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**Central Valley Regional Water Quality Control Board**

21 December 2016

Alicia Kirchner  
United States Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE ISABELLA DAM SAFETY MODIFICATION PROJECT (WDID 5C15CR000090), KERN COUNTY**

Enclosed please find a Clean Water Act Section 401 Water Quality Certification And Order, authorized by Central Valley Regional Water Quality Control Board Executive Officer, Pamela C. Creedon. This Order is issued to the United States Army Corps of Engineers for the Isabella Dam Safety Modification Project (Project). Attachments A through E of the Enclosure are also part of the Order.

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

If you require further assistance, please contact me by phone at (559) 445-6281 or by email at [debra.mahnke@waterboards.ca.gov](mailto:debra.mahnke@waterboards.ca.gov). You may also contact Matt Scroggins, Senior Engineer, by phone at (559) 445-6042 or by email at [matt.scroggins@waterboards.ca.gov](mailto:matt.scroggins@waterboards.ca.gov).

DEBRA MAHNKE  
Water Resource Control Engineer  
Central Valley Water Quality Control Board

Enclosures (2): Order for Isabella Dam Safety Modification Project  
Water Quality Order No. 2003-0017-DWQ

cc: See following page

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Central Valley Regional Water Quality Control Board

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

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**Effective Date:** 21 December 2016

**Program Type:** Fill/Excavation

**Project Type:** Dams

**Project:** Isabella Dam Safety Modification Project (Project)

**Applicant:** United States Army Corps of Engineers

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If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (559) 445-5116 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

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**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the United States Army Corps of Engineers (USACE) (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 5 July 2016. The application was deemed complete on 29 November 2016.

**II. Public Notice**

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 15 July 2016 to 5 August 2016. The Central Valley Water Board did not receive any comments during the comment period. Public notice regarding the Environmental Impact Report/Environmental Impact Statement is described in Section X.

**III. Project Purpose**

USACE has determined that the Isabella Dam facilities require structural improvements in order to safely meet authorized project purposes and to reduce risk to the public and property from dam safety issues posed by floods, earthquakes, and seepage. The USACE is proposing risk reduction measures to minimize the potential for and consequences of a catastrophic downstream flooding event by remediating the significant seismic, hydrologic, and seepage deficiencies at the Isabella Main and Auxiliary Dams and spillway for safe and effective functioning at authorized capacity, while reducing the risk to the downstream public to tolerable levels. This would support the ultimate goal of having a safe facility that meets USACE risk reduction guidelines for existing dams and allows the project to provide the benefits for which it was authorized.

**IV. Project Description****Main Dam**

The USACE has determined that the deficiencies associated with the Main Dam could lead to potential differential settlement and seepage following a seismic event and/or overtopping during an extreme storm event (such as the Probable Maximum Flood [PMF]). The Main Dam will be remediated so that it can safely pass flows of an extreme storm event and withstand an anticipated seismic event without leading to a failure (loss of reservoir). The remediation measures include:

- Installation of a full height filter and drain on the downstream slope of the dam to protect the structure from transverse cracking and potential settlement cracking during a seismic event.
- Installation of a toe filter/drain system to capture and collect seepage.
- A crest raise (approximately 16-foot) to be able to safely pass an extreme flood event without overtopping.
- Raising the Main Dam control tower and access to the existing facility by 16 feet to match the increased dam crest elevation.
- Placement of approximately 7,000 CY of fill material at the Main Dam right abutment, below the ordinary high water mark (OHWM).

The majority of the rock materials needed for the Main Dam remediation would come from the excavation of the proposed Emergency Spillway. The Auxiliary Dam Recreation Area will serve as a sand stockpile/staging area and backup source of project sand, if necessary.

### **Existing Spillway**

The existing spillway remediation includes:

- Select concrete placement and surface treatment of the existing spillway chute to guard against erosion undermining of the right wall.
- Addition of anchors along the existing spillway wall and ogee crest for additional head during operation and to increase seismic stability.
- Construction of an approximate 16-foot high retaining wall added to the crest along the right and left walls (closest to the Main Dam) to protect against potential erosion of the Main Dam during high outflows and to accommodate the crest raise.
- Construction of a new spur dike to allow a free even flow of water to enter the existing service spillway.
- Removal of an existing upstream bench.

