26 January 2018

PLNelson – Environmental
Patricia Nelson
P.O. Box 547
Grass Valley, CA 94945

CERTIFIED MAIL
91 7199 9991 7036 6989 1230

NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE PLNELSON – ENVIRONMENTAL, DEMERGASSO PROPERTY LEVEE REPAIR PROJECT (WDID#5B50CR00084), STANISLAUS COUNTY

On 19 December 2017, PLNelson – Environmental (Applicant) filed a notification requesting coverage under the 15 December 2014 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of the United States Army Corps of Engineers (USACE) Regional General Permit 8 (General Certification Order) for the Demergasso Property Levee Repair Project (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The activity took place in 0.14 acre/110 linear feet of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Regional General Permit 8, Repair and Protection Activities in Emergency Situations, subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to § 3838 of the California Code of Regulations.

A copy of the General Certification Order is enclosed. You can also find the General Certification Order on the State Water Resources Control Board's website at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/rgp8_sb14007in_cert.pdf

The Project was conducted in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 19 December 2017, and supplementary information (Application Package).

PROJECT DESCRIPTION:
The 0.67-acre Demergasso Property Levee Repair Project (Project) consisted of the placement of rock slope protection (RSP) along the eroded levee waterside slope. Approximately 552 cubic yards of RSP was placed from the levee-toe to the levee crest to reinforce and stabilize the levee.

The Project permanently impacted 0.14 acre/110 linear feet of waters of the United States.

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION:
The Project started construction on 21 December 2017 and was completed on 3 January 2018.

PROJECT LOCATION:
1149 Parks Road, Hughson, California 95326
Latitude: 37°36'55.94" and Longitude: -120°54'54.25"

APPLICATION FEE RECEIVED:
An application fee of $1,500.00 was received on 19 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 G - Emergency Projects authorized by a Water Board General Order (fee code 85) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Nicholas White at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Original Signed By Adam Laputz for:

Pamela C. Creedon
Executive Officer

Attachments: Figure 1: Demergasso Ranch Property Project Site Location
Figure 2: Project Impact Map

Enclosure: State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification of United States Army Corps of Engineers Regional General Permit 8

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

Sam Ziegler
U.S. Environmental Protection Agency
Ziegler.Sam@epa.gov

Department of Fish and Wildlife
R4LSA@wildlife.ca.gov

CWA Section 401 WQC Program
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

cc: (w/enclosure)

Jessica Neal (SPK-2017-00873)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

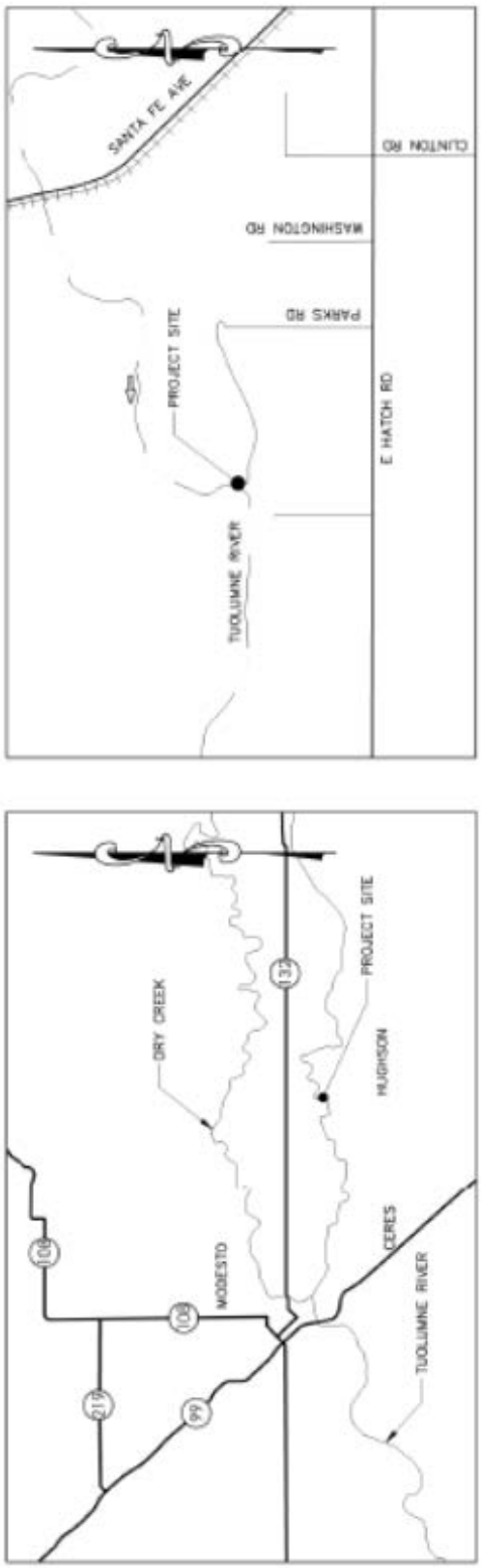

Figure 1 – Demergasso Ranch Property Project Site Location, 1149 Parks Road, Hughson, CA

(E) ELDERBERRY BUSH (PROTECT IN PLACE)
PROPOSED WORK AREA ABOVE OHWM
STAGING AREA
SITE LIMITS
PROPOSED WORK AREA BELOW OHWM
(E) ELDERBERRY BUSH-REMOVE AND PROTECT FOR TRANSPLANT TO AREA POST CONSTRUCTION
(E) ELDERBERRY BUSH (PROTECT IN PLACE)
LEGEND:
PROPOSED WORK AREA:
PROPOSED SITE LIMITS:
PROPOSED STAGING AREA:
CUT FILL AREA
ABOVE OHWM 237 CY 265 CY 3250 SF
BELOW OHWM 95 CY 295 CY 2700 SF
TOTAL 332 CY 560 CY 5950 SF
sage ENGINEERS
Project Impact Map
DEMEGRASSO LEVEE
HUGHSON, CALIFORNIA
FIGURE 2
Date: 11/27/17
By: M. WEIL
Scale: 1" = 30'
Project No: 17-179.00

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Reg. Meas. ID:	398432
Place ID:	809804
SWRCB ID:	SB14007IN
USACOE#:	SPK-1999-00652

Effective Date: December 15, 2014

Expiration Date: December 31, 2019

Program Type: Fill/Excavation

Project: Regional General Permit 8 for Repair and Protection Activities in Emergency Situations (Project)

Applicant: U.S. Army Corps of Engineers, Sacramento District

Applicant Contact:
Mr. Michael Jewell
Chief, Regulatory Division
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814-4708
Phone: (916) 557-6605
Email: Michael.S.Jewell@usace.army.mil

Applicant's Agent:
Ms. Susan Clark
Regulatory Project Manager
Sacramento District
U.S. Army Corps of Engineers
1325 J Street, Room 1350
Sacramento, CA 95814-4708
Phone: (916) 557-7666
Email: Susan.S.Clark@usace.army.mil

State Water Board Staff:
Mr. Brian Dailey
Environmental Scientist
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Phone: (916) 341-5462
Email: Brian.Dailey@waterboards.ca.gov

State Water Board Contact Person:
If you have any questions, please call State Water Resources Control Board (State Water Board) Staff or (916) 341-5569 and ask to speak with the 401 Certification and Wetlands Unit Program Manager.

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Attachment A RGP 8 Area Map
Attachment B Signatory Requirements
Attachment C Applicant's Project Description
Attachment D Notice of Intent Form
Attachment E Notice of Completion Form

I. Certification Action

This Certification Order serves as a Clean Water Act (CWA) Section 401 Water Quality Certification (Certification) and responds to the request on behalf of the U.S. Army Corps of Engineers, Sacramento District (Corps), for Certification for the Project. This Certification is for the purpose and design described in the application submitted by the Corps. The application for Certification was received on August 28, 2014, and was deemed complete on September 26, 2014. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 on October 3, 2014, via the State Water Board website. The State Water Board did not receive any comments during the twenty-one (21) day comment period.

