in the canal to meet habitat requirements.
5. A barrier shall be installed between the Giant garter snake habitat linear open space/buffer area and the adjacent Greenbriar development to ensure that Giant garter snakes do not enter the development area, and to prohibit humans and pets from entering the Giant garter snake habitat. The design of this barrier shall be subject to USFWS and CDFG review and approval. The entire length of the barrier, which shall be bordered by yards rather than roadways, shall be maintained on the preserve side by a nonprofit land trust to ensure that vegetation or debris does not accumulate near the barrier and provide opportunities for wildlife and pets to climb over the barrier. On the development side,

Covenants, Codes and Restrictions (CCRs) shall prohibit accumulation of vegetation or debris adjacent to the barrier. Chain link fencing shall be placed at both ends of the corridor, with locked gates permitting entry only by Reclamation District 1000 and North Marin Water District (NMWD) for channel maintenance, and by the preserve manager for habitat monitoring and maintenance purposes.

6. Specific requirements associated with the barrier shall be developed through consultation with USFWS and DFW, and may include the following and/or other specifications that DFW and USFWS consider to be equally or more effective: (DEIR, p. 6.12- 27)
  - a. Adequate height and below-ground depth to prevent snakes or burrowing mammals from providing a through route for snakes by establishing burrows from one side to the other crossing;
  - b. Constructed using extruded concrete or block construction extending a minimum of 36-inches above ground level;
  - c. Maintenance to repair the barrier and to prevent the establishment of vegetation or collection of debris that could provide snakes with a climbing surface allowing them to breach the barrier;
  - d. A cap or lip extending at least two-inches beyond the barrier's vertical edge to prevent snakes from gaining access along the barrier's top edge; and
  - e. Signage to discourage humans and their pets from entering the area.
  
7. The Lone Tree Canal linear open space/buffer area shall be protected in perpetuity under a conservation easement and managed to sustain the value of this area for Giant garter snake habitat connectivity. Compliance and biological effectiveness monitoring shall be performed and annual monitoring reports prepared. This monitoring, reporting, and adaptive management shall be performed as described in Section JV of the NBHCP or following procedures developed in formal consultation with USFWS and DFW and contained in an ESA Incidental Take Permit for the Greenbriar project.

ii. Off-site Habitat Preservation, Restoration, and Creation

1. The project applicant shall dedicate Giant garter snake habitat to the Natomas Basin Habitat Conservancy (TNBC) at off-site locations identified as having high regional conservation value, and contributing to an interconnected regional reserve system as envisioned in the NBHCP. The project applicant shall dedicate property in accordance with the Open Space, Species and Agriculture: Project Impacts and Mitigation chart attached to the Mitigation and Monitoring Plan (MMRP) to ensure that implementation of the proposed project would result in no net loss of overall Giant garter snake habitat value. The habitat shall be managed in perpetuity as high-quality habitat for Giant garter snake. Compliance and biological effectiveness monitoring shall be performed and annual monitoring reports prepared. This monitoring, reporting, and adaptive management shall be performed as described in Section IV of

the NBHCP. After acquisition and dedication, TNBC would choose appropriate land within its land pool for creating the project's required acreage of managed marsh and upland habitat.

The Spangler Site is located in northern Sacramento County along the Sutter County line, northeast of the Sacramento Airport and west of State Route 70199 (Exhibit 6.12-4 of the DEIR). This site is currently in irrigated rice. It is surrounded by agriculture (primarily rice) on all sides. Existing water channels provide potential habitat connectivity for Giant garter snake between the Spangler Site and Lone Tree Canal. A minimum of 190 acres of managed marsh, including 55.2 acres of upland habitat shall be created and preserved for Giant garter snake on the Spangler Site. The 55.2 acres of upland habitat shall also serve as mitigation for impacts to Swainson's hawk described under Impact 6.12-2. To further reduce impacts to Swainson's hawk, a minimum 45.4 acres of high-quality Swainson's hawk foraging habitat (e.g., alfalfa) shall be created and managed on the Spangler Site, as further discussed below.

