

## Central Valley Regional Water Quality Control Board

2 September 2016

Art Lancaster  
Bonadelle Neighborhoods, Inc.  
7030 N. Fruit, Ste. 101  
Fresno, CA 93711

**CERTIFIED MAIL**  
**7015 1520 0000 9052 6197**

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; BONADELLE NEIGHBORHOODS, INC.; TRACT 4968 BASIN PROJECT (WDID #5B10CR00081), FRESNO COUNTY***

This Order responds to the 7 March 2016 application, and to the 23 June 2016 revised application submitted by Bonadelle Neighborhoods, Inc. (Applicant) for the Water Quality Certification of the Tract 4968 Basin Project (Project), permanently impacting 0.01 acre/234 linear feet of waters of the United States and the state of California.

This Order serves as certification of the subject Project permitted by the United States Army Corps of Engineers' Nationwide Permit #7 (SPK-2016-00201) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

### **WATER QUALITY CERTIFICATION STANDARD CONDITIONS:**

1. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from 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 Section 3855(b) of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.
4. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
  - (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
  - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
  
6. Any person signing a document under Standard Condition number 5 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

**TECHNICAL CERTIFICATION CONDITIONS:**

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.
2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.
4. The Applicant shall perform surface water sampling<sup>1</sup>:
  - a) when performing any in-water work;
  - b) in the event that Project activities result in any materials reaching surface waters; or
  - c) when any activities result in the creation of a visible plume in surface waters.

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<sup>1</sup> 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.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1:**

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab	Every 4 hours during in-water work	(1, 2)
Settleable Material	mL/L	Grab	Every 4 hours during in-water work	(1)

<sup>(1)</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.

<sup>(2)</sup> A hand-held field meter may be used, provided the meter utilizes a USEPA-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.

A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant 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 Certification 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 below.

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

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

- a) Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
  - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
  - iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and
  - v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the Project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
7. In-water work shall occur during periods of low flow and no precipitation.
8. Activities shall not cause visible oil, grease, or foam in the receiving water.
9. 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 Applicant 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.
10. The Applicant 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.
11. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.
12. 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 United States through the entire duration of the Project.
13. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.
14. All areas disturbed by Project activities shall be protected from washout and erosion.
15. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
16. All materials resulting from the Project shall be removed from the site and disposed of properly.

**17. Prior to the initiation of any construction activities within waters of the United States and waters of the state**, the Applicant shall submit to the Central Valley Water Board a plan for restoration of the relocated drainage impact area. This plan shall include the following information:

- a) A description of and drawings showing the existing contours and existing vegetation of the drainage impact area and the proposed re-located drainage area. This information shall include pre-Project site photographs taken of the drainage impact area. For linear projects, these photographs shall be taken from the alignment, in both directions and taken every 50 feet within waters of the United States and waters of the state for the length of the drainage impact area.
- b) The methods used to relocate the drainage, as well as a plan for the re-vegetation of the site following construction activities, including a plan for soil erosion control and management of exotic pest plant invasions.
- c) The proposed schedule for the restoration activities.
- d) A proposed monitoring and reporting plan to ensure the drainage is functioning at pre-Project condition.

**Within 90 days** following completion of restoration activities within the relocated drainage area, the Applicant shall submit to the Central Valley Water Board a report that describes the restoration activities and includes photographs of the restored areas. The camera position and view angles of post-construction photographs shall be identical to pre-construction photographs.

18. Hydroseeding shall be performed with California native seed mix approved by the California Department of Fish and Wildlife.
19. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is 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 Technical Certification Condition 5 of this Certification.
20. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
21. If the Project will involve land disturbance activities of one or more acres, or where the Project disturbs less than one acre but is part of a larger common plan of development that in total disturbs one or more acres, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

