



Central Valley Regional Water Quality Control Board

23 March 2018

Charles Tyson
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CERTIFIED MAIL
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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE YOLO FLYWAY FARMS RESTORATION PROJECT, YOLO COUNTY (WDID#5A57CR00169)

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 Reynier Fund, LLC for the Yolo Flyway Farms Restoration Project (Project). Attachments A through F of the Enclosure are also part of the Order.

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

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

These reports, notifications, and other submissions must be submitted in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

If you require further assistance, please contact me by phone at (916) 464-4644 or by email at Stephanie.Tadlock@waterboards.ca.gov.

Original Signed By:

Stephanie Tadlock
Environmental Scientist
401 Water Quality Certification Unit

Enclosures (1): Order for the Yolo Flyway Farms Restoration Project

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

Sam Ziegler
United States Environmental Protection Agency
Ziegler.Sam@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
Stateboard401@waterboards.ca.gov

cc: (w/ enclosure):
Bill Guthrie (SPK-2015-00160)
United States Army Corps of Engineers
Sacramento District Headquarters
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Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 23 March 2018	Reg. Meas. ID: 418407
Expiration Date: 22 March 2023	Place ID: 843327
Program Type: Restoration	WDID: 5A57CR00169
Project Type: Non-Restoration Bank Stabilization	USACOE#: SPK-2015-00160

Project: Yolo Flyway Farms Restoration Project (Project)

Applicant: Reynier Fund, LLC
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Water Board Contact Person:

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

Table of Contents

I. Order3
II. Public Notice3
III. Project Purpose.....3
IV. Project Description3
V. Project Location3
VI. Project Impact and Receiving Waters Information3
VII. Description of Direct Impacts to Waters of the State4
VIII. Description of Indirect Impacts to Waters of the State5
IX. Avoidance and Minimization5
X. Compensatory Mitigation6
XI. California Environmental Quality Act (CEQA)6
XII. Petitions for Reconsideration6
XIII. Fees Received6
XIV. Conditions6
XV. Water Quality Certification18

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

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Reynier Fund, LLC (herein after Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 29 December 2017. The application was deemed complete on 5 March 2018.

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

Table 1: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
14 March 2018	19 March 2018

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 29 December 2017 to 19 January 2018. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to restore and enhance the intertidal wetlands within the lower Yolo Bypass.

IV. Project Description

The Project includes restoring tidal marsh areas, enhancing riparian habitat, enhancing transitional upland areas, and enhancing water quality while minimizing the introduction of agricultural contaminants.

V. Project Location

County: Yolo

Section 16, Township 6 North, Range 3 East, MDB&M.

Latitude: 38°21'57.89" N and Longitude: 121°38'33.32"W

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

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition, revised April 2016 (Basin Plan). The Basin Plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

Tidal Marsh Restoration

New channels and swales will be excavated within the restoration area. Minor interior berms will be degraded. The restoration area will be connected to the Toe Drain by two inlets through the berm, creating a total area of approximately 278 acres. The restoration area will include existing seasonal wetlands, perennial emergent marsh, and upland areas. New tidal channels, each no greater than a 6-foot depth, and swales will be excavated throughout the site to facilitate the movement of tidal water between tidal sources along the Toe Drain and the restored and enhanced wetland features on the Project site. Interior berms will be graded to varying width that matches the lower existing grade on each side of the berm to provide a smooth, low-gradient path for tidal incursion and excursion. Existing ranch roads and internal berms will be graded to be flush with the grade of the adjacent fields to allow for tidal circulation within the restored tidal basins. Tidal marsh restoration activities will permanently impact 17.76 acres/13,564 linear feet of jurisdictional wetland habitat.

Riparian Enhancement

Riparian enhancement will occur primarily along the west bank of the Toe Drain over approximately 3 acres. Cattle grazing activities will be removed from the area and interior berms and graded roads will be lowered to adjacent land grades. Riparian enhancement will not impact jurisdictional wetland or riparian habitat.

Transitional Upland Enhancement

Transitional upland enhancement will occur throughout the main Project parcel and on the 80-acre soil stockpile parcel. Uncontrolled cattle grazing will be removed by eliminating existing irrigation and allowing grazing for vegetation management purposes only. Transitional upland enhancement will not impact jurisdictional wetland or riparian habitat.