The North Natomas 130 Site is adjacent to the Natomas Basin Conservancy's Cummings preserve to the south, Fisherman's Lake to the east, rice land to the north, and the Sacramento River to the west. Because it is surrounded by compatible land uses and habitat expected to persist in the future, this site has long-term conservation value. The Natomas 130 Site provides potential habitat connectivity for Giant garter snake to existing preserves and Lone Tree Canal via a series of water drainage and delivery channels. A minimum of 14.2 acres of managed marsh, including 4.3 acres of upland habitat, shall be created and preserved for Giant garter snake on the North Natomas 130 Site. The 4.3 acres of upland habitat shall also serve as mitigation for impacts to Swainson's hawk described under Impact 6.12-2. To further reduce impacts to Swainson's hawk, 14.2 acres of high-quality foraging habitat shall be managed to provide Swainson's hawk foraging habitat on the North Natomas 130 Site. Habitat created and preserved on the North Natomas 130 Site shall also include 1.9 acres of riparian, which could provide potential nesting sites for Swainson's hawk.

2. The off-site conservation lands shall be restored with Giant garter snake habitat consisting of a mosaic of habitat types with variations in topography and an abundance of edges within and between habitat types. The managed marsh shall consist of seasonal marsh with shallow and deep water configurations, permanent marsh, and upland habitats in the form of buffers, islands, and other high-ground habitats scattered throughout the marsh's wetland component. A significant portion of the upland component shall be above winter flood levels to protect Giant garter snakes in their winter retreats. Vegetation shall be natural marsh vegetation such as cattails, spike rush, Tule clumps, and thimbleberry, placed to maximize protected resting and basking sites and escape cover for the snakes.

iii. On-Site Avoidance and Minimization Measures

The measures described below shall be incorporated into the Giant garter snake conservation strategy to avoid and minimize take of Giant garter snakes during construction activities, including construction of managed marsh habitat:

1. All grading activity within Giant garter snake habitat (aquatic habitat and uplands within 200 feet of aquatic habitat) shall be restricted to a period between May 1 and September 30. Because this is during the snakes' active stage, it would allow snakes to actively move away from danger and thereby reduce chances of snake mortality. Additionally, this restriction is timed to avoid grading during the snakes' breeding, dispersal, fall foraging and over-wintering periods, when they are most vulnerable to disturbance. If grading cannot be scheduled between May 1 and September 30, the Applicant shall contact the USFWS to determine whether additional measures are necessary to avoid and/or minimize take of Giant garter snake. Grading shall only occur during the period between October 1 and April 30 upon written USFWS approval.
2. A qualified biologist with experience identifying Giant garter snakes shall survey the construction area for Giant garter snakes no more than 24 hours prior to the start of construction activities. If construction activities stop on the project site for a period of two weeks or more, a new Giant garter snake survey shall be completed no more than 24 hours prior to the re-start of construction activities.
3. Between April 15 and September 30, all irrigation ditches, canals, or other aquatic habitat within the construction area shall be completely dewatered, with no ponded water remaining, for at least 15 consecutive days prior to the excavation or filling in of the dewatered habitat. The purpose of dewatering the aquatic habitat prior to filling is to compel Giant garter snakes to leave the area on their own. A qualified biological monitor shall ensure that dewatered habitat does not continue to support Giant garter snake prey, which could attract snakes into the area. Netting and salvage of prey may be necessary if a site cannot be completely dewatered.
4. Construction activity shall be avoided within the approximately 250-foot Lone Tree Canal linear open space/buffer area, except for the purpose of habitat restoration activities carried out under the direction of a qualified biological monitor with experience identifying Giant garter snakes. To minimize habitat disturbance during construction of the urban development, the approximate 250-foot wide corridor shall be bordered on the outer edge with exclusionary fencing that shall prevent Giant garter snakes from entering the construction area, but shall allow any Giant garter snakes within the construction area, that may have otherwise been trapped, to cross into the canal corridor. Movement of heavy equipment associated with construction of the urban

development shall be restricted to the construction area outside the corridor, except for approved restoration activity within the corridor.