22. The Applicant shall submit a copy of the final, signed and dated Lake or Streambed Alteration Agreement to the Central Valley Water Board Contact within 14 days of issuance by the California Department of Fish and Wildlife. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in the Lake or Streambed Alteration Agreement.
23. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion (08ESMF00-2009-F-0873, dated 28 August 2015).
24. The Applicant shall implement all measures in the Mitigation and Monitoring Plan Tract 4870 Millerton Specific Plan Area, dated 8 November 2004, related to the White Fox Creek Corridor restoration. All riparian species must be planted or replanted in the fall or early winter, and no later than the spring of 2017.
25. The Applicant shall implement all measures in the Wetlands and Open Space Long-Term Management Plan, dated July 2014, related to the White Fox Creek Corridor riparian restoration in the areas adjacent to Tract 4968. All riparian species must be planted in the fall or early winter, and no later than the spring of 2017. A habitat development plan will be created and submitted to the Army Corps of Engineers and shall be submitted to the Central Valley Water Board for Executive Officer approval prior to initiation of restoration activities.
26. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report and any Subsequent/Supplemental/Addendum to the Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.
27. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
28. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
  - (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
  - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

#### **NOTIFICATIONS AND REPORTS:**

29. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.
30. The Applicant shall **submit annually, by December 31**, a monitoring report including the following:
  1. A quantitative assessment of the survivorship of all riparian plantings in the White Fox Creek corridor restoration area adjacent to Tracts 4870 and 4968;
  2. A description of the overall physical, biological, and ecological conditions of the White Fox Creek corridor area adjacent to Tracts 4870 and 4968;
  3. A discussion of any new or worsening problems such as soil erosion or exotic pest plant invasions;
  4. Recommendations for any corrective actions or adaptive management; and
  5. Photographs taken from established photo-documentation points and other points of interest on the Site.

Annual monitoring and reporting along the White Fox Creek Corridor, adjacent to Tracts 4870 and 4968 shall continue until performance criteria identified in the Wetlands and Open Space Long-Term Management Plan, dated July 2014 is met, or the property ownership is transferred.

31. The Applicant shall 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: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov). In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

#### **STORM WATER QUALITY CONDITIONS:**

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases, and implemented, as appropriate, before construction; and
  - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
  
2. The Applicant 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:
  - (a) minimize the amount of impervious surface;
  - (b) reduce peak runoff flows;
  - (c) provide treatment BMPs to reduce pollutants in runoff;
  - (d) ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
  - (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
  - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
  - (g) 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;
  - (h) 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
  - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
  
3. The Applicant 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:
  - (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
  - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
  - (c) 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
  - (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.



**CENTRAL VALLEY WATER BOARD CONTACT:**

Debra Mahnke, Water Resource Control Engineer  
Central Valley Regional Water Quality Control Board  
1685 E Street  
Fresno, CA 93706  
debra.mahnke@waterboards.ca.gov  
(559) 445-6281

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

**Status of CEQA Compliance:** Fresno County, as lead agency, certified the *Millerton New Town Specific Plan Environmental Impact Report* (SCH 1984051409) dated May 1984 for the Millerton New Town Specific Plan. Addendums to the EIR were prepared in 1999 and again in 2004 to accommodate the expansion of the specific area acreage. At the time, Fresno County as the lead agency, approved both addendums and adopted a Mitigation Measures and Monitoring Program Matrix as a condition of Project approval.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, and the Addendums to the Environmental Impact Report. The proposed mitigation measures discussed in the Environmental Impact Report and the Addendums were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

**WATER QUALITY CERTIFICATION:**

I hereby issue an Order certifying that the proposed discharge from the Bonadelle Neighborhoods, Inc., Tract 4968 Basin Project (WDID #5B10CR00081) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, Bonadelle Neighborhoods, Inc.'s application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, title 23, § 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next

business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: [http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](http://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

*Clay L. Rodgers*

*for*

Pamela C. Creedon  
Executive Officer

Enclosure: Project Information Sheet

Attachment: Figure 1 – Project Map

cc: Distribution List, see Page 11

## DISTRIBUTION LIST

Marc Fugler (SPK-2016-00201)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
1325 J Street, Room 1350  
Sacramento, CA 95814-2922

Chris Nagano  
United States Fish & Wildlife Service  
2800 Cottage Way, Rm. W-2605  
Sacramento, CA 95825-1846