The spur dike and bench removal work will require approximately 13,000 CY of fill material below the OHWM. The concrete needed for all remediation measures on the existing spillway will be supplied by the ready-mix plant located in the South Lake area along Hwy 178 or by an on-site batch plant to be constructed by the Contractor.

### **Emergency Spillway**

A new "Emergency Spillway", approximately 300-feet-wide, will be constructed approximately one-hundred feet east of the existing spillway. The additional spillway is required to remediate the undersized capacity of the existing spillway that could lead to overtopping of both dams.

The USACE has determined that construction of the Emergency Spillway will require controlled blasting during excavation to break up the rock-outcrops located in the proposed channel. It is anticipated that excavated materials from the proposed Emergency Spillway would be used as the primary borrow material source for construction of the modification features. The excavated materials likely would be crushed, screened and washed as needed to generate the various sands, gravels and rock required and either temporarily stockpiled or placed directly into permanent construction. The processing operation would likely be located at an onsite location likely in vicinity of the proposed Emergency Spillway and adjacent to the Auxiliary Dam. The materials produced in the crushing operation will be stockpiled on-site in this staging area and delivered to the appropriate construction areas as needed. Any excess material will be disposed of on Engineers Point.

The concrete needed to construct the baffles and apron of the Labyrinth Weir will be produced by the Batch Plant set up on site in the vicinity of the Emergency Spillway. Cement and fly ash would come from an off-site source.

## Auxiliary Dam

The Auxiliary Dam would be remediated to withstand anticipated seismic events (including fault rupture), to manage expected seepage, and to survive extreme flood events.

Remediation measures include:

- Adding a 40-foot wide downstream buttress to the dam with a more gradual downstream slope (3:1) to increase stability of the dam, and a moderate-sized sand filter and drain rock system built into the downstream slope to better manage seepage and potential fault rupture.
- Removing the upper 25 to 30 feet of the liquefiable alluvial layer under the downstream slope of the dam and replacing it with re-compacted soil to reduce the potential for liquefaction during a seismic event.
- Constructing a crest raise to be able to safely pass an extreme storm event without overtopping. The height of the raise is expected to be up to 16-foot high but may vary depending on final design.
- Removing an existing upstream bench and re-contouring the slope to match final grades after the dam raise.
- Constructing a new left abutment, which will require approximately 4,000 CY of fill material below the OHWM.

The majority of the rock materials needed to complete the downstream buttress on the Auxiliary Dam would come from the excavation of the proposed Emergency Spillway. The sand material required to construct the filter on the downstream slope of the Auxiliary Dam is expected to come from the spillway excavation (crushed to size) but if necessary, it could come from the Auxiliary Dam Recreation Area. The concrete needed for Auxiliary Dam remediation measures would be supplied from the ready-mix plant on Hwy 178.

## Borel Canal

The USACE has determined that some problems associated with the Auxiliary Dam can be attributed to the existing Borel Canal conduit that passes through the Auxiliary Dam embankment. The Borel Canal existed before the Auxiliary Dam was constructed. Since its construction in the early 1900s, the Borel Canal conveyed flows out of the North Fork of the Kern River to supply water to the Southern California Edison (SCE) power plant approximately six miles downstream of the Auxiliary Dam. The Auxiliary Dam was built on top of the canal, with a portion of the canal remaining within the lakebed.

The existing Borel Canal and its conduit through the Auxiliary Dam and control tower would be taken out of operation. The conduit will be filled and sealed with concrete, and abandoned. The concrete needed will be supplied from the ready-mix plant on Hwy 178 or from an on-site batch plant.

Construction will require a three to four month period where the lake level will be lowered to 2,543 feet to abandon the Borel Canal and conduit section adjacent to the Auxiliary Dam.

The Borel Canal will also be filled in from the Auxiliary Dam to approximately 1,000 feet upstream. In addition to the Borel Canal, a depression exists upstream of the Auxiliary Dam and West of the Borel Canal. This area has been identified as a placement site for fill. Excavated material will primarily consist of soil and rock excavated as part of the emergency spillway excavation. Additional material sources may include silt, sand, and clay from embankment and foundation excavation as well as excess material generated during rock crushing/material processing operations. Approximately 275,000 CY of material may be placed at this site below the OHWM in the canal and depression, and in the canal conduit through the Auxiliary Dam.