5. Clearing and grading shall be confined to the minimum area necessary to facilitate construction activities as determined by a qualified biologist. Habitat that will be avoided shall be cordoned off, clearly flagged, and designated as an Environmentally Sensitive Area by a qualified biologist. An exclusion fence shall be erected between the development area and the Lone Tree Canal linear open space/buffer area prior to and during construction to prevent Giant garter snake entry into the construction zone. The fence shall be erected prior to the onset of the dormant season preceding construction when Giant garter snakes are less likely to occupy upland retreats on the project site. The interior or project side of the exclusion fence shall be routinely monitored for Giant garter snakes stranded by the fence. Snakes encountered should be relocated to the nearest suitable habitat off-site by a qualified biologist.
6. All construction personnel shall receive worker environmental awareness training from a USFWS-approved biologist prior to commencing any construction-related activities on the project site. This training shall instruct workers on how to identify the Giant garter snake and its habitat, and what to do if a Giant garter snake is encountered during construction activities.
7. A USFWS-approved biological monitor shall be present during grading activities within 200 feet of aquatic Giant garter snake habitat to ensure that construction activities do not encroach into unauthorized areas. If a live Giant garter snake is found during construction activities, the biological monitor shall immediately notify USFWS. The biological monitor shall have the authority to stop construction in the vicinity of the snake. The snake shall be monitored and given a chance to leave the area on its own. If the snake does not show signs of leaving, then the biological monitor shall slowly move toward the snake to flush it toward adjacent habitat away from the construction area. Potential escape routes for Giant garter snakes shall be determined in advance of construction. If the Giant garter snake does not leave on its own within 1 working day, the biological monitor shall consult with the USFWS to determine necessary additional measures. Any Giant garter snake mortality shall also be reported by the biological monitor within 1 working day to USFWS. Any project-related activity that results in Giant garter snake mortality shall cease so that this activity can be modified to the extent practicable to avoid future mortality.
8. Upon completion of construction activities, construction debris shall be completely removed from the site. If this material is situated near existing Giant garter snake aquatic habitat, it shall be inspected by a qualified biologist prior to removal to assure that Giant garter snakes are not using it for hibernacula or temporary refuge.
9. No plastic, monofilament, jute, or similar erosion control matting that could entangle snakes shall be placed on a project site when working

within 200 feet of snake aquatic or rice habitat. Possible substitutions include coconut coir matting, tactified hydroseeding compounds, or other material approved by DFW and USFWS. (DEIR, p. 6.12-30)

- b. In addition, the project applicant has agreed to the following mitigation measure:
  1. The project applicant shall mitigate for impacts to species habitat by providing mitigation land in the amounts specified in the Greenbriar Open Space, Species and Agriculture: Project Impacts and Mitigation chart attached to the Mitigation Monitoring and Reporting Program, approved by the City Council along with these findings.

**6.12-2: (City of Sacramento and LAFCo)**

- a. The project applicant shall implement Mitigation Measure 6.12-1. The project shall include a conservation strategy which shall be designed to include avoidance, minimization and compensation measures that are adequate to assure that the proposed project shall not compromise the effectiveness of the NBHCP.

Implementation of this mitigation measure would require preservation of 27.9 acres of on-site managed grassland within the Lone Tree Canal linear open space/buffer area, which would provide low-quality Swainson's hawk foraging habitat, and would require off-site habitat at several locations. Off-site mitigation for impacts to Swainson's hawk foraging habitat on the Spangler Site would include creation and management of 55.2 acres of upland habitat that would provide moderate-quality foraging habitat, and creation and management of 45.4 acres of high-quality foraging habitat. Off-site mitigation on the North Natomas 130 Site would include creation and preservation of 4.3 acres of moderate-quality foraging habitat and 14.2 acres of high-quality foraging habitat. Off-site mitigation at the North Natomas 130 site also includes creation and preservation of 1.9 acres of riparian habitat that could provide potential nesting sites for Swainson's hawks.

