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Central Valley Regional Water Quality Control Board

20 June 2019

Rachel C. Smith
Acting Forest Supervisor
1839 S. Newcomb St.
Porterville, CA 93257

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR SEQUOIA NATIONAL FOREST, SEQUOIA PRIORITIZED TEN MEADOWS RESTORATION PROJECT, NORTH FORK GROUP (WDID NO. 5C54CR00100), TULARE 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, Patrick Pulupa. This Order is issued to Sequoia National Forest (Applicant), Sequoia Prioritized Ten Meadows Restoration Project, North Fork Group. Attachments A through F of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by the Applicant for proposed Project discharge to waters of the United States, to ensure that the water quality standards for all waters of the United States impacted by the Project are met.

This certification is not valid until a Clean Water Act Section 404 permit has been issued or waived by the U.S. Army Corp of Engineers (USACE). Once you receive the USACE permit or waiver, 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. You may also contact Matt Scroggins by phone at (559) 445-6042 or by email at Matt.Scroggins@waterboards.ca.gov.

Debra Mahnke

Debra Mahnke
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board, Fresno

Enclosures (2): Clean Water Act Section 401 Water Quality Certification and Order for Sequoia Prioritized Ten Meadows Restoration Project
Water Quality Order No. 2003-0017-DWQ

cc: See next page

cc: (w/ enclosure):

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CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Reg. Meas. ID:	429530
Place ID:	857119
WDID:	5C54CR00100
USACE No.:	NWP 27

Effective Date: 20 June 2019

Expiration Date: 20 June 2024

Program Type: Restoration

Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: Sequoia Prioritized Ten Meadows Restoration Project, North Fork Group (Project)

Applicant: Sequoia National Forest

Applicant Contact: Rachel C. Smith
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Water Board Contact Person: If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (559) 445-5116 and ask to speak with the Water Quality Certification Unit Supervisor.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the Sequoia National Forest (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 12 March 2019. The application was deemed complete on 12 April 2019.

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

Table 1: Record of Supplemental Application Information	
Date of Request for Supplemental Information	Date all requested information was received.
11 April 2019	25 April 2019

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 22 March 2019 to 12 April 2019. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to restore meadow hydrology by filling incised channels and allowing streamflow into smaller remnant channels on the surface of the meadow floodplain. The Project will restore floodplain function degraded by anthropogenic activity.

IV. Project Description

The proposed hydrologic treatments entail a combination of techniques to reconnect the incised stream channels with the meadow floodplain including filling the incised channels, installing rock riffles, and building rock grade control structures.

V. Project Location

Address: Kern River Ranger District, Sequoia National Forest

County: Tulare

Maps showing the Project location are found in Attachment A of this Order. Individual meadow locations are identified in Attachment B.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Tulare Lake Basin, revised Third Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

VII. Description of Direct Impacts to Waters of the State

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

Table 2: Total Project Fill/Excavation Quantity

Aquatic Resource Type	Temporary Impact[1]			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Wetland	--	--	--	0.95	3163	--	--	--	--
Stream Channel	--	--	--	0.99	3732	5161	--	--	--

VIII. Description of Indirect Impacts to Waters of the State- Not Applicable

IX. Avoidance and Minimization

Construction activities in all meadows would occur during the time of year when the stream channel flow is the lowest, typically between 1 August and 30 October. Construction will be supervised on-site by at least one person with previous meadow restoration construction experience. Best management practices will be implemented to protect water quality.

X. Compensatory Mitigation

No compensatory mitigation was required for permanent impacts because the Project objective is to restore meadow function thereby increasing wetland area.

XI. California Environmental Quality Act (CEQA)

The National Forest Service, as Lead Agency under the National Environmental Policy Act (NEPA), prepared an Environmental Assessment (EA) for the Sequoia Prioritized Ten Meadows Restoration Project and circulated it for public comment. Based on the Environmental Assessment and the comments received, Rachel C. Smith, Acting Forest Supervisor, Sequoia National Forest, approved a Finding of No Significant Impact (FONSI) for the proposed project on 25 April 2019.

Pursuant to CEQA Guidelines section 15220 and following, the Central Valley Water Board, as Lead Agency under CEQA, determined the EA prepared by the National Forest Service meets the requirements of CEQA. Accordingly, the Central Valley Water Board is using the EA instead of preparing a separate CEQA document. Public notice was circulated pursuant to section 15225 of the CEQA Guidelines. (SCH 2018121030).

Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

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

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of $437 was received on 18 March 2019. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

XIV. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table 2.

B. Reporting and Notification Requirements

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

The Permittee shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleyfresno@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Sequoia Prioritized Ten Meadows Restoration Project, North Fork Group, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

a. Monthly Reporting – Not Required

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

c. Restoration Monitoring Reporting: Restoration monitoring information shall be submitted as part of the Annual Report for a period of not less than three years following completion of restoration activities in each individual meadow, sufficient to demonstrate that the project has accomplished its objectives and met ecological success performance standards contained in the May 2019 Maintenance, Monitoring, and Reporting Plan. The Central Valley Water Board may extend the monitoring period beyond three years in any individual meadow upon a

determination that the performance standards have not been met or the project is not on track to meet them. The Annual Project Report shall include the following monitoring information:

a. Names, qualifications, and affiliations of the persons contributing to the report;

b. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Restoration Plan monitoring program, and all quantitative and qualitative data collected in the field;

c. Monitoring data interpretations and conclusions as to how the project(s) is progressing towards meeting performance standards and whether the performance standards have been met;

d. Qualitative and quantitative comparisons of current conditions with pre-construction conditions and previous mitigation monitoring results; and

e. Photo documentation, including all areas of permanent and temporary impact, prior to and after site construction.

2. **Project Status Notifications**

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

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

   c. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,[2] 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.

[2] 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.

