

## 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:** 22 August 2025

**Expiration Date:** 21 August 2030

**Program Type:** Fill/Excavation

|                |                          |
|----------------|--------------------------|
| Reg. Meas. ID: | 460602                   |
| Place ID:      | 900586                   |
| WDID No.:      | 5A31CR00615              |
| USACE No.:     | SPK-2007-02181<br>NWP 13 |

**Project Type:** Restoration Bank Stabilization and/or Adjacent Upland Area

**Project:** Antonio Mountain Ranch Mitigation Bank Intermittent Stream  
Remediation Project (Project)

**Applicant:** AKT Development Corporation

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

## Table of Contents

|  |     |
|--|-----|
| I. Order .....   | 3   |
| II. Public Notice.....   | 3   |
| III. Project Purpose .....   | 3   |
| IV. Project Description .....  | 3   |
| V. Project Location.....   | 5   |
| VI. Project Impact and Receiving Waters Information.....   | 6   |
| VII. Description of Direct Impacts to Waters of the State .....  | 6   |
| VIII. Avoidance and Minimization .....   | 6   |
| IX. Compensatory Mitigation .....  | 7   |
| X. California Environmental Quality Act (CEQA).....  | 7   |
| XI. Petitions for Reconsideration.....   | 8   |
| XII. Fees .....  | 8   |
| XIII. Conditions .....   | 8   |
| XIV. Water Quality Certification .....   | 21  |
| Attachment A – Project Maps .....  | A-1 |
| Attachment B – Receiving Waters and Impacts .....  | B-1 |
| Attachment C – CEQA Findings of Fact .....   | C-1 |
| Attachment D – Reports and Notification Requirements .....   | D-1 |
| Attachment E – Signatory Requirements.....   | E-1 |
| Attachment F – Certification Deviation Procedures .....  | F-1 |
| Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7,<br>Subdivision (d)..... | G-1 |

## **I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of AKT Development Corporation (hereinafter Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 2 April 2025. The application was deemed complete on 29 July 2025. Prior to receiving a complete application, Central Valley Water Board staff issued a notice of incomplete application and the Permittee responded to the request for application information on the following date(s):

|  |                      |
|--|----------------------|
| Date of Notice of Incomplete Application:    | <b>14 April 2025</b> |
| Date all requested information was received: | <b>22 July 2025</b>  |

## **II. Public Notice**

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 4 April 2025 to 25 April 2025. The Central Valley Water Board did not receive any comments during the comment period.

## **III. Project Purpose**

The purpose of the Antonio Mountain Ranch Mitigation Bank Intermittent Stream Remediation Project is to re-establish areas of the intermittent stream affected by erosion and instream sedimentation, as well as prevent additional degradation from occurring in the future. The proposed Project is needed to avoid compromising the conservation values of the Antonio Mountain Ranch Mitigation Bank.

## **IV. Project Description**

Erosion and instream sedimentation has impacted the intermittent stream re-establishment area located in the northwest corner of the Antonio Mountain Ranch Mitigation Bank. The Applicant is proposing to re-establish an area of the intermittent stream within the Antonio Mountain Ranch Mitigation Bank affected by erosion and instream sedimentation and prevent additional degradation from occurring in the future.

### *Remediation Model Approach*

HELIX has developed a remediation approach that incorporates remedial grading actions such as widening the channel bottom and revegetating it with native seed, plugs, and willow pole cuttings on the bank. This Remediation Model approach includes a grass-vegetated, trapezoidal channel with a 20-foot bottom width, 0.2-percent slope in typical channel sections, and a single rock chute.

### *Recontouring and Grade Structure*

Approximately 539 linear feet of the intermittent stream will be recontoured using heavy equipment. Sediment accumulated in the work area will be collected and used

to fill in the eroded areas upstream. The spillway head cut will require fill, compaction, and erosion control fabric. Fills will be collected from the rock chute excavation and used to repair the grade control feature. The project will import "Lincoln" clay to condition with existing soil to provide a solid foundation and minimize the head cuts taking place today. Spillway elevation of 108 will be achieved by placing conditioned soil in 6 inch lifts and compacting.

A 3,500-gallon water truck will be used to aid in dust control and compaction. Following completion of the prescribed elevation the spillway will be armored with a 400/700 Coir geotextile erosion blanket and keyed in per manufactures recommendations. The grade control spillway will be recontoured. The rock chute drop structure will extend approximately 58 feet downstream from the mouth of the spillway, including the inlet apron, rock chute, and outlet apron. Geotextile fabric will be installed and keyed in along the length of the structure before installing Class V riprap, or approximately 18-inch rock. The final location of the rock chute will be determined in the field based on surrounding grades and the need to balance cut and fill within the project area.

The remediated channel will taper from the 20-foot constructed width down to the existing 14-foot width of the downstream channel section. The stream will taper back down to reduce potential erosion impacts to the remaining downstream channel. The channel slopes will be verified using a laser level or GPS/RTK guided equipment. No export of soil is expected to be necessary.