Water Quality Enhancement and Infrastructure Improvement

Water enters the Project site through a lift pump in the northwest corner of the Project site and distributed by sheet flow through a series of internal berms and culverts. The Project will grade the internal berms and remove 28 existing culverts that exist in upland areas and away from waters of the state. Changes in the water flow control will be designed to maintain irrigation and drainage capabilities for all adjacent properties that rely on the current infrastructure for agricultural operations. Removing culverts and grading berms will maximize tidal inundation and flood water retention. Water quality enhancement and infrastructure improvement will not impact jurisdictional wetland or riparian habitat.

Soil Stockpile Area

Implementation of the restoration activities will generate excess soils. The soil will be placed as a permanent stockpile on the parcel directly northwest of the Project site. The fields within this area are currently used for summer cattle grazing and hay production. Approximately 56,000 cubic yards of material will be placed at a depth no greater than 6 inches and contoured for border irrigation to match existing conditions. No soil will be placed within waters of the state. No riparian vegetation will be impacted as a result of soil placement. Soil stockpiling activities will not impact jurisdictional wetland or riparian habitat.

Grading and excavation within the restoration footprint will begin upon completion of the site preparation activities. Excavated materials will be excavated by scraper or excavator and transported to the stockpile location using a scraper along the major site access roads and temporary haul roads. If soil conditions are suitable (firm and dry enough), marsh plain grading may be accomplished using scrapers. Restored areas will not be breached to adjacent tidal channels until all grading and excavation within the restoration footprint has been completed.

Dewatering will occur within the Project area. No wet concrete will be placed into wetland or riparian habitat.

Total Project fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 2: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact ¹			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	CY ²	LF ²	Acres	CY	LF	Acres	CY	LF
Wetland	-	-	-	17.76	-	13,564	-	-	-

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

IX. Avoidance and Minimization

The Permittee has agreed to incorporate the following measures to minimize impacts to water quality and in the Lower Yolo Bypass:

- Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).
- Repair or replace broken water control structures along adjacent tidal water bodies including installation of additional flap gates to allow effective site drainage and restrict water exchange with adjacent tidal waters during construction.
- Install a turbidity curtain on the tidal side of all water control structure replacement/repair sites to prevent excessive turbidity.
- Cease irrigation in all Project work areas to maintain dry conditions during construction and, if needed, pump water out of the site to hasten drawdown.
- Construct temporary berms to prevent tidal overtopping on low-lying construction areas.
- Stage construction equipment and other construction infrastructure in upland areas surrounded by appropriate erosion control structures, such as silt fences or other sediment barriers.
- Conduct all refueling and maintenance of construction equipment within appropriate staging areas (e.g., place staging areas outside sensitive habitats; provide temporary storage of fuels, oils, lubricants, and solvents in proper containers in secured/fenced locations; develop and implement a Spill Prevention and Control Plan (SPCP); have stationary equipment equipped with drip pans; and do not allow storage of equipment or vehicle storage within natural drainage swales).

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

² Cubic Yards (CY); Linear Feet (LF)

- Connect restored tidal marsh areas to Delta waters only after all grading activities are completed.
- Excavate tidal connections from the site interior.

X. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because the Project is self-mitigating and will result in no net loss to wetlands or riparian habitat.

XI. California Environmental Quality Act (CEQA)

On 18 July 2013, the State and Federal Contractors Water Agency, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2011032001) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 July 2013. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee deposit of \$400.00 was received on 29 December 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. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID.

Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

- a. Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 30th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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

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

2. Project Status Notifications

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

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

- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

³ Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

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

a. Accidental Discharges of Hazardous Materials⁴

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

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

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

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

c. In-Water Work and Diversions

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

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

d. Modifications to Project

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

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

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

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

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling⁵:
 - a. when performing any in-water work;
 - b. during the entire duration of temporary surface water diversions;
 - c. in the event that the Project activities result in any materials reaching surface waters; or
 - d. when any activities result in the creation of a visible plume in surface waters.
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality

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

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.⁶ The sampling in Table 3 shall be conducted in the wetland 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 the wetland.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversions Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and with every monthly report thereafter. In

⁶ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

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, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 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. **Delta Regional Monitoring Program (RMP).** Delta waterways are the highest priority waterbodies for the Central Valley Water Board and are listed Clean Water Act (CWA) Section 303(d) waterbodies as impaired for chlordane, DDT, diazinon, dieldrin, mercury, polychlorinated biphenyls, and unknown toxicity. The Delta RMP was created to coordinate the Delta-wide monitoring, reporting, and assessment of water quality necessary for understanding delta water quality conditions and trends. The current Delta RMP Monitoring Design places a focus on monitoring for constituents that are causing significant impairment in the Delta and include pesticides and toxicity, pathogens, nutrients, and mercury. Monitoring is occurring now at various locations throughout the Delta. Data used from these monitoring studies will be used by the Board to inform its existing control programs such as the Delta Mercury Control Program, and to inform the development of future control programs.