In addition to creation and management of foraging habitat provided by Mitigation Measure 6.12-1, the project applicant shall acquire a minimum of 49 acres of land enhanced and managed to provide high-quality foraging habitat so that the cumulative value of on-site and off-site habitat is of equal or greater value to Swainson's hawk than that lost through project development. Swainson's hawk habitat acquired off-site shall either be located within 1 mile of the Swainson's hawk zone or an existing TNBC reserve, or, with USFWS and DFW concurrence, within two miles of more than one active Swainson's hawk nests.

Thus, in total, 27.9 acres of low-quality, 59.5 acres of moderate-quality, 108.6 acres (including the additional 49 acres referenced above) of high-quality, and 1.9 acres of potential nesting habitat would be provided as mitigation for the loss of approximately 546 acres of low- and moderate-quality foraging habitat.

The totals described above represent the acreage, of the quality described, likely to mitigate the loss of habitat value associated with the proposed project. This represents potential acreage within a range that could be used to mitigate loss of habitat value. Acquired and preserved acreage could range up to a replacement of 1:1 (or higher) ratio, if needed to replace lost habitat value. Alternatively, a lesser acreage that is

enhanced and managed as high-quality foraging habitat (e.g., alfalfa) for Swainson's hawk in perpetuity, as proposed herein, would be acceptable provided that USFWS and DFW concur that, with the replacement habitat, the project would provide equal or greater value to the species than would the foraging habitat present at the project site. Compliance and biological effectiveness monitoring shall be performed and annual monitoring reports shall be prepared. This monitoring, reporting, and adaptive management shall be performed as described in Section IV of the NBHCP.

- b. In addition, the following avoidance and minimization measures shall be implemented:
  - i. Pre-construction surveys shall be conducted for Swainson's hawk and other raptors no more than 14 days and no less than 7 days prior to the beginning of any construction activity between March 15 and August 15. The survey area shall include all potential nesting sites located within 0.5 mile of the project and mitigation sites.
  - ii. Should nesting be discovered within the survey area, a qualified biologist shall notify DFW and no new disturbance shall occur within 0.5 mile of the nest until the nest is no longer active or appropriate avoidance measures are approved by DFW to ensure that the nest is adequately protected. Potential mitigation measures may include visual screening and timing restrictions for construction activity. Monitoring (funded by the project applicant) of active nests by a DFW-approved raptor biologist shall be required to determine if project construction is disturbing Swainson's hawks at the nest site. Exact implementation of this measure shall be based on specific information at the project site. (DEIR, p. 6. 12-32)
  
- c. In addition, the project applicant has agreed to the following mitigation measure:
  - i. The project applicant shall mitigate for impacts to species habitat by providing mitigation land in the amounts specified in the Greenbriar Open Space, Species and Agriculture: Project Impacts and Mitigation chart attached to the Mitigation Monitoring and Reporting Program, approved by the City Council along with these findings.

**6.12-3: (City of Sacramento and LAFCo)**

- a. The project applicant shall implement Mitigation Measure 6.12-1 to avoid impacts to waters of the United States and wetlands associated with Lone Tree Canal.
  
- b. Prior to project approval, the project applicant shall obtain a verified wetland delineation from the United States Army Corps of Engineers (USACE). Based on the results of the verified delineation, the project applicant shall commit to replace, restore, or enhance on a "no net loss" basis, in accordance with USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), as appropriate for each agency's jurisdiction, the acreage of all waters of the United States and wetland habitats, including isolated wetlands that would be removed with implementation of the project. Wetland restoration, enhancement, and/or replacement shall be at a location and by methods acceptable to the USACE, DFW, and Central Valley RWQCB, as determined during the Section 404, Section 1600, and Section 401 permitting processes.