(footnote continued on next page)

a. Accidental Discharges of Hazardous Materials[3]

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

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly follow the required OES procedures as set forth in: http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee shall submit an Accidental Discharge of Hazardous Material Report.

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

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

c. In-Water Work and Diversions:

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report shall be submitted to Central Valley Water Board staff.

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

[3] "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 & Safety Code, Section 25501.)

be made in accordance with conditions in the certification deviation section of this Order.

C. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). The Permittee shall perform surface water sampling[4]:

   a. when performing any in-water work;

   b. during the entire duration of temporary surface water diversions;

   c. in the event that the Project activities result in any materials reaching surface waters; or

   d. when any activities result in the creation of a visible plume in surface waters.

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

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

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

   a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

   b. Activities shall not cause the pH in surface waters to be depressed below 6.5 nor raised above 8.3.

   c. 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.

[4] Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters.

(footnote continued on next page)

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[5] The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.c.

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

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[6]	Observation	Visual Inspections	Continuous throughout the construction period

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

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

[6] Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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 (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.
4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Central Valley Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee shall, 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 obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

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

2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee shall 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. Construction

1. Dewatering

a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) shall be consistent with this Order and shall be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2. Good Site Management "Housekeeping"

a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan shall be made available to the Central Valley Water Board staff upon request.

b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

c. All waste materials resulting from the Project shall be removed from the site and disposed of properly.

3. Hazardous Materials

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other

substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

4. **Invasive Species and Soil Borne Pathogens**

   Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

5. **Sediment Control**

   a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

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

6. **Special Status Species**- Mountain yellow-legged frog, California golden trout, Kern River rainbow trout, Greenhorn Mountain slender salamander, and Kern Plateau slender salamander. The project provides additional connectivity of habitat by lengthening the period when meadows are wet, and provides extended base flows resulting in long-term beneficial indirect effects on aquatic species.

7. **Stabilization/Erosion Control**

   a. All areas disturbed by Project activities shall be protected from washout and erosion.

H. Site Specific- Not applicable

I. Total Maximum Daily Load (TMDL) - Not applicable

J. Mitigation for Temporary Impacts - Not applicable

K. Compensatory Mitigation for Permanent Impacts - Not applicable

L. Ecological Restoration and Enhancement: The quantity of waters of the state permanently gained by the Project is shown in Table 4.

Table 4: Total Ecological Restoration and Enhancement Quantity[7]							
Aquatic Resource Type	Res. [8] Type	Units	Method[9]				
			Est.	Re-est.	Reh.	Enh.	Pres.
Riparian Meadow	PR	Acres	--	0.14	--	45.52	--
Stream Channel	PR	Acres	--	1.56	--	--	--
Stream Channel	PR	LF	--	7,351	--	--	--

M. 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 F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential 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 or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Sequoia Prioritized Ten Meadows Restoration (North Fork Group), 5C54CR00100, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

[7] 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.

[8] Restoration (Res.): Permittee Responsible (PR)

[9] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.).

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 (Water Code, section 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, and the Regional Water Boards' Water Quality Control Plans and Policies.