II. Project Purpose and Description

The Corps is proposing to reauthorize its Regional General Permit (RGP) for emergency actions authorizing structures or work in or affecting waters of the United States and the discharge of dredged or fill material in waters of the United States, including wetlands, for necessary repair or protection of existing structures, facilities or fills where an imminent threat to life or property exists due to unforeseen events during an emergency incident. The RGP was developed to provide an expedited process to address emergency situations caused by generally unanticipated events or circumstances typically related to, but not limited to, weather-related phenomena. Emergencies resulting from weather-related events often require an immediate response that is not readily available under existing regulations. Incidents not related to weather may require an immediate response as well, including, but not limited to, flood control and water storage structural failure, wastewater treatment systems failures, substance spills or pipeline breaks, and discharge of fills related to firefighting during a wildfire incident.

III. Project Location

In any jurisdictional waters of the United States throughout the Sacramento District of the U.S. Army Corps of Engineers in: all of Sacramento, Modoc, Shasta, Lassen, Plumas, Tehama, Butte, Glenn, Sierra, Yuba, Colusa, Lake, Yolo, Sutter, Placer, El Dorado, Amador, Calaveras, Alpine, Nevada, San Joaquin, Tuolumne, Stanislaus, Merced, Mariposa, Madera, Fresno, Kings, and Tulare counties; eastern portions of Alameda, Contra Costa, and Solano counties; north-western portion of Kern County, and northern portion of Mono County. A map depicting the Project location is located in Attachment A of this Certification.

IV. Receiving Waters Information

Definition "Waters of the United States" means surface water and water bodies as defined by United States Environmental Protection Agency (USEPA) regulations (e.g., 40 C.F.R. § 122.2). This definition, which establishes the limits of federal jurisdiction over state waters, does exclude some surface water and water body types recognized under the California Water Code. The latter defines "waters of the state" more broadly as "any surface water or ground water, including saline waters, within the boundaries of the state." [Wat. Code, § 13050, subd. (e)]. Waters of the state that fall outside of federal jurisdiction are nonetheless fully protected under the state Water Code.

According to California Code of Regulations, title 23, chapter 28, article 1, section 3831, a "water quality certification" means a certification that any discharge or discharges to waters of the United States, resulting from an activity that requires a federal license or permit, will comply with water quality standards and other appropriate requirements. As such, this

Certification is issued in response to a proposed Project discharge or discharges to waters of the United States, and ensures that the water quality standards for all waters of the state impacted by the Project are met. Discharges shall be delineated according to Corps delineation methods.

The Project is located within the jurisdiction of the North Coast, Central Valley, and Lahontan Regional Water Quality Control Boards (Regional Water Boards). The receiving waters and beneficial uses of those waters potentially impacted by this Project are outlined in water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/.

V. California Environmental Quality Act (CEQA) Findings

State Water Board staff has determined that the Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15061, subd. (b). Specifically, the issuance of this Certification is exempt by statute pursuant to Public Resources Code section 21080, subsections (b)(2)-(4). Additionally, State Water Board staff concludes that no exceptions apply to the activities approved by this Certification. The State Water Board will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 the date this Order becomes effective.

VI. Conditions

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

A. Standard Conditions

1. This Certification action and 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 section 3867).

2. This Certification action and 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 the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Certification is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Enrollee (i.e. the person or entity proposing to enroll under the Corps' RGP 8 to conduct activities which may result in a discharge to a water of the United States).

4. 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. 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 Certification Order.

B. General Conditions

1. Signatory requirements for all document submittals required by this Certification are presented in Attachment B of this Certification.

2. This certification is limited to emergency actions that meet the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) definition of an "emergency," which is defined as follows:

> *A sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movement, as well as such occurrences as riot, accident, or sabotage.*
> [Pub. Resources Code, § 21060.3 (emphasis added).]

Emergency actions must meet the above definition of "emergency" and demonstrate an imminent threat to qualify for this Certification. For actions that do not qualify for enrollment under this Certification, the Enrollee must contact either the State Water Board or the applicable Regional Water Board to apply for an individual water quality certification.

3. This Certification is limited to projects that satisfy one or more of the following exemption criteria as defined by the CEQA Guidelines [Cal. Code Reg., tit. 14, § 15269.]:

a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.

b. Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.

c. Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.

d. Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

e. Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

4. This certification is limited only to sudden, unexpected emergency situations defined in General Conditions 2 and 3 above that: (1) have occurred, or (2) have a high probability of occurring in the short term as a result of recently discovered factors or events not related to known or expected conditions. Additionally, the sudden, unexpected emergency situation must have the potential to result in an unacceptable hazard to life or a significant loss of property if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

5. Emergency repairs and reconstruction must commence within seven (7) calendar days of receiving a notice of applicability (i.e., the notification from the Water Board that the Enrollee has successfully enrolled under this Certification) and shall be completed within six (6) months of the enrollment date pursuant to this water quality certification. **If it is anticipated that work will not be completed prior to the expiration of enrollment, the Enrollee shall request an extension at least thirty (30) days prior to the expiration date.** The request shall include justification for the extension.

6. All repairs and reconstruction shall be kept to the minimum necessary to alleviate the immediate emergency and limited to in-kind replacement or refurbishment of on-site features. Minor upgrading may be considered if the Enrollee uses bioremediation or other environmentally sensitive solutions. Permanent restoration work other than that performed as an associated part of the emergency operations, including any minor upgrades, shall not be performed without prior approval and authorization by the Water Boards.

7. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The Water Boards may impose monitoring requirements at any time in order to ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

C. Administrative Conditions

1. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Applicant, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.

2. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or Clean Water Act section 303 (33 U.S.C. § 1313).

3. This Certification Order and all of its conditions contained herein are not subject to the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the Corps for this Project. This Certification Order and all of its conditions contained herein shall remain in full effect, and are enforceable until deemed complete by the State Water Board. For purposes of Clean Water Act, section 401(d), the completion of all conditions contained in this Certification Order constitutes a limitation

necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

4. A copy of this Certification shall be provided to any contractor and all subcontractors conducting the construction work, and copies shall remain in their possession at the Project site during the life of the Project. The Enrollee shall be responsible for work conducted by its contractor and any subcontractors.

5. This Certification does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Certification held by the Corps, the Corps and/or the Enrollee 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 Corps is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Certification.

6. The Corps and/or the Enrollee shall grant Water Boards staffs or an authorized representative (including an authorized contractor acting as a Water Boards representative), upon presentation of credentials and other documents as may be required by law, permission to:

a. Enter upon any project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;

b. Have access to and copy any records that must be kept under the conditions of this Certification;

c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and

d. Sample or monitor for the purposes of assuring Certification compliance.

7. Failure to comply with any condition of this Certification shall constitute a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Any activities enrolled pursuant to this Certification previously granted, shall immediately be revoked and any or all discharges shall cease. The Corps and/or the Enrollee may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

D. Construction Conditions

1. At all times, appropriate types and sufficient quantities of materials shall be maintained on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or state.

2. Fueling, lubrication, maintenance, storage, and staging of vehicles and equipment must not result in a discharge to any waters of the United States and/or state, and shall be located outside of waters of the United States and/or state in areas where accidental spills are not likely to enter or affect such waters.

3. If construction related materials reach surface waters, appropriate spill response procedures must be initiated as soon as the incident is discovered. In addition, the State

Water Board staff contact identified in this Certification must be notified via email and telephone within twenty-four (24) hours of the occurrence.

4. Construction materials and debris from all construction work areas shall be removed following completion of an enrolled project.

5. Water diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.

6. All necessary best management practices (BMPs) must be implemented to control erosion and runoff from areas associated with the emergency project. All areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or state must be restored. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species.

7. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at: http://www.cal-ipc.org/ip/inventory/weedlist.php

E. Mitigation Conditions

Permitted activities must first avoid and then minimize adverse impacts on aquatic resources to the maximum extent practicable. Any remaining unavoidable adverse impacts to the aquatic resources may be offset by compensatory mitigation requirements in accordance with the conditions of RGP 8.