### **Rock Material Disposal Area on Engineers Point**

An unused rock material disposal area (approximately 54 acres) will be established on Engineers Point to receive the unused rock material from the Emergency Spillway excavation. Disposal of the unused rock material from the Emergency Spillway on Engineers Point allows the USACE to forego constructing an upstream berm on the Auxiliary Dam as a means of disposing of unused rock, reducing potential-impacts on the waters of the U.S., as well as impacts on recreation, water quality, and fisheries. A maximum total volume of 1.8 MCY of rock material could be placed on Engineers Point. The 1.8 MCY estimate includes a buffer of 20% over the actual expected quantity estimate of 1.5 MCY.

Average composition of the disposal material is expected to be 25 percent fines, with the remainder consisting of rock with no fines. Average rock size deposited on Engineers Point would be approximately 12-inches in diameter, with a range of large rocks up to 36-inches in diameter and less than one percent of rock in the 48-inch to 60-inch range.

Disposal material will be placed only upon the west side of Engineers Point, extending anywhere from a minimum elevation range of 2550 feet (below the gross pool) to a maximum 2715 feet at the highest point. Material would be placed primarily at a 3:1 slope with accommodation of some 2:1 slope. Two disposal sites will be utilized on Engineers Point, a north site and a south site. The south site is adjacent to Boat Launch 19, and the north site extends towards the lake center. Utilization of the two sites by the contractor is expected to provide flexibility for uncertain conditions due to lake level fluctuation, weather changes, and varying construction schedules. Actual material disposal quantities and placement may vary but are not expected to exceed 875,000 CY below the OHWM and 925,000 CY above the OHWM. Because rock slope and size is not conducive to pedestrian or vehicle travel, no disposal material would be placed on the east side of Engineers Point to provide for recreational use after Project completion.

Deposited material on lower elevations of Engineers Point, from the minimum elevation of 2550 feet to the OHWM will be raked, leaving larger rock along the shoreline to provide erosion protection and to increase water oxygenation from wave action. An upper elevational limit (maximum of 2715 feet) on material disposal would not exceed the existing ridge line or modified ridge line. The final slope profile is expected to vary with disposal material quantity and construction operation. Slopes and valleys between the highest elevation points would be filled to profiles determined by the total amount of material and the contractor's placement of that material. However, disposal material placement would not occur on existing recreational roads and trails through the middle section and north end of Engineers Point to provide for

unobstructed recreation passage to the western side of the point. Areas with sufficient soil substrate would be seeded with native grasses to preclude erosion. If a maximum quantity of 1.8 MCY is placed on Engineers Point, low points of the current ridge line would be filled 50 to 60 feet above current elevations, resulting in a plateau appearance. Placement of an estimated 875,000 CY of disposal material under gross pool level would result in a displacement of approximately 450 acre-feet of water within the reservoir.

### **USFS Administrative and Recreation Facilities**

The Project required relocating and mitigating impacts to U.S. Forest Service (USFS) administrative and recreation facilities including:

#### *USFS Administrative Office and Warehouse - Kernville Work Center*

A USFS administrative office of approximately 9,791 sq. ft. and a 2,700 sq. ft. two-bay warehouse will be constructed by the USACE at the USFS Kernville Work Center located off Kernville Rd, in the town of Kernville to mitigate for facilities directly impacted by construction of the new dam emergency spillway.

#### *Fire Station Complex and Interim Visitor Information Center at Lake Isabella Blvd.*

A USFS fire station and interim visitor center will be constructed on an undeveloped 4.1 acre of National Forest land directly off of Lake Isabella Blvd., in the vicinity of the Kern County Government offices. The facilities would include a 4,000 sq. ft. two-bay fire station, administrative office space, an Incident Response Center, associated support facilities (eg. water tender fill station, radio tower, fire hose drying tower, renewable energy, etc), a 480 sq. ft. modular building.

#### *Launch 19 (Main Dam Boat Launch).*

The existing recreation facilities at Boat Launch 19, also referred to as the Main Dam Boat Launch, are expected to be closed for safety reasons during the Dam Safety Modifications (DSM) construction period for the greater part of years 2018 to 2022. Following project completion, the recreation facilities at Launch 19 would be reconstructed as needed.