Lateral and bank protection measures will include one layer of a strong, rot-resistant coir (coconut fiber and straw mix) blanket to encapsulate fill materials that provide a growth medium for streambank vegetation. The recontoured channel will include a gradual taper down from a 20-foot width to meet the existing state of the downstream channel to reduce potential for additional erosion. The access road will maintain a buffer of at least five feet from credited resources and the access routes will be lined with straw wattles to limit erosion impacts. There is expected to be approximately 780 cubic yards of cut material that will be dispersed on the main access road raising approximately 0.3 inches over approximately 2,000 linear feet.

### *Planting and Seeding*

In order to transition the rock chute into a natural stream channel and reduce downstream affects, the recontoured streambed and lower portion of the banks (two feet above the Ordinary High Water Mark [OHWM]) will be planted with native grass, rush, and sedge plugs and willow stakes, and the upper banks will be hand-seeded with a native seed mix. Willow pole cuttings will be installed from the start of the spillway spaced five feet on center through the end of the rock chute structure length. Plug plantings will occur within the bed of the spillway and after the rock chute structure from toe to toe of the channel bottom spaced between one and four feet on center. Plant and seed material will be commercially sourced from local nurseries and seed suppliers, from locations as near to the project site as possible. No special collection, on- or off-site, is proposed for the project. Any species or quantity adjustments will be approved by the project Biologist. Irrigation is

recommended to be installed within the intermittent stream to promote vegetation establishment before 15 October.

#### *General Site Protection*

While access to and from the work area will be required for vehicles, equipment, and staff, the following site protection measures will be incorporated into daily activities.

- Best Management Practices (BMP) will be included in remediation activities to control dust and reduce impacts to adjacent aquatic features such as straw wattles.
- Temporary staging areas are proposed on-site to store equipment and materials within an area without sensitive resources.
- Staff will be educated on the danger of working in fire-prone areas. Crews will be equipped with fire prevention materials, and a water trailer will be located on-site during working periods.

#### *Schedule*

Recontouring and erosion control BMP installation in the intermittent stream is expected to occur in Summer 2025. Planting and hand seeding will occur in Fall 2025 to coincide with the rainy season.

#### *Impacts to Aquatic Resources*

There is a total of 0.243 acre of aquatic resources within the proposed grading limits, which includes 0.243 acre of intermittent stream and <0.001 acre of perennial pond. Project implementation would result in the permanent fill of 0.243 acre of aquatic resources associated with recontouring, grading, planting and seeding in order to stabilize the intermittent stream.

Approximately 250 cubic yards of clean fill will be placed in 0.243 acre of waters of the U.S. in order to accommodate construction of the proposed project using. A D5 bulldozer (or equivalent), Bobcat skid-steer, and water trucks will be utilized.

No temporary or indirect impacts are proposed as part of the Project; and there will be no avoided waters.

## **V. Project Location**

Address: 2311 Fiddymont Road, Placer County, California 95648

County: Placer

Assessor's Parcel Number(s): 021-283-001 and 021-283-013

Nearest City: Lincoln

Section 31, Township 12 North, Range 6 East, MDB&M.

Latitude: 38.8468411° and Longitude: -121.3379564°

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

## VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) ([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.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

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.

**Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts**

| Aquatic Resources Type | Acres | Cubic Yards | Linear Feet |
|------------------------|-------|-------------|-------------|
| Stream Channel         | 0.243 | 200         | 539         |

## VIII. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

Direct Impact Avoidance and Minimization:

- Potential impacts to biological resources and water quality would be avoided and/or minimized through compliance with Conditions of Approval required by Placer County, California Environmental Quality Act (CEQA) mitigation

measures, and/or Conditions/Measures required by regulatory authorizations issued under Section 404/401 of the Federal Clean Water Act (CWA) as well as the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement, and compliance with federal, state, and local statutes/ordinances, standards and policies.

- Measures consistent with current regulatory standards would be implemented during project construction to avoid and/or minimize adverse impacts to wetland and upland habitats. Standard construction best management practices (BMPs) would be incorporated into construction designs, plans, and specifications, and would be required of contractors during construction. A SWPPP was prepared for the Antonio Mountain Ranch Mitigation Bank and covers the proposed Project.
- The Project will comply with all applicable mitigation measures identified within the adopted Project Mitigated Negative Declaration (MND).

Indirect Impact Avoidance and Minimization:

- Potential impacts to biological resources and water quality would be avoided and/or minimized through compliance with Conditions of Approval required by Placer County, CEQA mitigation measures, and/or Conditions/Measures required by regulatory authorizations issued under Section 404/401 of the Federal CWA as well as the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement, and compliance with federal, state, and local statutes/ordinances, standards and policies.
- Measures consistent with current regulatory standards would be implemented during project construction to avoid and/or minimize adverse impacts to wetland and upland habitats, as well as adjacent properties. Standard construction BMPs would be incorporated into construction designs, plans, and specifications, and would be required of contractors during construction. A SWPPP was prepared for the Antonio Mountain Ranch Mitigation Bank and covers the proposed Project.