VII. Notice of Intent and Fee Requirements

A. The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board at least forty-eight (48) hours prior to initiating the emergency project. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. **This notification must be followed within three (3) business days by submission of all of the information in the notice of intent (NOI) form, provided in Attachment D**.

B. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. A staff directory that includes contact information for the State and Regional Program Managers is found at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

For Regional Water Board map boundaries, see:
http://www.waterboards.ca.gov/waterboards_map.shtml

Electronic Submittal

- Locate the email addresses of the "**State Program Manager**" and the appropriate "**Region Program Manager**" from the staff directory link above.

- Address email to the state program manager and appropriate region program manager and include in the subject line: (Attention - RGP 8 Notice of Intent)

Hardcopy Submittal Addresses
ATTN: Program Manager
CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
1001 "I" St. 15th Floor
Sacramento, CA 95814

ATTN: Program Manager
CWA Section 401 WQC Program
Insert mailing address of appropriate Regional Water Board, obtained from:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

C. The Water Boards recognize there may be situations where imminent threats to life or property occur and the Enrollee has not received a notice of applicability. If immediate, specific actions, as defined in the California Code of Regulations, title 14, section 15269(c), are required by the Enrollee and prior notice to the State Water Board and the applicable Regional Water Board is not possible, then the Enrollee must contact the State Water Board and the applicable Regional Water Board within one (1) business day of the action. **As provided above, this notification must be followed within three (3) business days by submission of all of the information in the NOI, provided in Attachment D**.

D. The Enrollee must provide to the appropriate Regional Water Board the fee for review and processing of the NOI (**Attachment D**) in accordance with California Code of Regulations, title 23, section 2200 within forty-eight (48) hours of project initiation. Failure to promptly pay the correct fee amount may result in a disqualification for enrollment pursuant to this Certification.

E. The fee amount is calculated using the "**Emergency Projects authorized by a Water Board General Order**" fee category within the **Dredge and Fill Fee Calculator** located at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml As of December 1, 2014, the fee is $200.00. Note that this fee is adjusted periodically and may vary from this amount. Enrollees should confirm the correct fee amount prior to submitting an NOI.

F. Once the Water Board receives a completed NOI and the correct fee from the Enrollee, the Water Board will transmit a Notice of Applicability (NOA) to the Enrollee verifying enrollment in this Certification.

VIII. Notice of Completion Reporting Requirements

A. The Enrollee must provide the State Water Board and the applicable Regional Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 8. In addition, the Enrollee must file the notice of completion (NOC) form provided in Attachment E. **A completed NOC must be submitted to the State Water Board and appropriate Regional Water Quality Control Board within 45 calendar days of completion of any action conducted under RGP 8.**

B. Failure to submit a complete NOC within 45 calendar days of completion of any action conducted under this water quality certification may result in the imposition of administrative and/or civil liability pursuant to Water Code section 13385.

IX. Water Quality Certification

I hereby issue the Certification for Regional General Permit 8 for Repair and Protection Activities in Emergency Situations, SB14007IN, certifying that as long as all of the conditions listed in this Certification are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Certification to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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

Thomas Howard

Thomas Howard
Executive Director
State Water Resources Control Board

12/15/14
Date

Attachment A	RGP 8 Area Map
Attachment B	Signatory Requirements
Attachment C	Applicant's Project Description
Attachment D	Notice of Intent Form
Attachment E	Notice of Completion Form

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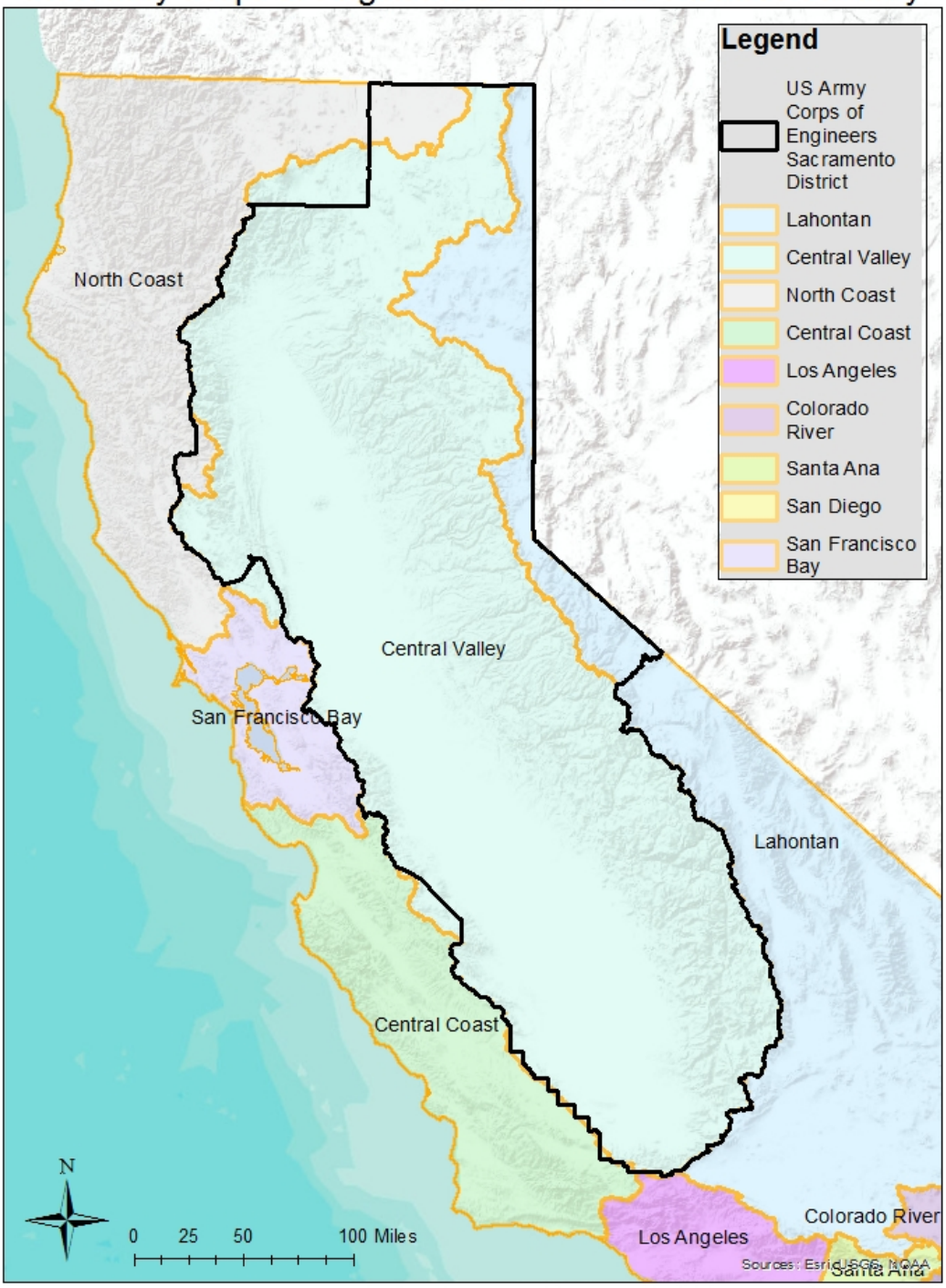
Regional Water Quality Control Boards with the
U.S. Army Corps of Engineers Sacramento District Boundary



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SIGNATORY REQUIREMENTS

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

1. All applications, reports, or information submitted to the State Water Resources Control Board (State 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 State Water Board Executive Director.