#### *French Gulch Recreation Area*

A concrete boat ramp at the French Gulch Recreation Area will be constructed to mitigate recreation impacts at Launch 19. Launch ramp construction at French Gulch would require earthwork and fill above the gross pool water line. Work will also be required below the gross pool water line during periods of low water levels. It is expected that the launch ramp construction would be conducted in dry conditions at low lake levels expected in early winter months. Approximately 35,000 CY of fill material will be placed for construction of these facilities. Slopes created as part of this project will be ripped below the OHWM.

**V. Project Location**

Lake Isabella, Sections 19, 20, 30, and 29, Township 26S, Range 33E, MDBM. Latitude: 35.64555, Longitude: -118.47515, Kern County. Maps showing the Project location are found in Attachment A of this Order.

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

The Project is located within the jurisdiction of Central Valley Regional Water Quality Control Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan (Basin Plan) for the region and other plans and policies which may be accessed online at:

[http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

**VII. Description of Direct Impacts to Waters of the State**

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY <sup>2</sup>	LF <sup>2</sup>	Acres	CY <sup>2</sup>	LF <sup>2</sup>
Lake	--	--	--	36.5	1,800,000	6,000	--	--	--
Riparian Zone	--	--	--	0.50	--	--	--	--	--
Wetland	--	--	--	0.30	--	--	--	--	--
Ditch/Canal	--	--	--	2.5	--	1,600	--	--	--

**VIII. Avoidance and Minimization**

Several planning level documents will be produced prior to actual construction on the DSM project. These plans include:

- *Site Preparation Plan* - This plan will outline methods to avoid introducing non-native plant species via construction equipment.

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

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

- *Storm Water Pollution Prevention Plan (SWPPP)* - This plan will address storm water runoff to aquatic sites such as Isabella Lake, the Kern River, and the Borel Canal. Separate SWPPP's will also be prepared for the French Gulch boat ramp, and South Fork-Sprague Ranch mitigation sites. Both are Phase I actions that occur prior to the construction on the dams and spillways. The SWPPP's also address Contractor development of Erosion and Sediment Control Plans.
- *Soil and Groundwater Management Plan (SGMP)* - This plan will address contaminated soil and/or groundwater that may be encountered during project construction or excavation of borrow sites.
- *Controlled Blasting Management Plan* - This plan will address traffic and public safety concerns, and, to the extent feasible, anticipated disturbance to wildlife during blasting activities.
- *Fisheries Management Plan* - This plan will address managing construction impacts on fisheries, maintaining sport fishing events, and potentially enhancing post-construction sport fisheries.
- *Spill Prevention and Response Plan*- This plan will meet the EPA's requirements for spill prevention, control and countermeasure.
- *Water Quality Management Plan* - This plan will implement mitigation control measures related to management of in-water best management practices (BMPs) for all 401 certification in-water work activities.
- *Rock Material Disposal Management Plan* - This plan is connected to the Water Quality Management plan and addresses rock placement below the Isabella Lake high water mark (OHWM) at Engineer's Point.

#### **IX. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for the direct impacts, described in Section XIII.H for permanent impacts to waters of the state.

#### **X. California Environmental Quality Act (CEQA)**

The USACE, as Lead Agency under the National Environmental Policy Act (NEPA), prepared an Environmental Impact Statement (EIS) and five Supplemental Environmental Assessments (SEAs) for the Isabella Dam Safety Modification Project and circulated them for public comment. Based on the EIS, the SEAs, and the comments received, James C. Daulton, P.E., Dam Safety Officer, approved a Record of Decision (ROD) for the proposed project on 15 December 2012, and issued a Finding of No Significant Impact (FONSI) for each of the five SEAs. The FONSI's were issued on 14 August 2014, 4 June 2015, 8 February 2016, 22 April 2016, and 6 October 2016.

Pursuant to CEQA Guidelines section 15220 and following, the Central Valley Water Board, as Lead Agency under CEQA, has determined that the EIS and SEAs prepared by the USACE meet the requirements of CEQA. Accordingly, the Central Valley Water Board is using the EIS and SEAs instead of preparing a separate CEQA document. Public notice of the use of the EIS and SEAs to fulfill requirements of CEQA was circulated on 24 October 2016, pursuant to section 15225 of the CEQA Guidelines.