for _____ 6/20/2019

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

Date

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

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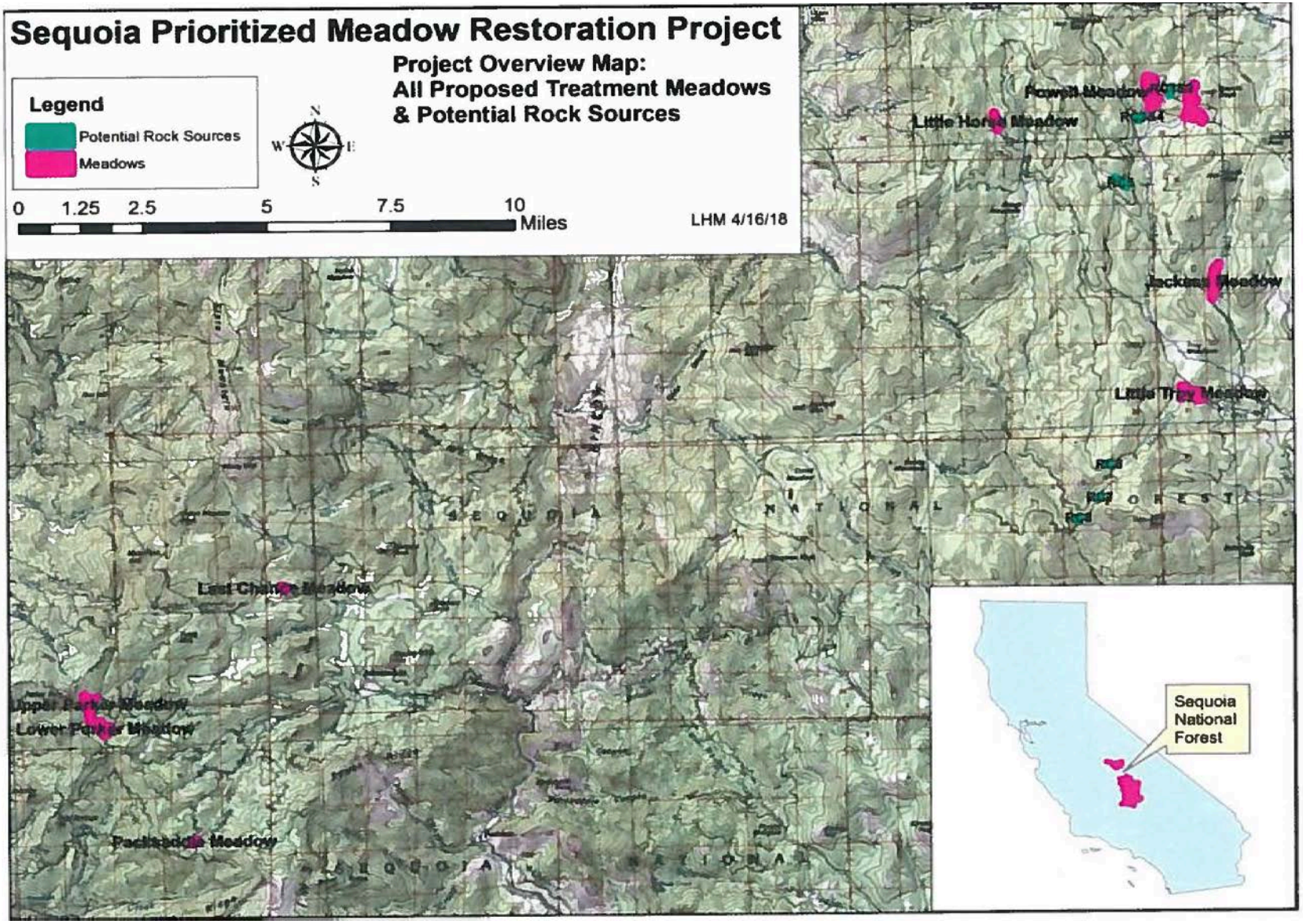
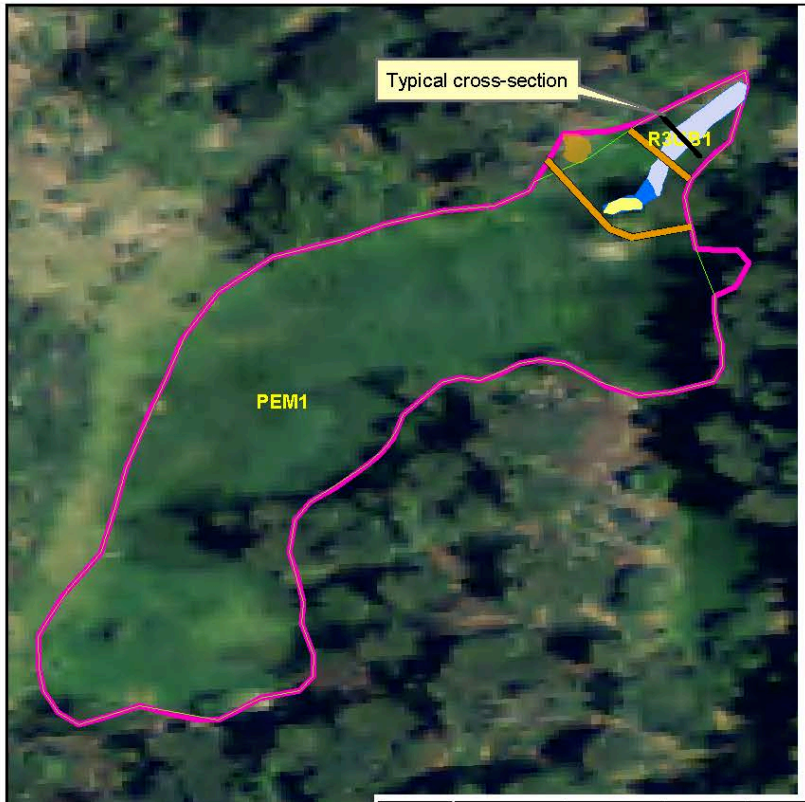

Sequoia Prioritized Meadow Restoration Project
Project Overview Map:
All Proposed Treatment Meadows
& Potential Rock Sources
Legend
Potential Rock Sources
Meadows
N
W
E
S
0
1.25
2.5
5
7.5
10
Miles
LHM 4/16/18
Powell Meadow
Little Horse Meadow
Jackass Meadow
Little Trout Meadow
Last Chance Meadow
Upper Parker Meadow
Lower Parker Meadow
Packsaddle Meadow
Sequoia National Forest



Packsaddle Meadow Restoration Project
Wetland Impacts
Tulare County, CA
1.98 acres
Johnsondale USGS Quad

0 25 50 100 150 200 Feet

1 inch = 100 feet

N
W E
S

Legend

- Proposed Wood Debris
- Proposed Borrow Site
- Proposed Riffle
- Proposed Grade Control
- Existing Riverine
- Palustrine Wet Meadow Boundary
- Project Area Boundary

LHM 11/21/18

Feature	Existing Acres	Pro-posed Acres	Existing Length (ft)	Proposed Length (ft)	Impact Acres	Impact Length	Volume Cut (cu yds)	Volume fill dirt (cu yds)	Volume Fill Rock (cu yds)	Volume Wood (cu yds)
PEM1	1.90	1.91								8
R3UB1	0.04	0.04	138	138	0.03	125		206	110	
Wetland subtotal	**1.94**	**1.95**	**138**	**138**	**0.03**	**125**		**206**	**110**	**8**
UPL	0.04	0.03			0.01	n/a	96	*		
Total Project area	**1.98**	**1.98**	**138**	**138**	**0.04**	**125**	**96**	**206**	**110**	**8**