3. Any person signing a document under this section shall make the following certification:

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

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REGIONAL GENERAL PERMIT (#)

FOR EMERGENCY ACTIONS

EFFECTIVE DATE: December 31, 2015

EXPIRATION DATE: December 31, 2019

PERMIT NUMBER: SPK-1999-00652

The District Engineer, Sacramento District, U.S. Army Corps of Engineers (Corps), hereby issues a Regional General Permit #__ For Emergency Actions authorizing structures or work in or affecting navigable waters of the United States and the discharge of dredged or fill material in waters of the United States, including wetlands, for necessary repair or protection of existing structures, facilities or fills where an imminent threat to life or property exists due to unforeseen events during an emergency incident. An emergency incident is an occurrence that presents a clear, sudden, unexpected, and imminent threat to life or property demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services (i.e., an incident that could potentially result in an unacceptable hazard to life or significant loss of property if corrective action requiring a permit is not undertaken immediately).

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. After you receive written verification for your project under this regional general permit (RGP) from the Corps, you are authorized to perform that work in accordance with the terms and conditions and any project-specific conditions specified below.

ISSUING OFFICE: U.S. Army Corps of Engineers, Sacramento District, Regulatory Division

AUTHORITIES: This RGP covers activities under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States, and Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

PURPOSE: This permit was developed to provide an expedited process to address emergency situations caused by generally unanticipated events or circumstances typically related to, but not limited to, weather-related phenomena. The Corps observed that emergencies resulting from weather-related events often require an immediate response that is not readily available under existing regulations implementing emergency permit procedures (33 CFR Part 325.2(e)(4)). Incidents not related to weather may require an immediate response as well, including, but not limited to, flood control and water storage structural failure, wastewater treatment systems failures, substance spills or pipeline breaks, and discharge of fills related to firefighting during a wildfire incident.

LOCATION: This RGP covers emergency actions subject to the Corps' Regulatory Program authorities within the Sacramento District's boundaries of California, Nevada, and Utah (see district map on page 11). Although a portion of Colorado is within the Sacramento District boundaries, this RGP does not apply to emergency incidents occurring in that region.

This RGP is applicable in the following counties in California, Nevada, and Utah:

California: All of Sacramento, Modoc, Shasta, Lassen, Plumas, Tehama, Butte, Glenn, Sierra, Yuba, Colusa, Lake, Yolo, Sutter, Placer, El Dorado, Amador, Calaveras, Alpine, Nevada, San Joaquin, Tuolumne, Stanislaus, Merced, Mariposa, Madera, Fresno, Kings, and Tulare; eastern portions of Alameda, Contra Costa, and Solano counties; north-western portion of Kern County, and northern portion of Mono County.

Nevada: All counties within the State of Nevada

Utah: All counties within the State of Utah

ACTIVITIES AUTHORIZED BY THIS GENERAL PERMIT: Emergency repair and rehabilitation of previously authorized, currently serviceable, structures or fills, including, but not limited to bank stabilization, utility and wastewater systems, flood control structures and features, roads, and bridges damaged by generally unanticipated events (e.g., fire, flood, storm, earthquake, land subsidence, landslide), in which the Corps determines that an emergency action is necessary, provided that the project is initiated within seven (7) days of the damage occurring, and the activities meet the identified terms and conditions. Complete replacement of previously authorized, currently serviceable, structures or fills is generally not authorized by this RGP, unless it would result in very minor additional impacts to waters of the U.S., is limited to in-kind replacement, and the Corps determines that complete reconstruction is necessary to reduce the potential for future failure. This RGP does not authorize upgrades to existing facilities, unless it is determined by the Corps that the upgrades are necessary to control the threats to life and/or property emergency action are required to meet current construction and safety standards, and would result in very minor additional impacts to waters of the U.S.

PERMIT DURATION: This RGP is valid for five years from issuance and will expire on December 31, 2019. If this RGP is not modified or reissued by the expiration date, it automatically expires and becomes null and void. The Corps may re-evaluate the terms and conditions of this permit at any time it deems necessary to protect the public interest. This permit may be re-issued, after public notice and documentation of the decision. Activities under this permit must be verified in writing by the Corps. Verifications are valid for six months. If work has not been completed prior to expiration of the verification, you must request an extension at least 30-days prior to the expiration date.

Minimum Impact Requirement: Any activity authorized by this RGP shall be the minimum necessary to alleviate the immediate emergency.

Impacts to Waters of the U.S.: Fill and excavation impacts authorized by this RGP shall be limited to the minimum necessary for the project.

After-the-Fact Projects: This RGP shall not be used to authorize activities after they have impacted waters of the United States.

PERMIT CONDITIONS:

General Conditions:

1. Notification/Timing: You shall notify the appropriate Corps office identified on the list provided on page 10, in writing and as early as possible, and shall not initiate any discharges to waters or work in navigable waters associated with the activity until notified by the Corps that the activity may proceed under the authority of this RGP. You shall follow-up with a telephone call to the Corps as soon as possible, and send documentation (via fax or email) to verify the emergency and provide required information to the Sacramento District office. See required "Contents of Notification" below. When all of the required information is received, the Corps will complete the permit action, normally within one day. You shall ensure that the work requiring authorization does not proceed until the Corps provides such authorization. You should simultaneously notify the appropriate agencies identified in condition 2 below.

The authorized emergency work in waters of the United States must commence within seven days of the request for permit authorization, and work in waters of the United States shall be completed within six months from the permit verification date, unless an extension is authorized, in writing, by the Corps. If additional time is needed to complete the authorized action, a written request for a time extension must be submitted to the Corps at least four weeks before the verification expires. The request should include justification for the extension..

2. Agency Coordination: Upon receipt of a notification, the Corps will immediately provide, by facsimile, e-mail, delivery, overnight mail or other expeditious manner, a copy of the notification package to the following agencies, as appropriate:

a. California: U.S. Environmental Protection Agency (USEPA) Region 9, U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), California State Water Resources Control Board or Regional Water Quality Control Board, and the California State Historic Preservation Officer (SHPO).

b. Nevada: USEPA (Region 9), USFWS, Nevada Department of Wildlife, Nevada Division of Environmental Protection (NDEP), Nevada Division of State Lands (NDSL), and the Nevada SHPO.

c. Utah: USEPA Region 8, USFWS, State of Utah Department of Environmental Quality (UDWQ), Utah Division of Water Resources, Utah Division of Wildlife Resources, and the Utah SHPO.

Note: You shall notify the appropriate agencies listed here (depending upon which state the activity is occurring) after your initial contact with the Corp office identified on page 10.

3. Agency comments: The Corps will request that notified agencies provide comments via telephone, e-mail or facsimile, as expeditiously as possible, indicating whether or not they intend to provide substantive, site-specific comments regarding the proposed project, and if so, when the comments will be provided. If agency personnel notify the Corps that they will submit comments before a decision is made on the proposed project, a short time frame will be allowed as determined by the Corps. The length of time for the comment period will depend on the nature of the emergency incident.

The Corps will fully consider comments on the proposed activity related to the proposed activity's compliance with permit conditions established in accordance with an agency's legal authority. Agency recommendations for mitigation measures required to reduce the project's adverse environmental effects to a minimal level will also be considered. The Corps will provide informal responses to the commenting agencies by e-mail, facsimile, telephone or other expeditious means. The administrative record for the project will include agency comments and Corps responses associated with the notification.

4. Mitigation: You shall avoid and minimize discharges of dredged or fill material into waters of the United States to the maximum extent practicable. Staging, and both temporary and long-term material disposal areas, shall be located outside of waters of the U.S. to the maximum extent practicable. If it is not practicable to avoid the discharge of dredged or fill material for staging and disposal areas outside of waters of the U.S., the reasons why shall be identified in the notification required in Condition 1. Compensation for unavoidable, adverse project impacts may be required as a condition of authorization by the Corps.