**XI. Petitions for Reconsideration**

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

**XII. Fees Received**

Federal dischargers involved in Dredge and Fill Operations only are not subject to permit fees as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

**XIII. Conditions**

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

**A. Authorization**

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

**B. Reporting and Notification Requirements**

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

**1. Project Reporting**

- a. Monthly Reporting:** The Permittee shall submit a Monthly Report to the Central Valley Water Board on the first day of every month except that if the first day of the month falls on a Saturday, Sunday, or state holiday, the Monthly Report shall be submitted on the next business day. The first Monthly Report is due the first day of the second month following the commencement of construction. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. Annual Reporting:** The Permittee shall submit an Annual Report each year on the first day of the month following the effective date of this Certification. If the first day of the month falls on a Saturday, Sunday, or state holiday, the Annual Report shall be submitted on the next business day. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

**2. Project Status Notifications**

- a. Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance

activities.

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

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

**a. Accidental Discharges of Hazardous Materials<sup>4</sup>**

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

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

- b. Violation of Compliance with Water Quality Standards:** The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance

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

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

with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
- ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

**c. In-Water Work**

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

**d. Modifications to Project**

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

**C. Water Quality Monitoring**

1. **General:** During in-water work, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).
2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
3. **In-Water Work or Diversions:**

The Permittee shall develop and implement an approved water quality management plan and a water quality monitoring plan. **At least 45 days** prior to in-water construction, or construction within the dry lakebed, the Permittee shall submit to the Central Valley Water Board, a water quality management plan and a water quality monitoring plan for Executive Officer approval, containing the following:

**Water Quality Management Plan** – A Water Quality Management Plan (WQMP) that identifies mitigation control measures related to management of in-water BMPs to meet the Basin Plan water quality objectives for turbidity, settleable matter, temperature, dissolved oxygen, and pH as follows:

- a. Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is between 0 and 5 Nephelometric Turbidity Units (NTUs), increases exceeding 1 NTU;
  - ii. where natural turbidity is between 5 and 50 NTUs, increases exceeding 20 percent;
  - iii. where natural turbidity is between 50 and 100 NTUs, increases exceeding 10 NTUs;
  - iv. where natural turbidity is greater than 100 NTUs, increases exceeding 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 of Project activity.
- c. Activities shall not cause the pH in surface waters to be depressed below 6.5 nor raised above 8.3.
- d. Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature.
- e. Activities shall not cause the monthly median dissolved oxygen concentrations (DO) in the main water mass (at centroid of flow) of streams and above the thermocline in lakes to fall below 85 percent of saturation concentration, and the 95 percentile concentration to fall below 75 percent of saturation concentration. The DO in surface waters shall always meet or exceed 8.0 mg/l. Where ambient DO is less than 8.0 mg/l, discharges shall not cause a further decrease in DO concentrations.

The WQMP shall include qualifications of personnel responsible for overseeing groundwater dewatering operations, waste water management and the Storm Water Pollution Prevention Plan (SWPPP).

**Water Quality Monitoring Plan** – Including:

- a. Specific methodology and sites for monitoring water quality.
- b. Adaptive and corrective actions to be taken if water quality monitoring results should exceed the water quality limits.
- c. A figure showing all water quality monitoring locations.
- d. At a minimum, the Permittee shall include the following sections in the Water Quality Monitoring Plan:

- i. Project description.
- ii. Purpose of Water Quality Monitoring Plan.
- iii. Applicable regulations and contract specifications.
- iv. Field sampling methods, data collection procedures, and standard operating procedures.
- v. Deployment schematics of anchor/buoy systems for in-lake or river monitoring locations.
- vi. Water quality monitoring parameters.
- vii. Equipment specifications and calibration procedures.
- viii. Reporting and notification requirements.
- ix. Adaptive management measures.
- x. Figures of all sampling and monitoring points.
- xi. Data sheets.
- xii. Schedule of activities potentially impacting waters.

#### **D. Standard**

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

## E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

## F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of

the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

#### **G. Site Specific**

**At least 45 days** prior to in-water construction, or construction within the lakebed, the Permittee shall submit to Central Valley Water Board staff, a *Storm Water Pollution Prevention Plan*, a *Soil and Groundwater Management Plan*, and a *Fisheries Management Plan* for staff approval.