Julie Vance, Regional Manager (Electronic Copy Only)  
San Joaquin Valley-Southern Sierra Region  
Department of Fish and Wildlife, Region 4  
R4LSA@wildlife.ca.gov

Bill Orme (Electronic Copy Only)  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Joe Morgan (Electronic Copy Only)  
United States Environmental Protection Agency  
R9-WTR8-Mailbox@epa.gov

Jenny Kirk (Electronic Copy Only)  
Compliance Solutions, Inc.  
jenny@gocomp1.com

## PROJECT INFORMATION SHEET

**Application Date:** 7 March 2016

**Applicant:** Art Lancaster  
Bonadelle Neighborhoods, Inc.  
7030 N. Fruit, Ste. 101  
Fresno, CA 93711

**Applicant Representative:** Jenny Kirk  
Compliance Solutions, Inc.  
1865 Herndon, Ste. K357  
Clovis, CA 93611

**Project Name:** Tract 4968 Basin Project

**Application Number:** WDID #5B10CR00081

**Date on Public Notice:** 27 June 2016

**Date Application Deemed Complete:** 26 June 2016

**Type of Project:** Residential Development

**Project Location:** Sections 10 and 15, Township 11 South, Range 21 East, Mt. Diablo Base and Meridian. Latitude: 36.980921°, Longitude: -119.663046°

**County:** Fresno

**Receiving Water(s) (hydrologic unit):** White Fox Creek, San Joaquin Hydrologic Basin, San Joaquin River Hydrologic Unit #540.70, Little Dry Creek HA

**Water Body Type:** Creek, Wetlands

**Designated Beneficial Uses:** The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at [http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**Project Description:** The Project consists of construction of a 106-lot residential subdivision on an approximately 40-acre site. The Project includes construction of an outfall structure to White Fox Creek, relocation of an ephemeral drainage channel, and installation of an access road culvert through the ephemeral drainage channel.

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of low flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity and settleable matter testing.

**Excavation/Fill Area:** Approximately 10 cubic yards of native material will be excavated from 0.002 acres (20 linear feet) of the White Fox Creek channel (waters of the United States). Additionally, approximately 214 linear feet (0.098 acres) of ephemeral drainage will be relocated.

**Dredge Volume:** None

**California Integrated Water Quality System Impact Data:**

**Table 2: Impacts from Fill and/or Excavation Activities**

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Un-vegetated streambed				0.002	10	20			
Intermittent drainages				0.098		214			

**United States Army Corps of Engineers File Number:** SPK 2016-00201

**United States Army Corps of Engineers Permit Type:** Nationwide Permit #7

**California Department of Fish and Wildlife Lake or Streambed Alteration Agreement:**

The Applicant applied for a California Department of Fish and Wildlife issued Streambed Alteration Agreement on 7 March 2016.

**Possible Listed Species:** Conservancy fairy shrimp, vernal pool fairy shrimp, California tiger salamander, Valley elderberry longhorn beetle, fleshy owl's clover, San Joaquin Valley Orcutt grass, hairy Orcutt grass, vernal pool tadpole shrimp, longhorn fairy shrimp, Greene's tuctoria, and San Joaquin kit fox.

**Status of CEQA Compliance:** Fresno County, as lead agency, certified the *Millerton New Town Specific Plan Environmental Impact Report* (SCH 1984051409) dated May 1984 for the Millerton New Town Specific Plan. Addendums to the EIR were prepared in 1999 and again in 2004 to accommodate the expansion of the specific area acreage. At the time, Fresno County as the lead agency, approved both addendums and adopted a Mitigation Measures and Monitoring Program Matrix as a condition of Project approval.

Mitigation for impacts to water quality is discussed in the "Proposed Mitigation to Address Concerns" section above and the "Compensatory Mitigation" section below.

**Compensatory Mitigation:**

**Table 3: Compensatory Mitigation for Permanent Physical Loss of Area**

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Other	--	--	X	0.108	236	X		--	--		

**Application Fee Provided:** Total fees of \$3,159 have been submitted to the Central Valley Water Board as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