The Corps will consider the functions of the aquatic resources to be impacted or lost (e.g., habitat functions, aquifer recharge, sediment conveyance or retention, flood storage), the permanence of the project's impacts on the resource, and the potential long-term effects of the action on remaining functions of the impacted aquatic resource, when determining the acceptability of mitigation.. In general, the compensatory mitigation should be located within the same watershed as the impact site, and should be located where it is most likely to successfully replace lost functions and services at a functional compensatory mitigation ratio of no less than 1:1, as determined by the Corps. Mitigation proposals should be submitted following the guidance as specified in the Mitigation Rule, found at 33CFR Part 332.3, Compensatory Mitigation for Losses of Aquatic Resources, 10-Apr-08, (http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/final_mitig_rule.pdf).

5. Minimal Impacts: Any work authorized by this RGP must be the minimum necessary to alleviate the immediate emergency, unless less than total reconstruction only results in very minor additional impact to aquatic resources. Complete replacement of previously authorized, currently serviceable, structures or fills is limited to in-kind replacement, and the Corps determines if complete reconstruction is necessary to reduce the potential for future failure.

6. District Engineer's Decision: In reviewing the notification for the proposed activity, the Corps will determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. You may submit a proposed mitigation plan with the initial notification to expedite the process. The Corps will consider any mitigation you have proposed in determining whether the net adverse environmental effects for the proposed work are minimal. In certain circumstances you may be required to develop and implement a final mitigation plan after the project is under way or completed.

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7. Start Work Date: You shall initiate any project authorized under this RGP within seven (7) days of receiving authorization to proceed from the Corps, unless otherwise informed by the Corps. If the repair or rehabilitation work can be delayed beyond this immediate time frame, the situation may not be an emergency. If the project start time can be delayed for more than a week, the imminent threat is likely to have diminished in magnitude as well as immediacy.

8. Site Access: You shall allow representatives from the Corps to inspect the authorized activity at any time deemed necessary to ensure the project is being or has been accomplished in accordance with the terms and conditions of this RGP.

9. Tribal Rights: You shall ensure that the authorized activity does not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

10. Water Quality Certification: If a conditioned Section 401 Water Quality Certification (WQC) has been issued or waived for your project, you shall comply with the conditions specified in the certification as special conditions to this permit.

a. For California permittees on non-tribal land: The State Water Resources Control Board issued the attached WQC for this RGP on .

b. For Utah permittees on non-tribal land: The Utah Department of Environmental Quality issued the attached WQC for this RGP on 2014.

c. For Nevada permittees on non-tribal Land: Unless the Nevada Department of Environmental Protection (NDEP) has issued or waived WQC for this RGP, you will be required to obtain individual WQC for any project within the State of Nevada.

d. For permittees on certain tribal lands in EPA Region 8: Unless EPA Region 8 has issued or waived WQC you will be required to obtain individual WQC for any project occurring on Tribal Lands within Utah.

e. For permittees on certain tribal lands in EPA Region 9: The EPA Region 9 issued the attached waiver for this RGP on 2014.

11. Endangered Species: No activity is authorized under this RGP which is likely to jeopardize the continued existence of a threatened or endangered species or destroy or adversely modify designated critical habitat as identified by the Federal Endangered Species Act (ESA). Authorization of an activity by the RGP does NOT authorize the "take" of a listed threatened or endangered species, as defined under the Federal ESA. You shall not begin work in waters of the U.S. until notified by the Corps that the requirements of the ESA have been satisfied and the activity is authorized.

12. Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act: You shall ensure that activities in waters of the United States that serve as breeding areas for migratory birds protected by law are avoided to the maximum extent practicable. An activity authorized under this RGP does not authorize the 'take' of a migratory bird, including bald and golden eagles, as defined under the Federal Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act.

13. Historic Properties: No activity which may affect historic properties listed, or eligible for listing in the National Register of Historic Places (NRHP) is authorized until the requirements of the National Historic Preservation Act (NHPA) have been satisfied. You shall not begin any work in waters of the U.S. until notified by the Corps that the requirements of NHPA have been satisfied and the activity is authorized.

14. Erosion and Siltation Controls: You must make every effort to ensure that any dredged or excavated material is not likely to be washed into any waters of the United States, including wetlands. Appropriate erosion and siltation controls, such as sedimentation basins, and/or "certified weed free" straw bales, siltation or turbidity curtains, or other means designed to minimize turbidity in the adjacent waters including wetlands, shall be used and maintained in effective operating condition throughout the construction period and until soils are stabilized . All exposed soil and other fills, as well as any work below the ordinary high water mark or mean high tide line, must be stabilized within ten days after construction ends to prevent additional damage to the project area through erosion or siltation.

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15. Bank Stabilization: Any stream banks affected by the work shall be stabilized and planted with appropriate native riparian vegetation, in similar densities to adjacent undisturbed streambanks, concurrently with project completion, to protect against subsequent erosion and minimize adverse effects on fish and wildlife. Riprap shall not be used as stabilization unless you have demonstrated vegetative or bioengineering erosion control measures are not practicable. Project design and construction shall include subsequent establishment of native riparian vegetation within any riprap areas.

16. Equipment: When feasible, you shall ensure that heavy equipment working in waters is thoroughly cleaned, free of leaks and placed on mats. You shall implement any other appropriate and practicable measures to minimize adverse impacts, such as soil compaction and vegetation disturbance, in wetlands and to minimize discharges of pollutants and soil disturbance in waters. These measures include the use of wide-treaded equipment or other devices to minimize impacts to soil and vegetation.

17. Suitable Material: You shall ensure that only clean, non-erodible material which is free from toxic pollutants is used in waters of the United States, including wetlands. (See Section 307 of the Clean Water Act). Examples of unsuitable material, include but are not limited to: trash; contaminated soils, or other material pollutants; tires; vehicle bodies; farm machinery; metal junk, including barrels; appliances; wire; asphalt; biodegradable building materials (including wood debris, sheet rock and roofing); material with exposed pipe or rebar; chemically treated materials subject to leaching in an aquatic environment; or other deleterious materials.

18. Wild and Scenic Rivers: You shall not conduct any activities within a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while that river is in an official study status, unless the appropriate Federal agency with direct management responsibility for that river has determined in writing that the proposed activity would not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the National Wild and Scenic Rivers System website at http://www.rivers.gov/national-system.php, or from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management). You shall not conduct any work under authority of this RGP until you have received this written determination, and shall submit proof of receipt of the determination to the Corps prior to construction activities designated Wild and Scenic Rivers.

19. Aquatic Life Movements: You shall ensure that the activity authorized under this RGP does not substantially disrupt the movement of those species of aquatic life indigenous to the water body, including those species that normally migrate through the area. Culverts may only be used if they are essential to the success of the emergency project. Culverts should be installed only on a temporary basis and must not impede expected water flows. Culverts and other temporary fills must be removed and the affected stream reach restored to pre-project conditions, using best management practices and locally native vegetation, immediately once the emergency has subsided. Water diversion activities must not result in the degradation of beneficial uses or exceedance of water quality objectives of receiving waters.

20. Shellfish Production: You shall ensure that no discharge of dredged or fill material occurs in areas of concentrated natural or commercial shellfish production.

21. Spawning Areas: You shall ensure that discharges in spawning areas during spawning seasons are avoided to the maximum extent practicable. You shall ensure that the notification required in Condition 1 contains information on how spawning areas will be avoided and/or how impacts to spawning areas will be minimized.

22. Waterfowl Breeding Areas: You shall avoid discharges into breeding areas for migratory waterfowl to the maximum extent practicable. You shall ensure that the notification required in Condition 1 contains information on how waterfowl breeding areas will be avoided and/or how impacts to spawning areas will be minimized.

23. Navigation: No activity may cause more than a minimal adverse effect on the course or capacity of a navigable water.

a. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

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b. No activity may cause more than a minimal adverse effect on navigation.

c. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at your expense on authorized facilities in navigable waters of the United States.

d. You understand and agree that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, you will be required, upon due notice from the Corps, to remove, relocate, or alter the structural work or obstructions caused hereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration

24. Water Supply Intakes: No discharge of dredged or fill material may occur in the proximity of a public water supply intake except where the discharge is for repair of the public water supply intake structures or adjacent bank stabilization.