Permitted actions through this Certification will restore and maintain additional wetland habitat in the Delta, which have the potential to affect the methylation of mercury both within the wetland and its subsequent discharge to the Sacramento River. Further, these actions may have other impacts to other constituents that are impairing Delta waters. Because the permitted actions may impact Delta quality in both water, aquatic

life, and other wildlife, the Permittee shall participate financially and/or in-kind in the Delta RMP.

Within 90 days of the issuance of this Order, the Permittee shall submit to the Executive Officer their schedule and proposal for financial and/or in-kind participation in the Delta RMP. The schedule and proposal can be coordinated with the California Department of Water Resources plans for participation in the Delta RMP. The financial and/or in-kind participation amount for adequate participation is subject to review and approval by both the Delta RMP Steering Committee and the Central Valley Water Board.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife’s lake and streambed alteration agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction**1. Dewatering**

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials, including, but not limited to, sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

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.

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens – NOT APPLICABLE

8. In-Water Work

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

9. Post-Construction Storm Water Management

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
 - viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and

treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:

- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
- ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
- iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
- iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

10. Roads – NOT APPLICABLE

11. Sediment Control

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

12. Special Status Species – NOT APPLICABLE

13. Stabilization/Erosion Control

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

14. Storm Water

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - i. The Permittee must comply with the Statewide Construction Storm Water Permit, including, but not limited to, preparation and implementation of a Storm Water Pollution Prevention Plan; and

H. Site Specific – NOT APPLICABLE

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

J. Mitigation for Temporary Impacts – NOT APPLICABLE**K. Compensatory Mitigation for Permanent Impacts⁷**

No compensatory mitigation was required for permanent impacts because the Project is self-mitigating and will result in no net loss to wetlands or riparian habitat.

- 1. Compensatory Mitigation Monitoring Requirements – NOT APPLICABLE**
- 2. Compensatory Mitigation Plan – NOT APPLICABLE**
- 3. Irrevocable Letter of Credit – NOT APPLICABLE**
- 4. Permittee-Responsible Compensatory Mitigation Responsibility – NOT APPLICABLE**
- 5. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation – NOT APPLICABLE**
- 6. Total Required Compensatory Mitigation – NOT APPLICABLE**

L. Certification Deviation

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

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

XV. Water Quality Certification

I hereby issue the Order for the Yolo Flyway Farms Restoration Project, (WDID#5A57CR00169) certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order.

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:

Pamela C. Creedon Executive Officer Central Valley Regional Water Quality Control Board	23 March 2018 Date
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- Attachment A** Project Map
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Report and Notification Requirements
- Attachment E** Signatory Requirements
- Attachment F** Certification Deviation Procedures