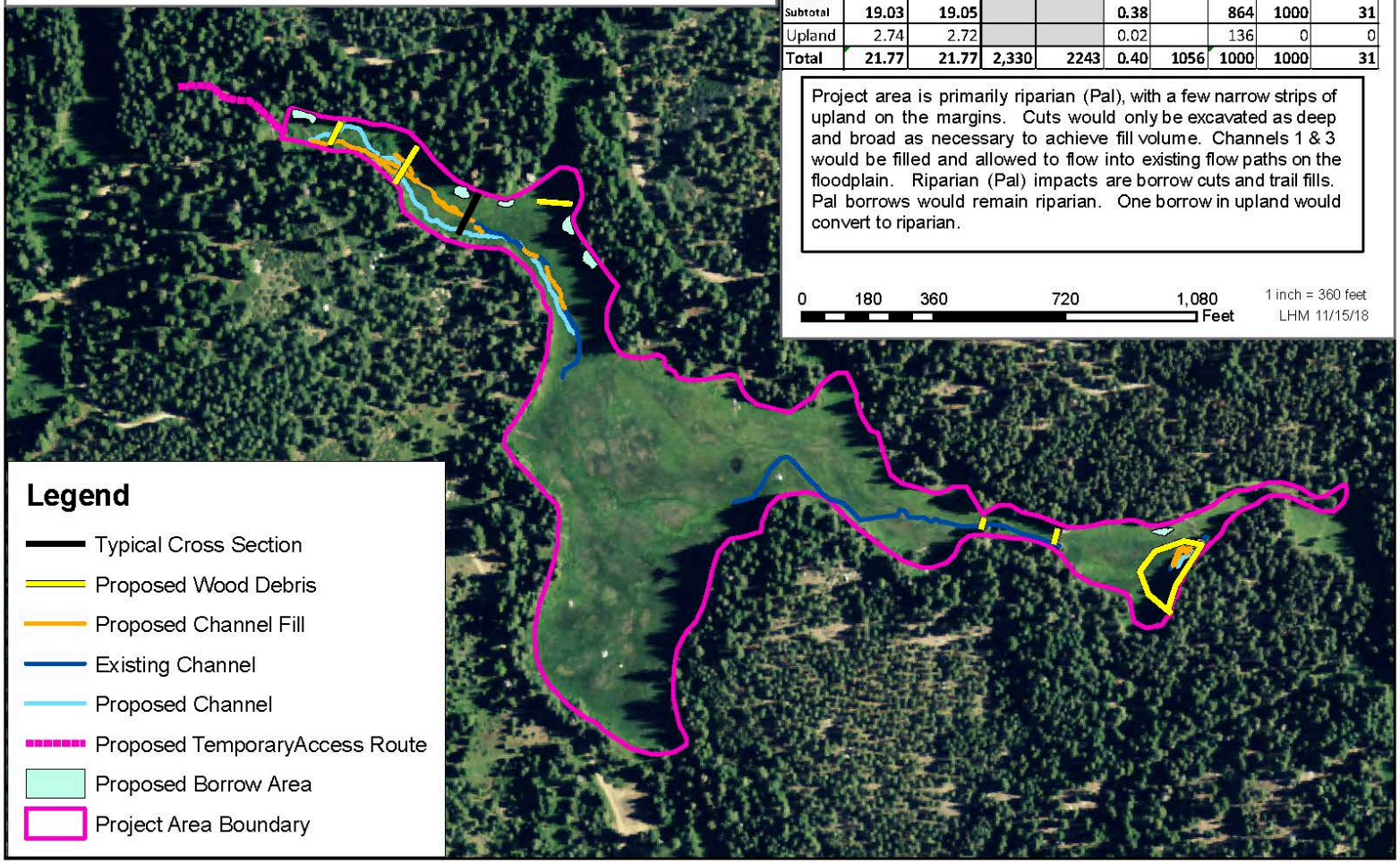
* some fill dirt would be imported with rock

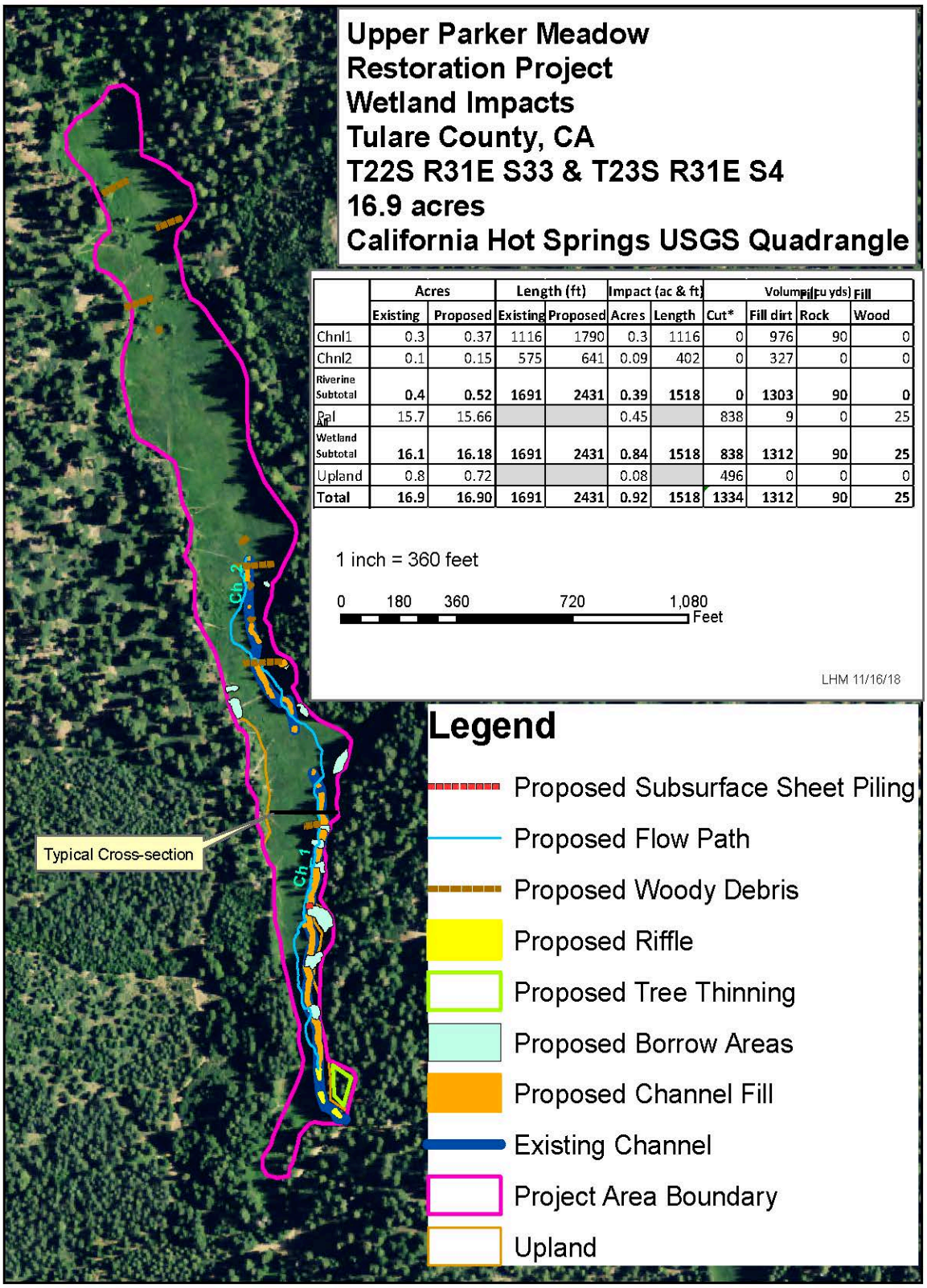
Proposed borrow site would convert to palustrine