25. Obstruction of High Flows: You shall ensure that the project does not permanently restrict or impede the passage of normal or expected high flows in the affected watercourse.

26. Adverse Effects from Impoundments: If the authorized work creates an impoundment of water, you shall ensure that adverse effects on the aquatic system caused by the accelerated hydrology and/or the restriction of its flow are minimized to the maximum extent practicable. You shall ensure that the notification required in Condition 1 contains information on how adverse effects from an impoundment would be minimized.

27. Proper Maintenance: Any structure or fill authorized by this RGP shall be properly maintained in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted structure or fill, although you may make a good faith transfer to a third party. If you do not continue to maintain the authorized structure, or desire to abandon it without a good faith transfer, you shall request a permit from the Corps, which may require restoration of the area.

28. Removal of Temporary Fills: You shall remove all temporary structures, work and fills, including cofferdams, in their entirety following completion of construction activities. You shall return any area affected by temporary construction, dewatering, and access work, including staging areas, to their pre-existing elevations and revegetate with appropriate native vegetation common to the area, upon completion of the authorized work.

29. Post-project reports: You shall provide a written report to the Corps and the appropriate agencies listed in Condition 2, after completing activities authorized under this RGP. Failure to provide a timely report following completion of the work may be considered a violation (33 CFR Part 326.4(d)) and subject to appropriate enforcement actions. The report shall include the following:

a. The name, address, telephone number (and/or e-mail address) of the applicant, and any designated agent; and

b. The location of the proposed project, including identification of the affected water(s) and the latitude and longitude of the site. The project boundaries must be depicted on a copy of a U.S. Geologic Survey (USGS) topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the project. Detailed directions to the project site must also be provided; and

c. The purpose and need to retain any of the discharges, structures or other work completed in response to the emergency; and

d. A description of work completed, including scaled drawings with plan and cross sections, showing the project area and acreage and/or linear feet of water(s) impacted, construction details, including current contours relative to the ordinary high water line and/or limit of wetlands; quantities (in cubic yards) and types of materials used; and

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e. A description of conditions at the project site, including photographs showing pre- and post-project site conditions, environmental impacts resulting from the work, the type and extent of vegetation and/or habitat disturbed or lost. Include the name, type of water of the Unites States (e.g., river, streambed, lake, reservoir, riparian area, seasonal wetland, etc.) and description of all temporary and permanent adverse impact(s) in acres and/or linear feet.

f. Information on the project's effects on federally listed or proposed endangered species, or designated or proposed critical habitat. If the work affected listed species and/or their habitat, you must notify FWS and/or NMFS as appropriate, and provide a written report outlining the mitigation measures, and any compensatory mitigation completed to minimize harm to the species and/or habitat.

If mitigation is determined to be appropriate for a specific project or group of projects, a mitigation proposal must be submitted to the Corps for review and approval. The mitigation should be designed to offset disturbance and /or loss of vegetation or habitat from proposed project activities. The Corps will forward the report to the appropriate agencies for their review and comment.

g.Information regarding the project's potential impacts to historic properties listed, proposed for listing, or potentially eligible for listing in the National Register of Historic Places.

****Note: If you undertook a number of separate projects at separate sites, you may submit a comprehensive report providing all of the above information for each of the sites.**

30. Transfer: If you sell the property associated with this permit, you shall obtain the signature of the new owner on written documentation which includes their name, address and telephone number and confirmation they understand and will abide by all conditions of this permit, and any case-specific special conditions of verification, and forward a copy of that documentation to the Corps to validate transfer of this authorization.

31. Special Conditions: The Corps may add special conditions to an authorization to ensure the activity complies with the terms and conditions of the RGP, and/or that adverse impacts on the aquatic environment or other aspects of the public interest are individually and cumulatively minimal. You shall comply with all special conditions added to the RGP verification.

NOTIFICATION REQUIREMENTS: The notification shall be submitted using the Department of the Army Permit Application (ENG 4345), which is available at WEBSITE, with an attachment containing additional required information. Your notification must include the following information:

Contents of Notification:

1.The name, address, telephone number (and e-mail address, if available) of the applicant and any designated agent, including contractors; and

2.The location of the proposed project. This should include identification of the affected water(s) and the latitude and longitude of the site. The project boundaries should be depicted on a copy of a U.S. Geologic Survey [USGS] topographic map, or other location map with sufficient detail to clearly identify the exact location and extent of the project. Detailed directions to the project site should also be provided; and

3. A description of the nature of the imminent threat to life or property and the proposed project's purpose and need; and

4. A description of the work proposed to rectify the emergency situation. This should include drawings with plans and sections with approximate existing and proposed contours, showing the project area and approximate acreage and/or linear feet of potential disturbance to waters relative to the ordinary high water line and/or limit of wetlands; and other construction details, including type and quantity of materials and equipment proposed to be used for the project and the approximate amount of time required to complete the work.

5. A description of existing conditions at the project site and anticipated environmental impacts resulting from the proposed work, including the type and extent of vegetation and/or habitat which would be disturbed or lost due to the project, and photographs showing pre-project site conditions.

6. A description of measures proposed to be taken to avoid and minimize impacts to the aquatic environment, including those to wetlands, Federally-listed threatened and/or endangered species, spawning habitat, and waterfowl breeding areas.

7. A mitigation plan for compensating for adverse effects to the aquatic environment. If compensatory mitigation is not being proposed, a narrative must be provided, explaining why compensatory mitigation should not be required (See condition 4 for additional information).

8. A description of anticipated impacts from the activities on Federally-listed threatened and/or endangered species and essential fish habitat (EFH). Information on the location of threatened and/or endangered species and their critical habitat, and EFH within the Sacramento District can be obtained directly from the Pacific Southwest Region of the U.S. Fish and Wildlife Service (USFWS) (http://www.fws.gov/cno/es/) and the Western Regional Office of the National Marine Fisheries Service (NMFS) (http://www.swr.noaa.gov/). You should contact the Corps and/or USFWS and/or NMFS staff as appropriate concerning the potential presence of listed or proposed species, or designated or proposed critical habitat, in the project area. You should provide the name and other pertinent information for ESA personnel you contacted to the Corps. If the project may affect Federally listed or proposed endangered species or designated or proposed critical habitat, you should include a list of measures which would be taken to minimize harm to the species and/or habitat. The information provided must include the following:

a. A description of the action to be considered

b. A description of the specific area that may be affected by the action;

c. A description of listed species or critical habitat that may be affected by the action;

d. A description of the manner in which the action may affect listed species or critical habitat and an analysis of any cumulative impacts;

e. Relevant reports including any environmental impact statement, environmental assessment, or biological assessment prepared; and

f. Any other relevant available information on the action, the listed species, or designated or proposed critical habitat in the project area.

9. A description of any historic properties which may be affected by the proposed work; include a vicinity map identifying historic resources, and indicate the location of historic resources if they are present. If the Corps determines that the project may affect cultural resources, you may be required to submit a cultural resources report, prepared in accordance with the February 25, 2011 Guidelines for Compliance with Section 106 of the National Historic Preservation Act (http://www.spk.usace.army.mil/Portals/12/documents/regulatory/pdf/2011-02-25_Section_106_Guidelines.pdf).

10. All other Federal, state, or local authorizations required or obtained for the proposed activity.

11. A description of how the activities will comply with each of the permit conditions of this RGP.

N**ote: If you are proposing to undertake a number of separate projects at different sites, you may submit a comprehensive notification providing all of the above information for each of the separate sites.**

FURTHER INFORMATION:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of the Corps that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: The Corps may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which the Corps did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by the Corps, and if you fail to comply with such directive, the Corps may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

CONTACTS AND ADDITIONAL INFORMATION:

Where to send Notification for RGP 60 projects:

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1. For Alameda, Calaveras, Contra Costa, Fresno, Kern, Kings, Madera, Mariposa, Merced, Mono, Sacramento, San Joaquin, Solano, Stanislaus, Tulare, Tuolumne, and Yolo Counties in California: Chief, California South Branch, Sacramento District Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922; e-mail *regulatory-info@usace.army.mil*; telephone (916) 557-7253; fax (916) 557-7803.