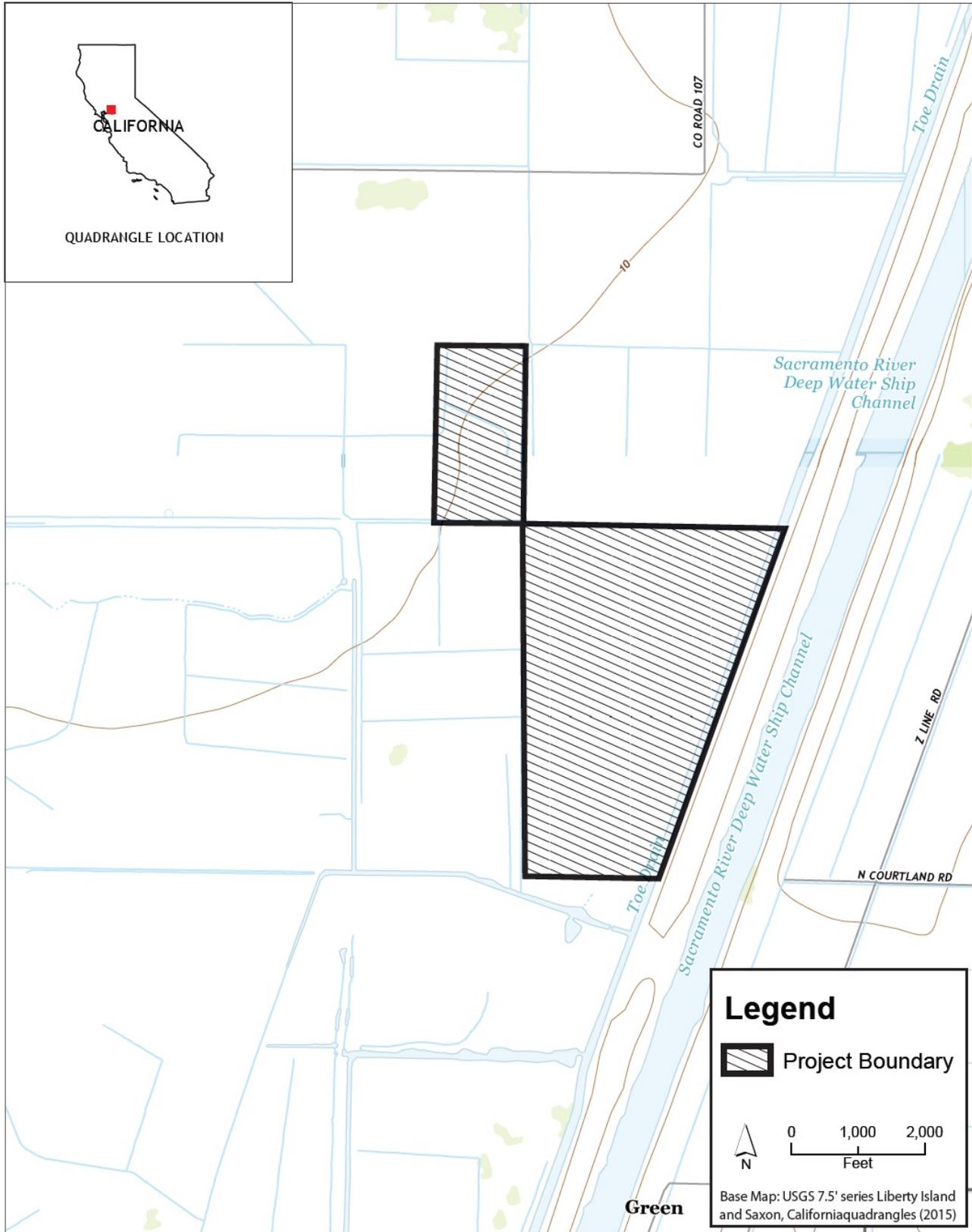


Figure 1 – Project Location Map

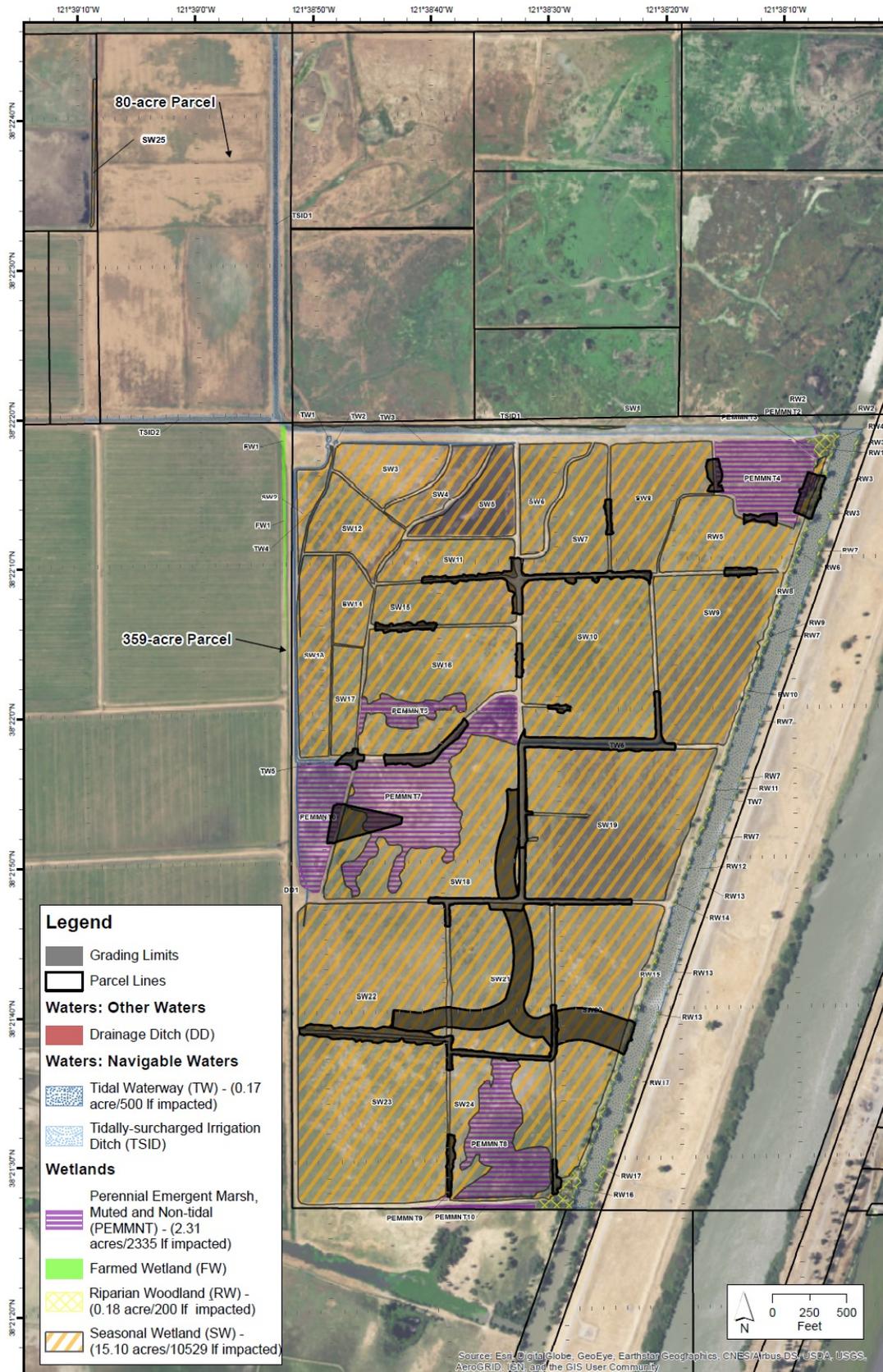


Figure 2 – Site Map

Receiving Waters

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

Table 1: Receiving Water(s) Information								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID ⁸
<input type="checkbox"/>	Site 1	Yolo Bypass Toe Drain	Wetland	510.00	Sacramento River	MUN, AGR, IND, POW, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, SPWN, WILD	Chlordane, DDT, Diazinon, Dieldrin, Mercury, Polychlorinated biphenyls, Unknown Toxicity	n/a
<input type="checkbox"/>	Site 2	Yolo Bypass Toe Drain	Wetland	510.00	Sacramento River	MUN, AGR, IND, POW, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, SPWN, WILD	Chlordane, DDT, Diazinon, Dieldrin, Mercury, Polychlorinated biphenyls, Unknown Toxicity	n/a
<input type="checkbox"/>	Site 3	Yolo Bypass Toe Drain	Wetland	510.00	Sacramento River	MUN, AGR, IND, POW, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, SPWN, WILD	Chlordane, DDT, Diazinon, Dieldrin, Mercury, Polychlorinated biphenyls, Unknown Toxicity	n/a
<input type="checkbox"/>	Site 4	Yolo Bypass Toe Drain	Wetland	510.00	Sacramento River	MUN, AGR, IND, POW, GWR, REC-1, REC-2, WARM, COLD, BIOL, RARE, SPWN, WILD	Chlordane, DDT, Diazinon, Dieldrin, Mercury, Polychlorinated biphenyls, Unknown Toxicity	n/a

⁸ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information											
Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Site 1	38°22.239' N	121°38.143' W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	2.31	-	2,335
Site 2	38°22.242' N	121°38.151' W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.18	--	200
Site 3	38°21.741' N	121°38.558' W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	15.10	-	10,529
Site 4	38°21.944' N	121°38.558' W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	-	-	-	-	-	-
					Permanent	-	-	-	0.17	-	500

A. Environmental Review

On 18 July 2013, the State and Federal Contractors Water Agency (SFCWA), as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2011032001) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 July 2013. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, section 21069) and in making its determinations and findings, must presume that SFCWA's certified environmental document complies with the requirements of CEQA and is valid. (Pub. Resources Code, section 21167.3). The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by SFCWA addresses the Project's water quality impacts. (Cal. Code Regs., tit. 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by SFCWA for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, section 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: SFCWA Headquarters, 1121 L Street, Suite 806, Sacramento, CA 95814