Lower Parker Meadow Restoration Project
Wetland Impacts
Tulare County, CA
21.77 acre Area of Potential Effects (APE)
California Hot Springs & Johnsondale USGS Quads

	Acres		Length (ft)		Impact (ac & ft)		Volume (cu yds)		
Feature	Existing	Proposed	Existing	Proposed	Acres	Length	Cut*	Fill dirt	Fill wood
Chnl1	0.25	0.25	1110	1090	0.2	895	0	722	0
Chnl2	0.24	0.24	1059	1059	0	0	0	0	0
Chnl3	0.04	0.04	161	94	0.04	161	0	267	0
Riverine Subtotal	**0.53**	**0.53**	**2330**	**2243**	**0.24**	**1056**	**0.00**	**989**	**0**
Pal	18.5	18.52			0.14		864	11	31
Wetland Subtotal	**19.03**	**19.05**			**0.38**		**864**	**1000**	**31**
Upland	2.74	2.72			0.02		136	0	0
Total	**21.77**	**21.77**	**2,330**	**2243**	**0.40**	**1056**	**1000**	**1000**	**31**

Project area is primarily riparian (Pal), with a few narrow strips of upland on the margins. Cuts would only be excavated as deep and broad as necessary to achieve fill volume. Channels 1 & 3 would be filled and allowed to flow into existing flow paths on the floodplain. Riparian (Pal) impacts are borrow cuts and trail fills. Pal borrows would remain riparian. One borrow in upland would convert to riparian.