- c.** In conjunction with preparation and implementation of the Giant garter snake mitigation described under Mitigation Measure 6.12-1, the project applicant shall prepare and submit a habitat mitigation and monitoring plan to USACE for the creation of jurisdictional waters at a mitigation ratio no less than 1:1 acres of created water of the United States, including wetlands, to each acre filled. The mitigation plans shall demonstrate how the USACE criteria for jurisdictional waters will be met through implementation. Wetland mitigation achieved through implementation of Mitigation Measure 6.12-1 can satisfy this mitigation measure if conducted in such a way that it meets both habitat function and the USACE criteria for creation of waters of the United States. The wetland creation section of the habitat mitigation and monitoring plan shall include the following:
- i. target areas for creation,
  - ii. a complete biological assessment of the existing resources on the target areas,
  - iii. specific creation and restoration plans for each target area,
  - iv. performance standards for success that will illustrate that the compensation ratios are met, and
  - v. a monitoring plan including schedule and annual report format.
- d.** The project applicant shall secure the following permits and regulatory approvals, as necessary, and implement all permit conditions before implementation of any construction activities associated with the proposed project:
- i. Authorization for the fill of jurisdictional waters of the United States shall be secured prior to placing any fill in jurisdictional wetlands from the USACE through the Clean Water Act (CWA) Section 404 permitting process. Timing for compliance with the specific conditions of the 404 permit shall be per conditions specified by the USACE as part of permit issuance. It is expected that the project would require an individual permit because wetland impacts would total more than 0.5 acre. In its final stage and once approved by the USACE, this mitigation plan is expected to detail proposed wetland restoration, enhancement, and/or replacement activities that would ensure no net loss of jurisdictional wetlands function and values in the project vicinity. As required by Section 404, approval and implementation of the wetland mitigation and monitoring plan shall ensure no net loss of jurisdictional waters of the United States, including jurisdictional wetlands. Mitigation for impacts to isolated wetlands shall be included in the same mitigation plan. All mitigation requirements identified through this process shall be implemented before construction begins in any areas containing wetland features.
  - ii. Prior to construction in any areas containing wetland features, the project applicant shall obtain water quality certification pursuant to Section 401 of the Clean Water Act for the project. Any measures required as part of the issuance of water quality certification shall be implemented.

- iii. The project applicant shall obtain a Streambed Alteration Agreement under Section 1600 et seq. of the California Fish & Game Code for impacts to Waters of the State as defined under Section 1602 of the California Fish & Game Code.
- iv. The project applicant shall file a report of waste discharge with the Central Valley RWQCB for activities affecting waters of the state. For other mitigation measures aimed at maintaining water quality, including obtaining National Pollutant Discharge Elimination System (NPDES) permits, see Mitigation Measure 6.10-1 in "Hydrology, Drainage and Water Quality." (DEIR, p. 6. 12-34)

**6.12-5: (City of Sacramento and LAFCo)**

- a. No more than 30 days and no less than 14 days prior to project site grading, a qualified biologist shall conduct focused surveys for burrowing owls in areas of suitable habitat on and within 300 feet of the project site. Surveys shall be conducted in accordance with DFW protocol (DFG 1995).
- b. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to DFW, and no further mitigation is necessary.
- c. If occupied burrows are found in the survey area, impacts shall be avoided by establishing a buffer of 165 feet during the non-breeding season (September 1 through January 31) or 300 feet during the breeding season (February 1 through August 31). The size of the buffer area may be adjusted if a qualified biologist and DFW determine it would not be likely to have adverse effects. No project activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied. If the burrow is occupied by a nesting pair, a minimum of 6.5 acres of foraging habitat contiguous to the burrow shall be preserved until the breeding season is over.
- d. If impacts to occupied burrows are unavoidable, on-site passive relocation techniques may be used if approved by DFW to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed during the nesting season unless a qualified biologist verifies through non-invasive methods that the burrow is no longer occupied. Foraging habitat for relocated pairs shall be provided in accordance with guidelines provided by DFW (1995). DFW guidelines recommend a minimum of 6.5 acres of foraging habitat per pair or unpaired resident bird, be acquired and permanently protected.
- e. If relocation of the owls is approved for the site by DFW, the developer shall hire a qualified biologist to prepare a plan for relocating the owls to a suitable site. The relocation plan must include:
  - i. the location of the nest and owls proposed for relocation;
  - ii. the location of the proposed relocation-site;
  - iii. the number of owls involved and the time of year when the relocation is proposed to take place;
  - iv. the name and credentials of the biologist who will be retained to supervise the relocation;

- v. the proposed method of capture and transport for the owls to the new site;
  - vi. a description of the site preparations at the relocation-site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control, etc.); and
  - vii. a description of efforts and funding support proposed to monitor the relocation. Relocation options may include passive relocation to another area of the site not subject to disturbance through one way doors on burrow openings, or construction of artificial burrows in accordance DFW guidelines.
- f. The project applicant shall implement Mitigation Measure 6.12-2 to mitigate for the loss of burrowing owl foraging habitat.