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

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

C. Findings

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

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

Changes in water surface elevations with Soils Reuse Options #2 (stockpile) and #3 (combination of Options #1 and #2) during the construction phase; Temporary effects from ground-disturbing activities to wetland communities during construction and post-construction phases, as applicable; Loss or disturbance of habitat for special status plants: Delta tule pea, Mason's lilaepsis, and Suisun marsh aster; Construction-

related impacts to vernal pools, such as trampling and grading, or accidental release of fuels and construction fluids; Loss of habitat for giant garter snake; injury or mortality of individual giant garter snake; Injury or mortality of individual western pond turtles; Vegetation removal or tree trimming in nesting habitat, for Swainson's hawk and other sensitive bird species, during Project excavation and creation of tidal connections in conjunction with the construction phase and post-construction phase; Loss of low- to moderate-quality foraging habitat to inundated tidal wetlands; Temporary impacts on direct fish lethality or injury from Project with implementing irrigation/drainage improvements; Temporary disturbance of seasonal wetlands, vernal pools, and jurisdictional waters; Potential effects on Delta tule pea, Mason's lilaeopsis, and Suisun during construction.

a.ii. Facts in Support of Finding:

Mitigation Measure 4.1-1:

- Finalize the engineering design to comply with applicable flood protection requirements in consultation with the Central Valley Flood Protection Board (CVFPB) and the U.S. Army Corps of Engineers (USACE). The engineering design shall consider a variety of categories including design flows, channel stability, scour control, protection of flood control structures, etc. The goal shall be to design the Project to meet the maximum flood water surface rise of 0.1 foot (ft) or less.
- Conduct additional modeling to ensure and demonstrate compliance with the applicable requirements and operations of the Yolo Bypass in consultation with CVFPB and USACE, and prior to receiving encroachment permits. Modeling shall take into account levee heights and physical condition, weir spills, and other dynamic processes that can occur during major floods. Guidance from USACE of not exceeding the base flood elevation by more than 0.1 ft shall apply with Project implementation, as based on the USACE RMA2 model for conveyance studies in the Yolo Bypass.

Mitigation Measure 4.3-1: (Prior to or during ground-disturbing activities in sensitive wetland communities)

- Locate construction staging areas outside of sensitive wetland habitats, by having their perimeters be as small as possible, and/or within the excavation/trenching limits. All staging areas shall be clearly flagged to define the limits of the work area. No construction access, parking, or storage of equipment or materials shall be permitted outside of the established limits. This shall be achieved by limiting machinery and vehicle access to temporary tracks or pads, as necessary and direct removal of soils to temporary stockpiles, located away from sensitive areas, for transportation to the selected soils reuse site. These areas shall be identified on work plans, specifications, and other applicable engineering/ contractor documents.
- Define clearly on maps the boundaries of sensitive habitats not within the restoration footprint (ground-disturbing areas of the Project site), and demarcated as avoidance areas.

- Limit construction and post-construction actions involving ground-disturbing activities to the dry weather season (generally between April and November, but varies each year), thereby reducing the potential for export of contaminants and/or sediments.
- Require contractors to sign documentation stating that they have read, agree to, and understand the required avoidance measures.
- Require construction crew members to participate in training sessions, which clearly identify and describe sensitive communities and other biological resources.
- Utilize the services of a qualified biologist onsite to observe ground disturbing activities when such activities occur within or adjacent to sensitive habitats, and/or to monitor sensitive special-status species' locations.

Mitigation Measure 4.3-2:

Prior to initiation of ground-disturbing activities, a qualified botanist shall conduct appropriately timed, focused botanical surveys of the Project site targeting known and potentially occurring special-status plant species, including Mason's lilaeopsis, Suisun Marsh aster, and Delta tule pea.

Dependent on the Project's final design and conditions onsite, the following mitigation shall be undertaken to avoid, minimize, or reduce loss or disturbance to identified special-status plants:

- Adjust design to avoid or minimize impacts to special-status plants to the extent feasible.
- Enumerate, photograph, and flag conspicuously or mark with temporary drift fencing or other physical barriers the areas supporting individual plants or populations of special-status plants that have the potential to be impacted, prior to construction.
- Limit work areas including access and staging areas to the minimum area practical.
- Notify the California Department of Fish and Wildlife (CDFW) at least ten days in advance of any ground-disturbing activity that could impact special status plants to allow CDFW the opportunity to salvage affected individual plants for transplanting to a suitable location outside of the disturbed area.
- Require construction workers to inspect their clothing, including shoes, all vehicles, and equipment for invasive plant seeds or plant material, prior to entering and leaving the Project area. Appropriate cleaning measures shall be taken to prevent the spread of invasive species into restored areas.

Mitigation Measure 4.3-3:

- Establish and flag conspicuously a buffer area of at least a minimum of 250 ft horizontally from the edge of hydrophytic vegetation associated with the vernal pools. No construction vehicles, equipment, or personnel shall be permitted to enter this buffer zone for the duration of the Project.
- Identify the vernal pools as Environmentally Restricted Areas on all applicable engineering and construction drawings, designs, and specification/work plan documents.