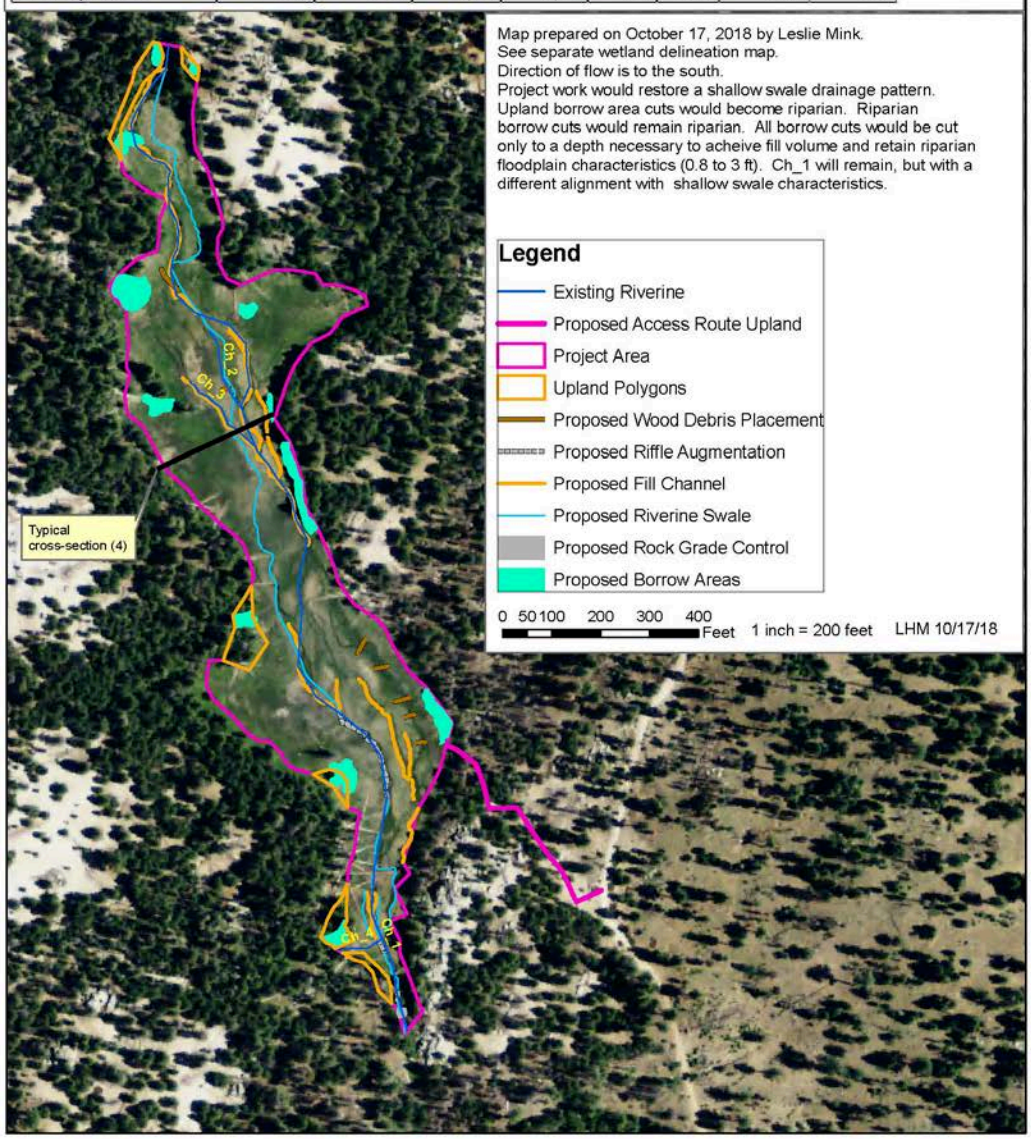




	Acres		Length (ft)		Impact (ac & ft)		Volume (cu yds)			Fill
	Existing	Proposed	Existing	Proposed	Acres	Length	Cut*	Fill dirt	Rock	Wood
Chnl1	0.3	0.37	1116	1790	0.3	1116	0	976	90	0
Chnl2	0.1	0.15	575	641	0.09	402	0	327	0	0
Riverine Subtotal	**0.4**	**0.52**	**1691**	**2431**	**0.39**	**1518**	**0**	**1303**	**90**	**0**
Pal	15.7	15.66			0.45		838	9	0	25
Wetland Subtotal	**16.1**	**16.18**	**1691**	**2431**	**0.84**	**1518**	**838**	**1312**	**90**	**25**
Upland	0.8	0.72			0.08		496	0	0	0
Total	**16.9**	**16.90**	**1691**	**2431**	**0.92**	**1518**	**1334**	**1312**	**90**	**25**

Little Horse Meadow Restoration Project
Wetland Impacts Tulare County, CA 10.56 acres
Casa Vieja Meadows USGS Quad

Label	Type	Existing Acres	Proposed Acres	Existing Length (ft)	Proposed Length (ft)	Impact Acres	Impact Length	Volume (cu yds) & Type Cut	Fill
LH_Mdw	Riparian Lotic	9.42	9.57	n/a	n/a	0.36 cut from borrows	209 fill trails	975*	172 wood+ 238 dirt in trails
Ch_1	Riverine Intermittent	0.39	0.42	2,291	2,266	0.3	1,860	0	320 rock + 656 dirt
Ch_2	Streambed	0.03	0.03	177	177	0	0	0	0
Ch_3	Organic	0.03	0	194	0	0.03	194	0	50
Ch_4		0.02	0.02	96	96	0	0	0	0
Subtotal Channels		**0.47**	**0.47**	**2,758**	**2,539**	**0.33**	**2054**	**0**	**1,026**
Subtotal All Wetland Types		**9.89**	**10.04**	**2,758**	**2,539**	**0.69**	**2263**	**975**	**1,436**
	Upland	0.67	0.52	n/a	n/a	0.15	n/a	664	0
Total Project Area		**10.56**	**10.56**	**2,758**	**2,539**	**0.84**	**2263**	**1639**	**1436**



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Receiving Waters

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

Table 1: Receiving Water(s) Information

Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	CRAM AA ID[10]
Packsaddle Meadow	Packsaddle Creek	Stream Channel,	544.23	North Fork Kern River (above Lake Isabella)	MUN, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN, FRSH	(N/A)	(N/A)
Lower Parker Meadow	Parker Meadow Creek	Stream Channel, Wetland	544.23	North Fork Kern River (above Lake Isabella)	MUN, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN, FRSH	(N/A)	(N/A)
Upper Parker Meadow	Parker Meadow Creek	Stream Channel, Wetland	544.23	North Fork Kern River (above Lake Isabella)	MUN, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN, FRSH	(N/A)	(N/A)
Little Horse Meadow	Rattlesnake Creek	Stream Channel, Wetland	544.23	North Fork Kern River (above Lake Isabella)	MUN, POW, REC-1, REC-2, WARM, COLD, WILD, RARE, SPWN, FRSH	(N/A)	(N/A)

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

Individual Direct Impact Locations

The following table shows individual impact locations.

Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet
1 Packsaddle Meadow	35.92500	-118.59964	☐	☒	Temporary	--	--	--
					Permanent	0.03	324	125
2 Lower Parker Meadow	35.96114	-118.63067	☐	☒	Temporary	--	--	--
					Permanent	0.38	1895	1056
3 Upper Parker Meadow	35.96823	-118.63700	☐	☒	Temporary	--	--	--
					Permanent	0.84	2265	1518
4 Little Horse Meadow	36.14574	-118.30444	☐	☒	Temporary	--	--	--
					Permanent	0.69	2411	2263

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The National Forest Service, as Lead Agency under the National Environmental Policy Act (NEPA), prepared an Environmental Assessment (EA) for the Sequoia Prioritized Ten Meadows Restoration Project and circulated it for public comment from 16 November 2018 to 17 December 2018. The EA was also circulated as a joint document with the Central Valley Water Board through the State Clearinghouse (SCH 2018121030). Based on the Environmental Assessment and the comments received, Rachel C. Smith, Acting Forest Supervisor, Sequoia National Forest, approved a Finding of No Significant Impact (FONSI) for the proposed project on 25 April 2019.

When a project requires compliance with CEQA and NEPA, the CEQA Guidelines encourage the lead agency to use of the completed Environmental Impact Statement (EIS) or FONSI rather than preparing a separate Environmental Impact Report (EIR) or Negative Declaration. (Cal. Code Regs., tit. 14, § 15221.) Pursuant to CEQA Guidelines section 15220 and following, the Central Valley Water Board, as Lead Agency under CEQA, determined the Environmental Assessment and Finding of No Significant Impact (EA/FONSI) prepared by the National Forest Service meets the requirements of CEQA. Accordingly, the Central Valley Water Board is using the EA/FONSI instead of preparing a separate CEQA document.

The Central Valley Water Board circulated notice of its intent to rely on the EA/FONSI by posting at the Sequoia National Forest Supervisor's Office, the Western Divide Ranger District Office, the Kern River Ranger District Office, and at the Tulare County Clerk's Office. Public notice was circulated pursuant to section 15225 of the CEQA Guidelines..