2. For Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lake, Nevada, Placer, Sierra, Sutter, and Yuba Counties in California: Chief, California North Branch, Sacramento District Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922; e-mail *regulatory-info@usace.army.mil*; telephone (916) 557-7731; fax (916) 557-7803.

3. For Lassen, Modoc, Plumas, Shasta, and Tehama Counties in California: Chief, Redding Office, Sacramento District Regulatory Division, U.S. Army Corps of Engineers, 152 Hartnell Avenue, Redding, California 96002-1842; e-mail *regulatory-info@usace.army.mil*; telephone (530) 223-9534; fax (530) 223-9539.

4. For the State of Nevada, except Clark, Nye, Lincoln and White Pine Counties, to: Chief, Reno Field Office, Nevada-Utah Regulatory Branch, U.S. Army Corps of Engineers, C. Clifton Young Federal Building, 300 Booth Street, Room 3050, Reno, Nevada 89509-1328; e-mail *regulatory-info@usace.army.mil*; telephone (775) 784-5304; fax (775) 784-5306.

5. For Clark, Lincoln, Nye, and White Pine Counties in Nevada to: Chief, St. George Office, Nevada-Utah Regulatory Branch, U.S. Army Corps of Engineers, 196 East Tabernacle, Room 30, St. George, Utah 84770-3474; e-mail *regulatoryinfo@usace.army.mil*; telephone (435) 986-3979; fax (435) 986-3981.

6. For State of Utah except Beaver, Garfield, Iron, Kane, San Juan, Piute, Washington and Wayne Counties: Chief, Nevada-Utah Regulatory Branch, Sacramento District Regulatory Division, U.S. Army Corps of Engineers, 533 West 2600 South, Suite 150, Bountiful, Utah 84010-7744; e-mail *regulatory-info@usace.army.mil;* telephone (801) 295-8380; fax (801) 295-8842.

7. For Beaver, Garfield, Iron, Kane, Piute, San Juan, Washington, and Wayne counties in Utah: Chief, St. George Field Office, Nevada-Utah Regulatory Branch, U.S. Army Corps of Engineers, 196 East Tabernacle, Room 30, St. George, Utah 84770-3474; e-mail *regulatory-info@usace.army.mil*; telephone (435) 986-3979; fax 435-986-3981.

For application forms and other information concerning the Corps' Regulatory program and the Sacramento District visit our website: *www.spk.usace.army.mil/regulatory.html*

ATTACHMENTS:

Water Quality Certifications

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

_____ _____

Michael S. Jewell, Chief, Date
Sacramento District Regulatory Division
(For the District Engineer)

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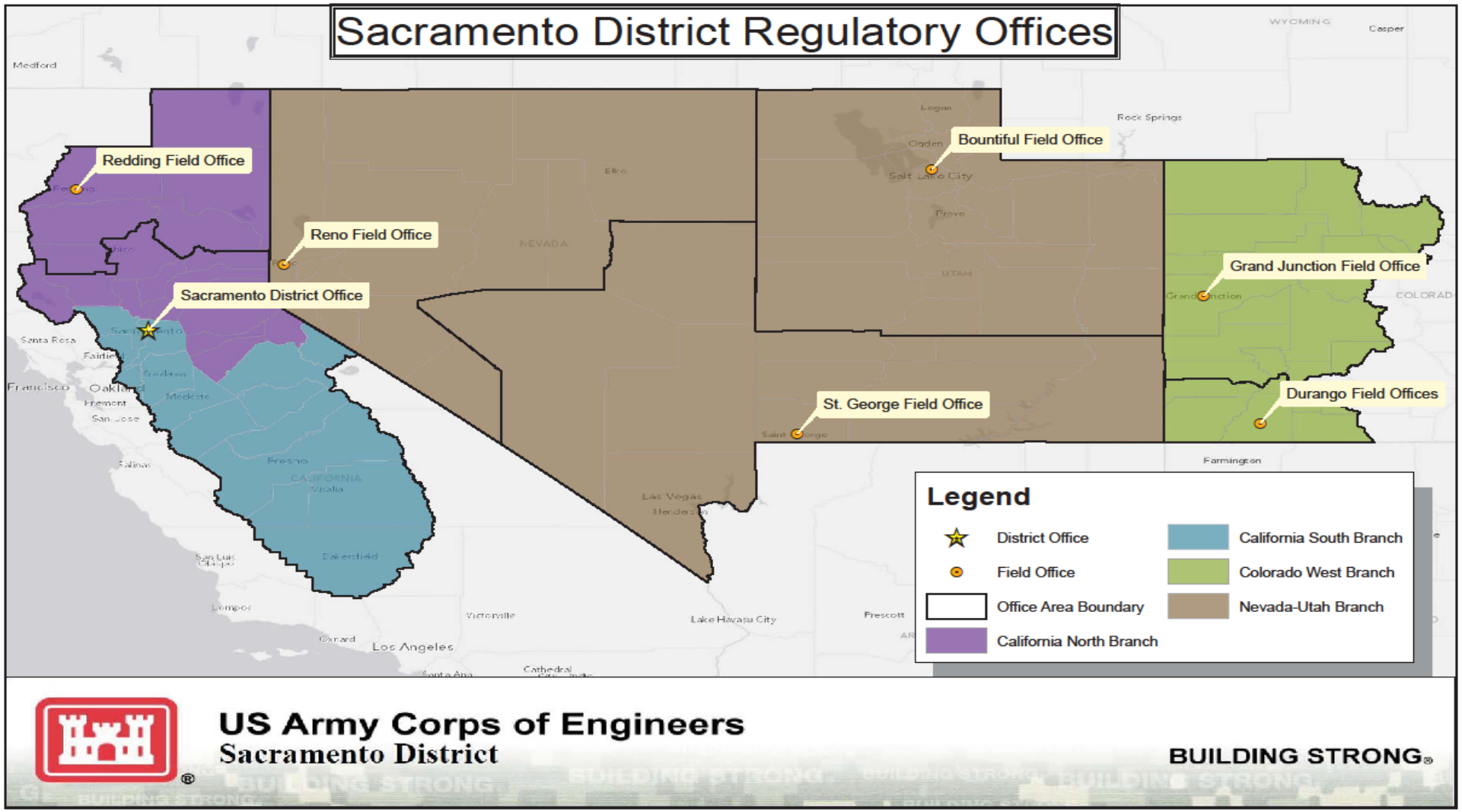
Regional General Permit __

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®



U.S. ARMY CORPS OF ENGINEERS – Sacramento District
1325 J Street, Room 1480, Sacramento, CA 95814-2922
http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html

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NOTICE OF INTENT (NOI) FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

- **Please send this form with the fee check attached to the Regional Water Quality Control Board your emergency project is located in.**
- **Send a copy of this form and fee check to the State Water Resources Control Board.**

Instructions for Notice of Intent (Attachment D)

The prospective Enrollee must notify the State Water Board and the applicable Regional Water Board at least forty-eight (48) hours prior to initiating the emergency project. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means. **This notification must be followed within three (3) business days by electronic or written submission of all of the information in this notice of intent (NOI).**

Locate the Regional Water Quality Control Board your emergency project is located in at:
http://www.waterboards.ca.gov/waterboards_map.shtml

Locate the contact information for the "**State Program Manager**" and the appropriate "**Region Program Manager**" from the website:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

- Address notification email to the state program manager and appropriate region program manager and include in the subject line: (Attention: RGP 8 – Notice of Intent); or
- Call the state program manager and appropriate region program manager; or
- Send written notification to the following addresses:

  ATTN: Program Manager
  CWA Section 401 WQC Program
  Division of Water Quality
  State Water Resources Control Board
  1001 "I" St. 15th Floor
  Sacramento, CA 95814

  ATTN: Program Manager
  CWA Section 401 WQC Program
  Insert address of appropriate Regional Water Board, obtained from:
  http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

The Enrollee must provide to the appropriate Regional Water Board the fee for review and processing of the NOI in accordance with California Code of Regulations, title 23, section 2200 within forty-eight (48) hours of project initiation. Failure to promptly pay the correct fee amount may result in a disqualification for enrollment pursuant to this water quality certification.