#### **H. Compensatory Mitigation for Permanent Impacts<sup>5</sup>**

1. **Compensatory Mitigation Plan** The Permittee has submitted a draft compensatory mitigation plan as part of a complete application. The Permittee shall provide a final compensatory mitigation plan for written acceptance by the Central Valley Water Board Executive Officer. Impacts to waters of the state are not authorized and shall not occur until a compensatory mitigation plan has been approved by the Central Valley Water Board Executive Officer. Upon acceptance by the Executive Officer of the Central Valley Water Board, the Permittee shall implement the approved plan.
  - b. The final compensatory mitigation plan shall include all plan elements as outlined in 40 CFR § 230.94(c)

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<sup>5</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

Table 2: Required Project Compensatory Mitigation Quantity <sup>6</sup>								
Aquatic Resource Type	Comp Mit. Type <sup>7</sup>	Units	Method <sup>8</sup>					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Lake	PR	Acres	--	36.5	--	--	--	--
Wetland	PR	Acres	3.0	--	--	--	--	--

**I. Certification Deviation**

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

**XIV. Water Quality Certification**

I hereby issue the Order for the Isabella Dam Safety Modification Project, WDID 5C15CR00090, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean

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

<sup>7</sup> Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR)

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

Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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

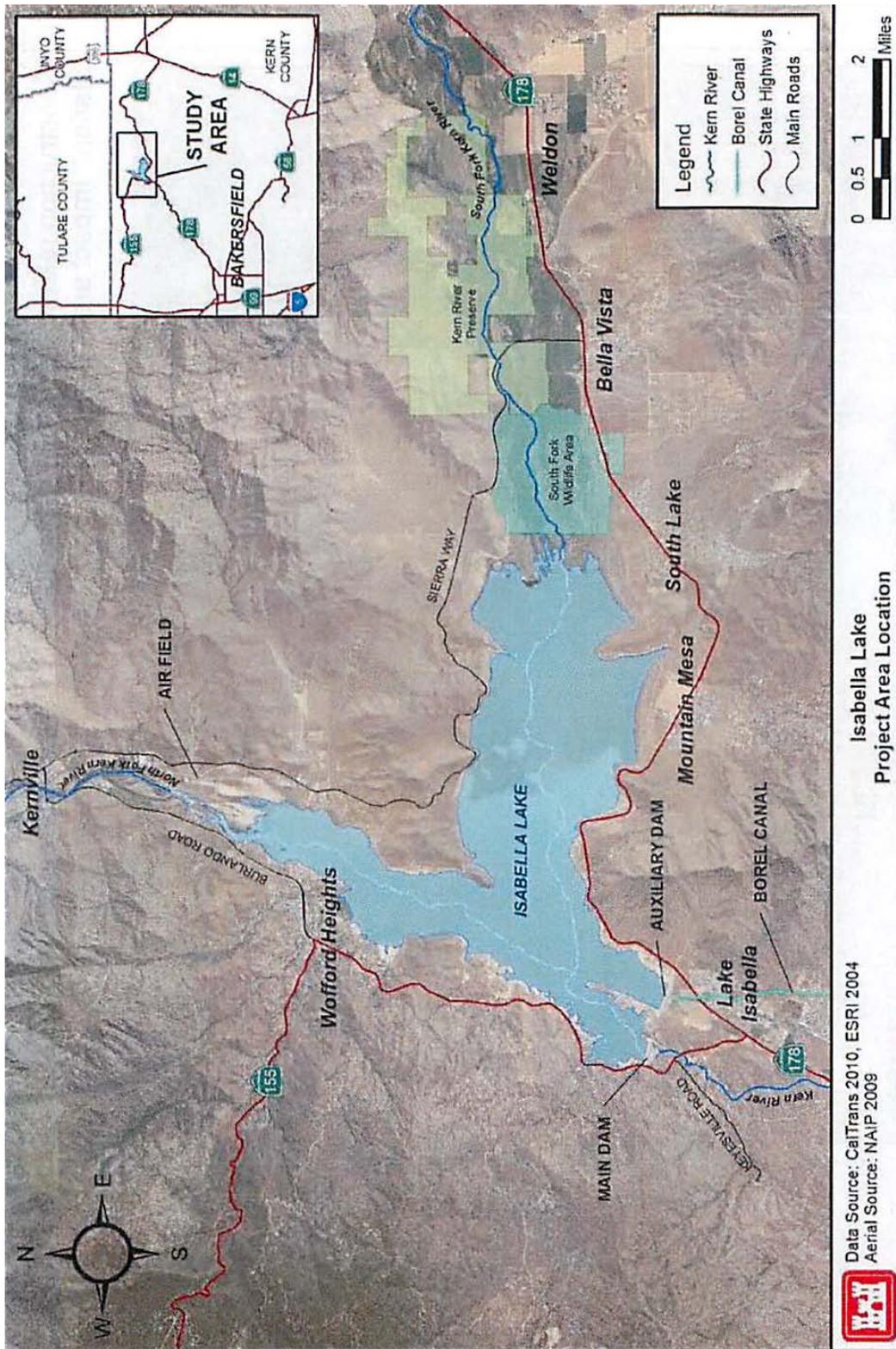
*Clay L. Rodgers*  
\_\_\_\_\_  
*for* Pamela C. Creedon  
Executive Officer  
Central Valley Water Quality Control Board