- Control nearby grading or contouring in a manner that does not prevent hydrologic inputs to the vernal pools that are similar to what currently happens.

Mitigation Measure 4.3-4:

- Require construction personnel shall receive U.S. Fish and Wildlife Service (USFWS)-approved worker environmental awareness training to recognize the giant garter snake (GGS) and its habitat.
- Confine clearing of vegetation to only those areas necessary to facilitate construction activities and no greater. Areas designated as GGS and/or other sensitive-species habitat within or adjacent to the Project site shall be flagged as Environmentally Sensitive Areas and shall be avoided by all construction personnel.
- Survey the site at least 24 hours prior to the initiation of ground-disturbing activities in suitable GGS habitat. This survey shall be conducted by a USFWS approved biologist in suitable GGS habitat. Surveys shall be repeated if a lapse in construction activity of two weeks or greater occurs. If a GGS is encountered during ground-disturbing activities, activities at that specific location shall cease until appropriate corrective measures, in concurrence with USFWS coordination, have been completed or it has been determined that the GGS will not be harmed. Sightings shall be reported to USFWS.
- Implement construction activity within GGS habitat between 1 May and 1 October. This is the active period for GGS and direct mortality is lessened, because GGS are expected to actively move and avoid danger. Consultation with the USFWS is required for construction activities scheduled to occur in potential GGS habitat between 2 October and 30 April.
- Ensure that any dewatered GGS habitat shall remain dry for at least 15 consecutive days after 15 April, and prior to excavating or filling of the dewatered GGS habitat.
- Require when working near flooded canals during the summer months, vehicle speeds shall not exceed 15 miles per hour (MPH) in areas where the line-of-site is obstructed and 25 MPH in other areas to avoid hitting the GGS and other special-status wildlife.
- Remove temporary fill and construction debris after construction completion, and, wherever feasible, restore disturbed areas to pre-project conditions.

Mitigation Measure 4.3-5:

- Survey areas prior to implementing restoration activities and/or dewatering scheduled in or adjacent to suitable aquatic habitat for the western pond turtle, by a qualified biologist.
- Remove western pond turtles found by a qualified biologist to a safe location outside of the work area in a manner consistent with applicable CDFW regulations.
- Conduct periodic monitoring by a qualified biologist of suitable aquatic habitat for the western pond turtle until ground-disturbing/ dewatering activities have ceased in those areas.

Mitigation Measure 4.3-6:

- Remove or trim a minimal number of trees that would satisfy the Project design and allow for minimal access by construction equipment within the construction footprint in advance of nesting season, i.e., 16 August to 14 February. Should nesting by sensitive bird species occur prior to 15 February, proceed with the remaining steps in this mitigation measure.
- Conduct preconstruction nesting bird surveys during the bird breeding season (15 February to 15 August) within the construction footprint including a 300-ft buffer, by a qualified biologist, within two weeks prior to equipment or material staging, pruning/grubbing or surface-disturbing activities, including soils grading or excavation. If no active nests are found, no further mitigation shall be required.
- Establish a buffer area if active nests (i.e., nests in the egg laying, incubating, nestling or fledgling stages) are found within 300 feet of the Project footprint for raptors (birds of prey), within a 0.5-mile radius for Swainson's hawk, or 100 feet of the construction footprint for all other bird species. Non-disturbance buffers shall be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. The size of the buffers may be adjusted provided a qualified biologist, in consultation with CDFW and USFWS, monitors the behavior of the nesting birds and determines that impacts of Project-related activities are not affecting the birds' reproductive or rearing efforts.
- Ensure that if rescheduling of work is infeasible and non-disturbance buffers cannot be maintained, a qualified biologist shall be onsite to monitor active nests for signs of disturbance for the duration of the construction activity. If it is determined that Project-related activities are resulting in nest disturbance, then work in those sensitive areas shall cease immediately and CDFW and USFWS shall be contacted for further guidance.
- Repeat nest surveys by a qualified biologist, if post-construction activities continue beyond one year.

Mitigation Measure 4.3-7:

- Ensure that suitable Swainson's hawk foraging habitat is preserved or enhanced at a ratio of 0.5:1 for up to 52.5 acres, based on final engineering designs, presence of Swainson's hawk, and consultation with CDFW.
Preservation/enhancement may occur through one or more actions:
 - Preservation and enhancement of habitat onsite with equal or greater quality than existing foraging habitat.
 - Payment of a mitigation fee to a CDFW-approved mitigation bank for the preservation of Swainson's hawk foraging habitat.
 - Purchase of conservation easements or fee title to suitable Swainson's hawk foraging habitat to protect the habitat from urban development.
 - Participation in the Yolo County Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) should it be adopted prior to the Project's start of construction.
 - Other measures, as needed, through consultation with CDFW.