The fee amount is calculated using the "**Emergency Projects authorized by a Water Board General Order**" fee category within the **Dredge and Fill Fee Calculator** located at:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml
As of October 28, 2015, the fee is $200.00. Note that this fee is adjusted periodically and may vary from this amount. Enrollees should confirm the correct fee amount prior to submitting an NOI.

The Water Boards recognize there may be situations where imminent threats to life or property occur and the Enrollee has not received a notice of applicability (i.e., the notification from the Water Board that the Enrollee has successfully enrolled under this Certification). If immediate, specific actions, as defined in the California Code of Regulations, title 14, section 15269(c), are required by the Enrollee and prior notice to the State Water Board and the applicable Regional Water Board is not possible, then the Enrollee must contact the State Water Board and the applicable Regional Water Board within one (1) business day of the action. **As provided above, this notification must be followed within three (3) business days by electronic or written submission of all of the information in this NOI.**

PROPERTY OWNER		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	

PROSPECTIVE ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	

PROJECT SITE LOCATION	
Street (include address, if any):	
Nearest Cross Street(s):	
County:	Total size of project site (acres):

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. _____ Min. _____ Sec. _____

W. Longitude Deg. _____ Min. _____ Sec. _____

DD: N. Latitude _____

W. Longitude _____

Map Attached: ☐Yes ☐ No

Photos Attached: ☐Yes ☐ No

DISCHARGE INFORMATION	
Names of Receiving Water(s):	
Receiving Water Types:	
☐Lake/Reservoir ☐Ocean/Estuary/Bay ☐River/Streambed	☐Riparian Area ☐Vernal Pool ☐Wetland
Emergency Project Description:	

Proposed Solution to Emergency:
Erosion and Sediment Control Measures Proposed:
Description of how Emergency Definition is Satisfied: (i.e., unexpected; potential loss of life or property)
Which of these criteria does the project satisfy? (Check all that apply)
☐ Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with section 8550 of the Government Code.
☐ Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety, or welfare.
☐ Specific actions necessary to prevent or mitigate an emergency. This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term.
☐ Projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, provided that the project is within the existing right of way of that highway and is initiated within one year of the damage occurring. This does not apply to highways designated as official State scenic highways, nor any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.
☐ Seismic work on highways and bridges pursuant to section 180.2 of the Streets and Highways Code, section 180 et seq.

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the estimated discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	**Temporary Impact**			**Permanent Impact**		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."

Signature of Discharger	Title
Printed or Typed Name	Date

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NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

Instructions for Notice of Completion Form

The Enrollee must provide the State Water Board and the applicable Regional Water Board copies of all correspondence and reports that are submitted to the Corps to satisfy the requirements of RGP 8. In addition, the Enrollee must file this notice of completion (NOC) form. **This information must be submitted to the State Water Board and appropriate Regional Water Quality Control Board within 45 calendar days of completion of any action conducted under RGP 8.**

Failure to submit a complete NOC within 45 calendar days of completion of any action conducted under this water quality certification may result in the imposition of administrative and/or civil liability pursuant to Water Code section 13385.

Notice of Completion Form and Document Submittal Information

Electronic Submittal:

- Locate the email addresses of the "**State Program Manager**" and the appropriate "**Region Program Manager**" from the website: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

- Address email to the state program manager and appropriate region program manager and include in the subject line: (Attention - RGP 8 Notice of Completion)

Hardcopy Submittal Addresses:

ATTN: Program Manager
CWA Section 401 WQC Program
Division of Water Quality
State Water Resources Control Board
1001 "I" St. 15th Floor
Sacramento, CA 95814

ATTN: Program Manager
CWA Section 401 WQC Program
Insert mailing address of appropriate Regional Water Board, obtained from:
http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf

NOTICE OF COMPLETION FORM FOR REGIONAL GENERAL PERMIT (RGP) 8 FOR REPAIR AND PROTECTION ACTIVITIES IN EMERGENCY SITUATIONS

PROPERTY OWNER		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
BILLING ADDRESS		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
ENROLLEE (If different from owner)		
Name:	Phone Number:	
Mailing Address:		
City:	State:	ZIP Code:
Contact Person:	E-Mail:	
PROJECT SITE LOCATION		
Street (include address, if any):		
Nearest Cross Street(s):		
County:	Total size of project site (acres):	
Photos Attached: ☐Yes ☐ No		

Latitude/Longitude (Center of Discharge Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree)

DMS: N. Latitude Deg. _____ Min. _____ Sec. _____

W. Longitude Deg. _____ Min. _____ Sec. _____

DD: N. Latitude _____

W. Longitude _____

Attach a map of at least 1:24000 (1" = 2000') detail of the impact site(s).

Indicate the map format used (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 aquatic resource type. 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.

☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project areas and extent/type of aquatic resources

impacted.*

☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted.

*** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

DISCHARGE INFORMATION	
Project Start Date:	Project Completion Date:
Names of Receiving Water(s):	
Receiving Water Types:	
☐Lake/Reservoir ☐Ocean/Estuary/Bay ☐River/Streambed	☐Riparian Area ☐Vernal Pool ☐Wetland
Regulatory Agencies with Jurisdiction Over Project and Associated Permits/Agreements:	
Emergency Project Description: (e.g. discharge of riprap; discharge of fill; excavation for a utility line)	
Purpose of the Entire Project Activity: (e.g. stream-bank erosion control; maintain, repair, or restore damaged property)	
Erosion and Sediment Control Measures Implemented:	
Pollution Prevention Measures Implemented:	

Fill and Excavation Discharges: For each aquatic resource type listed below indicate in acres, cubic yards, and linear feet the actual discharge to waters of the state, and identify the impact(s) as permanent and/or temporary.

Aquatic Resource Type	**Temporary Impact**			**Permanent Impact**		
	Acres	*Cubic Yards*	*Linear Feet*	*Acres*	*Cubic Yards*	*Linear Feet*
Lake/Reservoir						
Ocean/Estuary/Bay						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

COMPENSATORY MITIGATION	
Required: ☐ Yes ☐ No	Photos Attached: ☐Yes ☐ No
Compensatory Mitigation Description (include aquatic resource type and acres and linear feet):	

MITIGATION SITE LOCATION
Street (include address, if any):
Nearest Cross Street(s):
County:
Latitude/Longitude (Center of Mitigation Area) in degrees/minutes/seconds (DMS) to the nearest ½ second OR decimal degrees (DD) to four decimals (0.0001 degree) DMS: N. Latitude Deg. _____ Min. _____ Sec. _____ W. Longitude Deg. _____ Min. _____ Sec. _____ DD: N. Latitude _____ W. Longitude _____ **Attach a map of at least 1:24000 (1" = 2000') detail of the mitigation site.** **Indicate the map format used** (listed in order of preference): ☐ **GIS shapefiles**. The shapefiles must depict the boundaries of all project(s) and extent of aquatic resources. Each shape should be attributed with the aquatic resource type. 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. ☐ **Google KML files** saved from Google Maps: My Maps (free) or Google Earth Pro (not free). Maps must show the boundaries of all project(s) and extent/type of aquatic resources.* ☐ Aquatic resource maps marked on paper USGS 7.5 minute **topographic maps** or DOQQ printouts. Maps must show the boundaries of all project(s) and extent/type of aquatic resources. *** If using Google Maps: My Maps or similar, provide URL(s) of maps.**

CERTIFICATION	
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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 that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of this Certification and Corps Regional General Permit No. 8 will be complied with."	
Signature of Discharger	Title
Printed or Typed Name	Date