A. Tribal Consultations

On 26 April 2019, the Central Valley Water Board provided the notice of its intent to rely on the EA/FONSI to the identified contact person for each California Native American tribe traditionally and culturally affiliated with the geographic area of the Project that has requested notice. Notice was provided to: Kern Valley Indian Community, Santa Rosa Indian Community of the Santa Rosa Rancheria, Tubatulabals of Kern Valley, Tule River Indian Tribe, and Wuksache Indian Tribe/Eshom Valley Band . (Pub. Res. Code, § 21080.3.1.) No comments were received.

B. Environmental Review

On 26 April 2019, the Central Valley Water Board issued a public notice of its intention to use the EA/FONSI instead of preparing a separate CEQA document pursuant to CEQA Guidelines section 15225, subdivision (a). The EA/FONSI contains mitigation measures and monitoring for all mitigation measures for the Project to reduce potential impacts. The Sequoia National Forest will implement a Maintenance, Monitoring, and Reporting Plan to document project compliance. (Pub. Res. Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

C. Incorporation by Reference

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

All CEQA project impacts are analyzed in detail in the Project Final EA/FONSI which is incorporated herein by reference. The Project EA/FONSI is available at: 1685 E Street, Fresno, 93706.

The Maintenance, Monitoring, and Reporting Plan developed to ensure that the mitigation measures are implemented is incorporated herein by reference.

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

D. Findings

The Central Valley Water Board has analyzed the environmental effects of the Project as shown in the EA/FONSI. (Cal. Code Regs., tit. 14, §§ 15064, 15074.) Having considered the whole of the record, the Central Valley Water Board has determined that the proposed Project will not result in a significant effect on the environment (Cal. Code Regs., tit. 14, § 15074, subd. (b)) and makes the following findings:

(1) Revisions in the project plans or proposals made by, or agreed to by the Sequoia National Forest before it issued a Decision Notice and Finding of No Significant Impact, would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15070.)

E. Determination

As the Central Valley Water Board Executive Officer, I hereby find that: (1) the final EA/FONSI has been completed in compliance with CEQA; and (2) the information in the final EA/FONSI has been reviewed and considered.

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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. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/

2. Find your Order based on the County, Permittee, WDID No., and/or Sequoia Prioritized Ten Meadows Restoration Project, North Fork Group.

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 and cc: Debra.Mahnke@waterboards.ca.gov
- Include in the subject line of the email:
  Subject: ATTN: Debra Mahnke; WDID #; Sequoia Prioritized Ten Meadows Restoration Project, North Fork Group; 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 (NAD83) 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:	Sequoia Prioritized Ten Meadows Restoration, North Fork Group		
Permittee:	Sequoia National Forest		
Reg. Meas. ID:	429530	**Place ID:**	857119
Order Effective Date:	20 June 2019		
Order Expiration Date:	20 June 2024		

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**
Report Type 12	☐	**Other Report Type**

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

Print Name [1]	**Affiliation and Job Title**
Signature	**Date**

[1]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)

Report Type 1	**Monthly Report**
Report Purpose	Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
When to Submit	On the 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	**1. Construction Summary** Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs[11]). If construction has not started, provide estimated start date. **2. Event Summary** Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections. **3. Photo Summary** Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. **4. Compliance Summary** **a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. **b)** List associated monitoring reports for the reporting period. **c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences. **d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

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

Report Type 2	**Annual Report**
Report Purpose	Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
When to Submit	Annual reports shall be submitted each year on the 1st day of January. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
Report Contents	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. **<u>During the Active Discharge Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status** **<u>During the Post-Discharge Monitoring Period</u>** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status**
Annual Report Topics (1-3)	
Annual Report Topic 1	**Construction Summary**
When to Submit	With the annual report during the Active Discharge Period.
Report Contents	**1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. **2.** Map showing general Project progress. **3.** If applicable: **a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below). **b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information.
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	**1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	**Compensatory Mitigation for Permanent Impacts Status**

When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	***If not applicable report N/A.** **Part A. Permittee Responsible** **1.** Planned date of initiation of compensatory mitigation site installation**.** **2.** If installation is in progress, a map of what has been completed to date. **3.** If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. **Part B. Mitigation Bank or In-Lieu Fee** **1.** Status or proof of purchase of credit types and quantities. **2.** Include the name of bank/ILF Program and contact information. **3.** If ILF, location of project and type if known.

Part B – Project Status Notifications

Report Type 3	**Commencement of Construction**
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	**1.** Date of commencement of construction. **2.** Anticipated date when discharges to waters of the state will occur. **3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. **4.** Construction Storm Water General Permit WDID No. **5.** Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

Report Type 4	**Request for Notice of Completion of Discharges Letter**
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	**1.** Status of storm water Notice of Termination(s), if applicable. **2.** Status of post-construction storm water BMP installation. **3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. **4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

	5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

Report Type 5	**Request for Notice of Project Complete Letter**
Report Purpose	Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state. **2.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites. **Part B: Permittee Responsible Compensatory Mitigation** **1.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met. **2.** Status on the implementation of the long-term maintenance and management plan and funding of endowment. **3.** Pre- and post-photo documentation of all compensatory mitigation sites. **4.** Final maps of all compensatory mitigation areas (including buffers). **Part C: Post-Construction Storm Water BMPs** **1.** Date of storm water Notice of Termination(s), if applicable. **2.** Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 6	**Accidental Discharge of Hazardous Material Report**
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.
Report Contents	**1.** The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and

	photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. **2.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. **3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

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

Report Type 8	**In-Water Work and Diversions Water Quality Monitoring Report**
Report Purpose	Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
When to Submit	Seven (7) days prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Type 9	**Modifications to Project Report**
Report Purpose	Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
Report Contents	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

Report Type 10	**Transfer of Property Ownership Report**
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	**1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: **a.** the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and **b.** responsibility for compliance with any long-term BMP[12] maintenance plan requirements in this Order. **2.** A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

Report Type 12	**Other Reports**
Report Purpose	Required by Order condition.
When to Submit	As stated within the Order.
Report Contents	As stated within the Order.