*12/21/2016*  
\_\_\_\_\_  
Date

- Attachment A** Project Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** Report and Notification Requirements
- Attachment D** Signatory Requirements
- Attachment E** Certification Deviation



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**Receiving Waters**

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

<b>Table 1: Receiving Water(s) Information</b>								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>1</sup>
<input type="checkbox"/>	001	<i>Lake Isabella</i>	<i>Lake</i>	<i>554.21</i>	<i>Lake Isabella</i>	<i>POW, REC-1, REC-2, WARM, COLD, WILD, FRSH</i>	<i>Dissolved Oxygen, pH</i>	<i>N/A</i>
<input type="checkbox"/>	002	<i>Kern River (Lake Isabella to Kern River Powerhouse No. 1)</i>	<i>Wetland-Riparian</i>	<i>554.10</i>	<i>Kern River</i>	<i>POW, REC-1, REC-2, WARM, COLD, WILD, RARE</i>	<i>N/A</i>	<i>N/A</i>
<input type="checkbox"/>	003	<i>Borel Canal</i>	<i>Canal</i>	<i>554.10</i>	<i>Kern River</i>	<i>POW</i>	<i>N/A</i>	<i>N/A</i>

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

**Individual Direct Impact Locations**

The following table shows individual impact locations.

<b>Table 2: Individual Direct Impact Information</b>											
Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1 001- Lake	35.671583	-118.42722	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	--	--	--	--	--	--
					Permanent	--	--	--	36.5	1.8 million	6000
2 002- Emergent Wetland-Riparian	35.640549	-118.47288	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	--	--	--	--	--	--
					Permanent	--	--	--	0.80	--	--
3 003-Canal	35.63809	-118.47006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary	--	--	--	--	--	--
					Permanent	--	--	--	2.5	--	1600
					Permanent	--	--	--	--	--	--

**Compensatory Mitigation Information**

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

**Permittee Responsible Compensatory Mitigation Site Information**

<b>Table 3: Onsite Permittee Responsible Compensatory Mitigation<sup>2</sup></b>						
Impact Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Method	Mitigation Quantity	
					Acres	Linear Feet
Sprague Ranch	35.682043	-118.2912	Wetlands	Creation	3.0	900
Lake Isabella	35.664883	-118.4515	Lake	Restoration	1430	--
South Fork Kern River	35.662373	-118.3660	Riparian/Emergent Habitat	Restoration	1800	--

<sup>2</sup> Mitigation site is analyzed in the Project CEQA document.



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## Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records.

## Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. *(See your Order for specific reports required for your Project.)*
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
  - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleyfresno@waterboards.ca.gov](mailto:centralvalleyfresno@waterboards.ca.gov) and cc: [debra.mahnke@waterboards.ca.gov](mailto:debra.mahnke@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Debra Mahnke; Reg. Measure ID: 407425 Report

## Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further

Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

### Map/Photo Documentation Information

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

#### 1. **Map Format Information:**

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

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

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

**REPORT AND NOTIFICATION COVER SHEET**

**Project:** Isabella Dam Safety Modification Project  
**Permittee:** U.S. Army Corps of Engineers  
**Reg. Meas. ID:** 407425 **Place ID:** 826088  
**Order Effective Date:** December 21, 2016

**Report Type Submitted**

**Part A – Project Reporting**

Report Type 1  Monthly Report  
 Report Type 2  Annual Report

**Part B - Project Status Notifications**

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

**Part C - Conditional Notifications and Reports**

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

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

Print Name <sup>1</sup>

Affiliation and Job Title

Signature

Date

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

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

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

\_\_\_\_\_  
Date

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

**Part A – Project Reporting-** *(See your Order for specific reports required for your Project.)*

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On the first day of every month except that if the first day of the month falls on a Saturday, Sunday, or state holiday, the Monthly Report shall be submitted on the next business day. The first Monthly Report is due the first day of the second month following the commencement of construction. Monthly reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b> Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs<sup>1</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b> Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b> Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> <li><b>d)</b> Describe each observed incidence in detail. List monitor name and</li> </ol> </li> </ol>

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

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

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

**Part B – Project Status Notifications-** *(See your Order for specific reports required for your Project.)*

<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
<b>When to Submit</b>	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.</li> <li>2. A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.</li> </ol>

**Part B: Permittee Responsible Compensatory Mitigation**

3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.
4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.
5. Pre- and post-photo documentation of all compensatory mitigation sites.
6. Final maps of all compensatory mitigation areas (including buffers).

**Part C: Post-Construction Storm Water BMPs**

7. Date of storm water Notice of Termination(s), if applicable.
8. Report status and functionality of all post-construction BMPs.

**Part C – Conditional Notifications and Reports-** *(See your Order for specific reports required for your Project.)*

<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

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

<b>Report Type 8</b>	<b>In-Water Work and Diversions Water Quality Monitoring Report</b>
<b>Report Purpose</b>	Provides Central Valley Water Board staff of the results of monitoring.
<b>When to Submit</b>	Continue reporting in accordance with the approved water quality monitoring plan or as described in order.
<b>Report Contents</b>	As required by the approved water quality monitoring plan.

<b>Report Type 9</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>When to Submit</b>	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
<b>Report Contents</b>	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

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

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

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

Attachment D  
Signatory Requirements

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## SIGNATORY REQUIREMENTS

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

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

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



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## Certification Deviation Procedures

### Introduction

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

### Process Steps

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

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

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

1. Describe the Project change or modification:
  - a. Proposed activity description and purpose;
  - b. Why the proposed activity is considered minor in terms of impacts to waters of the state and the environment;
  - c. How the Project activity is currently addressed in the Order; and,
  - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (Cal. Code Regs., tit. 14, §§ 15061, 15162-15164.)

**Action by Central Valley Water Board on Request:** Central Valley Water Board staff will make a determination on the Certification Deviation request within 10 working days from receipt of a complete request and notify the Permittee via email of the staff determination. Determination of whether a Certification Deviation request is complete is at the discretion of Central Valley Water Board staff.

Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
  - a. Activity description and purpose;
  - b. Activity location, start date, and completion date;
  - c. Erosion control and pollution prevention measures applied;
  - d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - e. Mitigation plan, if applicable; and,
  - f. Map of activity location and boundaries; post-construction photos.

**Action by Water Board on Post-Discharge Activity Report:** Central Valley Water Board staff will review the post-discharge Certification Deviation Report within 15 working days from receipt of a complete report. Central Valley Water Board staff will determine, in consultation with the Permittee and other regulatory agencies, if applicable, whether additional mitigation will be required. If additional mitigation is required, Central Valley Water Board staff will inform the Permittee within the 15-day review period. Determination of whether a post-discharge activity report is complete is at the discretion of Central Valley Water Board staff.

Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
  - a. Site name(s).
  - b. Date(s) of Certification Deviation approval.
  - c. Location(s) of authorized activities.
  - d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order.
  - e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies).
  - f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
  - g. Mitigation to be provided (approved mitigation ratio and amount).

**Action by Central Valley Water Board on Annual Certification Deviation Report:** Following issuance of a Notice of Completion of Discharges Letter or Notice of Project Complete Letter, the Central Valley Water Board will amend the Order to reflect all approved Certification Deviations and the amended Order will serve as a record of actual Project activities.