Mitigation Measure 4.4-2: (Associated with irrigation/drainage improvements)

- Conduct biological surveys to determine if there are any fishes present.
- Recover fishes, if present, using appropriate techniques such as beach seining; retain the captured fishes in cooled, aerated containers; and release fishes the same day as captured into the waters of Stair Step or Toe Drain.

D. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the State and Federal Water Contractors Agency, and has reached its own conclusion to approve this Project. The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, section 15096.)

Copies of this Form

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

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Stephanie.Tadlock@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Stephanie Tadlock; Reg. Measure ID: 418407_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:** 23March 2018

Map/Photo Documentation Information

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

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

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

REPORT AND NOTIFICATION COVER SHEET

Project:	Yolo Flyway Farms Restoration Project		
Permittee:	Reynier Fund, LLC		
Reg. Meas. ID:	418407	Place ID:	843327
WDID:	5A57CR00169	Construction Storm Water General Permit WDID#:	_____
Order Effective Date:	23 March 2018		
Order Expiration Date:	22 March 2023		

Report Type Submitted

Part A – Project Reporting

- Report Type 1 Monthly Report # _____
 Report Type 2 Annual Report # _____

Part B - Project Status Notifications

- Report Type 3 Commencement of Construction
 Report Type 4 Request for Notice of Completion of Discharges Letter
 Report Type 5 Request for Notice of Project Complete Letter

Part C - Conditional Notifications and Reports

- Report Type 6 Accidental Discharge of Hazardous Material Report
 Report Type 7 Violation of Compliance with Water Quality Standards Report
 Report Type 8 In-Water Work/Diversions Water Quality Monitoring Report
 Report Type 9 Modifications to Project Report
 Report Type 10 Transfer of Property Ownership Report
 Report Type 11 Transfer of Long-Term BMP Maintenance Report

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

Print Name ¹

Affiliation and Job Title

Signature

Date

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

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

Permittee's Signature

Date

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

Part A – Project Reporting

Report Type 1	Monthly Report
Report Purpose	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	On the 30th day of each month until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<ol style="list-style-type: none"> 1. Construction Summary Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs⁹). If construction has not started, provide estimated start date. 2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. Photo Summary Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. 4. Compliance Summary <ol style="list-style-type: none"> a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. b) List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”. c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. d) Describe each observed incidence in detail. List monitor name and

⁹ 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.
Report Type 2	Annual
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of June starting one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	<p>The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status
Annual Report Topics (1-3)	
Annual Report Topic 1	Construction Summary
When to Submit	With the annual report during the Active Discharge Period
Report Contents	<ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below). b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	Mitigation for Temporary Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents	<ol style="list-style-type: none"> 1. Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	Compensatory Mitigation for Permanent Impacts Status
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period
Report Contents	<p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none"> 1. Planned date of initiation of compensatory mitigation site installation. 2. If installation is in progress, a map of what has been completed to date. 3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <ol style="list-style-type: none"> 1. Status or proof of purchase of credit types and quantities. 2. Include the name of bank/ILF Program and contact information. 3. If ILF, location of project and type if known.

Part B – Project Status Notifications
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Report Type 3	Commencement of Construction
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. 4. Construction Storm Water General Permit WDID No.

Report Type 4	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.

Report Contents	<ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. 5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.
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Report Type 5	Request for Notice of Project Complete Letter
Report Purpose	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. 2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. <p>Part B: Permittee Responsible Compensatory Mitigation</p> <ol style="list-style-type: none"> 3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. 4. Status on the implementation of the long-term maintenance and management plan and funding of endowment. 5. Pre- and post-photo documentation of all compensatory mitigation sites. 6. Final maps of all compensatory mitigation areas (including buffers). <p>Part C: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none"> 7. Date of storm water Notice of Termination(s), if applicable. 8. Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 6	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
Report Contents	<ol style="list-style-type: none"> 1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 7	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

Report Type 8	In-Water Work and Diversions Water Quality Monitoring Report
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

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

	or federal regulatory authority.
Report Contents	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

Report Type 10	Transfer of Property Ownership Report
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	<ol style="list-style-type: none"> 1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and b. responsibility for compliance with any long-term BMP¹⁰ maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

¹⁰ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

SIGNATORY REQUIREMENTS

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

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

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

Certification Deviation Procedures

Introduction

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

Process Steps

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

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

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

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