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

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

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

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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 XIV.M. 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 Choose an item;
    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. (California Code of Regulations, Title 14, sections 15061, 15162-15164.)

Post-Discharge Certification Deviation Reporting:

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

Annual Summary Deviation Report:

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

STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ORDER NO. 2003 - 0017 - DWQ

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR DREDGED OR FILL DISCHARGES THAT HAVE RECEIVED STATE WATER QUALITY CERTIFICATION (GENERAL WDRs)

The State Water Resources Control Board (SWRCB) finds that:

1. Discharges eligible for coverage under these General WDRs are discharges of dredged or fill material that have received State Water Quality Certification (Certification) pursuant to federal Clean Water Act (CWA) section 401.

2. Discharges of dredged or fill material are commonly associated with port development, stream channelization, utility crossing land development, transportation water resource, and flood control projects. Other activities, such as land clearing, may also involve discharges of dredged or fill materials (e.g., soil) into waters of the United States.

3. CWA section 404 establishes a permit program under which the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged or fill material into waters of the United States.

4. CWA section 401 requires every applicant for a federal permit or license for an activity that may result in a discharge of pollutants to a water of the United States (including permits under section 404) to obtain Certification that the proposed activity will comply with State water quality standards. In California, Certifications are issued by the Regional Water Quality Control Boards (RWQCB) or for multi-Region discharges, the SWRCB, in accordance with the requirements of California Code of Regulations (CCR) section 3830 et seq. The SWRCB's water quality regulations do not authorize the SWRCB or RWQCBs to waive certification, and therefore, these General WDRs do not apply to any discharge authorized by federal license or permit that was issued based on a determination by the issuing agency that certification has been waived. Certifications are issued by the RWQCB or SWRCB before the ACOE may issue CWA section 404 permits. Any conditions set forth in a Certification become conditions of the federal permit or license if and when it is ultimately issued.

5. Article 4, of Chapter 4 of Division 7 of the California Water Code (CWC), commencing with section 13260(a), requires that any person discharging or proposing to discharge waste, other than to a community sewer system, that could affect the quality of the waters of the State,[1] file a report of waste discharge (ROWD). Pursuant to Article 4, the RWQCBs are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269. These General WDRs fulfill the requirements of Article 4 for proposed dredge or fill discharges to waters of the United States that are regulated under the State's CWA section 401 authority.

[1] "Waters of the State" as defined in CWC Section 13050(e)

6. These General WDRs require compliance with all conditions of Certification orders to ensure that water quality standards are met.

7. The U.S. Supreme Court decision of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001) (the *SWANCC* decision) called into question the extent to which certain "isolated" waters are subject to federal jurisdiction. The SWRCB believes that a Certification is a valid and enforceable order of the SWRCB or RWQCBs irrespective of whether the water body in question is subsequently determined not to be federally jurisdictional. Nonetheless, it is the intent of the SWRCB that all Certification conditions be incorporated into these General WDRs and enforceable hereunder even if the federal permit is subsequently deemed invalid because the water is not deemed subject to federal jurisdiction.

8. The beneficial uses for the waters of the State include, but are not limited to, domestic and municipal supply, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources.

9. Projects covered by these General WDRs shall be assessed a fee pursuant to Title 23, CCR section 3833.

10. These General WDRs are exempt from the California Environmental Quality Act (CEQA) because (a) they are not a "project" within the meaning of CEQA, since a "project" results in a direct or indirect physical change in the environment (Title 14, CCR section 15378); and (b) the term "project" does not mean each separate governmental approval (Title 14, CCR section 15378(c)). These WDRs do not authorize any specific project. They recognize that dredge and fill discharges that need a federal license or permit must be regulated under CWA section 401 Certification, pursuant to CWA section 401 and Title 23, CCR section 3855, et seq. Certification and issuance of waste discharge requirements are overlapping regulatory processes, which are both administered by the SWRCB and RWQCBs. Each project subject to Certification requires independent compliance with CEQA and is regulated through the Certification process in the context of its specific characteristics. Any effects on the environment will therefore be as a result of the certification process, not from these General WDRs. (Title 14, CCR section 15061(b)(3)).

11. Potential dischargers and other known interested parties have been notified of the intent to adopt these General WDRs by public hearing notice.

12. All comments pertaining to the proposed discharges have been heard and considered at the November 4, 2003 SWRCB Workshop Session.

13. The RWQCBs retain discretion to impose individual or general WDRs or waivers of WDRs in lieu of these General WDRs whenever they deem it appropriate. Furthermore, these General WDRs are not intended to supersede any existing WDRs or waivers of WDRs issued by a RWQCB.

IT IS HEREBY ORDERED that WDRs are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of CWA section 401 of the federal Clean Water Act (Title 33 United States Code section 1341), and such certification has been issued by the applicable RWQCB or the SWRCB, unless the applicable RWQCB notifies the applicant that its discharge will be regulated through WDRs or waivers of WDRs issued by the RWQCB. In order to meet the provisions contained in Division 7 of CWC and regulations adopted thereunder, dischargers shall comply with the following:

1. Dischargers shall implement all the terms and conditions of the applicable CWA section 401 Certification issued for the discharge. This provision shall apply irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction.

2. Dischargers are prohibited from discharging dredged of fill material to waters of the United States without first obtaining Certification from the applicable RWQCB or SWRCB.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 19, 2003.

AYE: Arthur G. Baggett, Jr.
Peter S. Silva
Richard Katz
Gary M. Carlton
Nancy H. Sutley

NO: None.

ABSENT: None.

ABSTAIN: None.

Debbie Irvin
Clerk to the Board