**6.12-6: (City of Sacramento and LAFCo)**

- a. The project applicant shall implement Mitigation Measure 6.12-1.
- b. Construction personnel shall participate in a worker environmental awareness program. Under this program, workers shall be informed about the potential presence of western pond turtles in the construction area, and shall be provided guidance on appropriate steps to take if a pond turtle is encountered during project construction.
- c. Within 24 hours prior to commencement of construction activities, the site shall be inspected for turtles by a qualified biologist. The construction area shall be re-inspected whenever a lapse in construction activity of two weeks or greater has occurred.
- d. If a turtle is encountered on the project site, any construction activity that could result in harm of the turtle shall immediately cease and shall not resume until the monitoring biologist has determined that the turtle has moved away from the construction-site on their own volition or a qualified biologist has moved the turtle to a safe location. (DEIR, p. 6. 12-37)

**6.12-8: (City of Sacramento and LAFCo)**

If initiation of site grading is proposed during the Loggerhead shrike nesting season (March 1 to July 31), a qualified biologist shall conduct a focused surveys for Loggerhead shrikes in areas of suitable habitat on and within 300 feet of the project site. The survey shall be conducted no more than 30 days and no less than 14 days prior to the start of grading. If surveys identify an active Loggerhead shrike nest in the survey area, the applicant shall install brightly colored construction fencing that establishes a boundary 100 feet from the active nest. No disturbance associated with the proposed project shall occur within the 100-foot fenced area during the nesting season of March 1 through July 31 or until a qualified biologist has determine that the young have fledged or that the nest is no longer occupied prior to disturbance of the nest site. (DEIR, p. 6. 12-38)

**D. Determination**

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



### Copies of this Form

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

1. Go to: [http://www.waterboards.ca.gov/water\\_issues/programs/cwa401/certifications.shtml](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](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Stephanie Tadlock; Reg. Measure ID: 411593\_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:** 22 May 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:** Greenbriar Development Project – Spangler Mitigation Site  
**Permittee:** Greenbriar Project Owner, LP  
**Reg. Meas. ID:** 411593 **Place ID:** 832146  
**Order Effective Date:** 22 May 2017  
**Order Expiration Date:** 18 March 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 <sup>1</sup>

Affiliation and Job Title

Signature

Date

**<sup>1</sup>STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)**

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

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

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

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>12</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> 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.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</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”.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> <li><b>d)</b> Describe each observed incidence in detail. List monitor name and</li> </ol> </li> </ol>

<sup>12</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	organization, date, location, type of incident, corrective action taken (if any), status, and resolution.
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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on the 1st day of July 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.
<b>Report Contents</b>	<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><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable: <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.</li> </ol>
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<b>Part B – Project Status Notifications</b>
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<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> <li>4. Construction Storm Water General Permit WDID No.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>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.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol> <p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ol style="list-style-type: none"> <li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li> <li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li> <li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li> <li>6. Final maps of all compensatory mitigation areas (including buffers).</li> </ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol style="list-style-type: none"> <li>7. Date of storm water Notice of Termination(s), if applicable.</li> <li>8. Report status and functionality of all post-construction BMPs.</li> </ol>
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<b>Part C – Conditional Notifications and Reports</b>
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<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>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.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	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.
<b>Report Contents</b>	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.

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
<b>When to Submit</b>	Seven (7) days prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
<b>Report Contents</b>	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	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.
<b>Report Contents</b>	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.



## SIGNATORY REQUIREMENTS

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

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

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



## Certification Deviation Procedures

### Introduction

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

### Process Steps

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

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

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

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