## **IX. Compensatory Mitigation**

No compensatory mitigation was required for permanent impacts because the US Army Corps of Engineers has determined that the Project will not result in an adverse loss of waters.

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

On 24 January 2022, Placer County, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2017012040) for the Project and filed a Notice of Determination (NOD) at the SCH on 25 January 2022. 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.

## **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**

**A.** An application fee of \$9,011.00 was received on 3 April 2025. 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 A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

**B. Annual Fees:** This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D). Invoices are usually sent out at the end of each calendar year.<sup>1</sup>

To stop annual billing, the Permittee must request a Notice of Project Complete Letter from the Water Board. Water Board staff will verify if the conditions of the Certification are met and may conduct a site visit to confirm compliance.

For more information on fees, visit the [State Water Board's Water Quality Fees website](https://www.waterboards.ca.gov/resources/fees/water_quality/) ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/](https://www.waterboards.ca.gov/resources/fees/water_quality/)), under Water Quality Certification (WQC) Program Fees.

## **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 D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in

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<sup>1</sup> Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).



Attachment D, which must be signed by the Permittee or an authorized representative.

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

[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov).

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

## 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** Not Applicable

## 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 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.
- 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, and no further Project activities will occur. 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. 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.

### 3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

#### a. Accidental Discharges of Hazardous Materials<sup>2</sup>:

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 the [Office of Emergency Services' Accidental Discharge Notification Web page](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](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 must submit an Accidental Discharge of Hazardous Material Report.

#### b. Violation of Compliance with Water Quality Standards:

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

- i. This notification must be followed within three (3) working days by

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<sup>2</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 & Safety Code, Section 25501.)

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

**e. Transfer of Property Ownership:**

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

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

**f. Transfer of Long-Term BMP Maintenance:**

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or

designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### **C. Water Quality Monitoring**

#### **1. General:**

If surface water is present 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). 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. The Permittee shall perform surface water sampling:

- 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, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
  - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
  - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not

exceed 1 NTU;

- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
- v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.<sup>3</sup> The sampling requirements in Table 2 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations 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 XIII.C.3.

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.

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<sup>3</sup> Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. 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.

**Table 2: Sample Type and Frequency Requirements**

| Parameter  | Unit of Measurement | Type of Sample     | Minimum Frequency                             |
|--|---------------------|--------------------|---|
| Turbidity  | NTU                 | Grab               | Every 4 hours                                 |
| Visible construction related pollutants <sup>4</sup> | Observations        | Visual Inspections | Continuous throughout the construction period |

#### **4. Post-Construction:**

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

#### **D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (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

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<sup>4</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

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 Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or

permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

**7. Construction General Permit Requirement: Not Applicable**

**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 must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be



responsible for work conducted by its consultants, contractors, and any subcontractors.

5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

#### **6. Lake or Streambed Alteration Agreement**

The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

### **G. Construction**

- 1. Dewatering- Not Applicable**
- 2. Directional Drilling- Not Applicable**
- 3. Dredging- Not Applicable**
- 4. Fugitive Dust**

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

#### **5. Good Site Management "Housekeeping"**

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with

secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

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

## **6. Hazardous Materials**

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIII.B.3.a and XIII.B.3.b.
- b. No wet concrete will be placed into aquatic resources habitat.

## **7. 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.

## **8. Post-Construction Storm Water Management- Not Applicable**

## **9. Roads**

- a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
- b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

- d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.
- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

#### **10. Sediment Control**

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

#### **11. Special Status Species**

The following Special Status Species have been documented to occur near or within the Project area: Dwarf Downinga, Legenere, Vernal Pool Fairy Shrimp, Golden Eagle, Short-Eared Owl, Prairie Falcon, White-Tailed Kite, Northern Harrier, Tricolored Blackbird, Burrowing Owl, Song Sparrow.

The following Special Status Species have the potential to occur near or within the Project area: Stinkbells, Boggs Lake Hedge Hyssop, Ahart's Dwarf Rush, Red Bluff Dwarf Rush, Pincushion Navarretia, Sacramento Orcutt Grass, Sanford's Arrowhead, Ferruginous Hawk, Swainson's Hawk, Loggerhead Shrike, Nuttall's Woodpecker, Grasshopper Sparrow, Pacific

Pond Turtle, Western Spadefoot, Vernal Pool Tadpole Shrimp, and  
Conservancy Fairy Shrimp.

## **12. Stabilization/Erosion Control**

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

## **13. Storm Water**

- a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
  - i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

## **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. Certification Deviation**

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

impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

#### **XIV. Water Quality Certification**

I hereby issue the Order for the Antonio Mountain Ranch Mitigation Bank Intermittent Stream Remediation Project, WDID # 5A31CR00615, 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).

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

Original Signed by Anne Walters for:

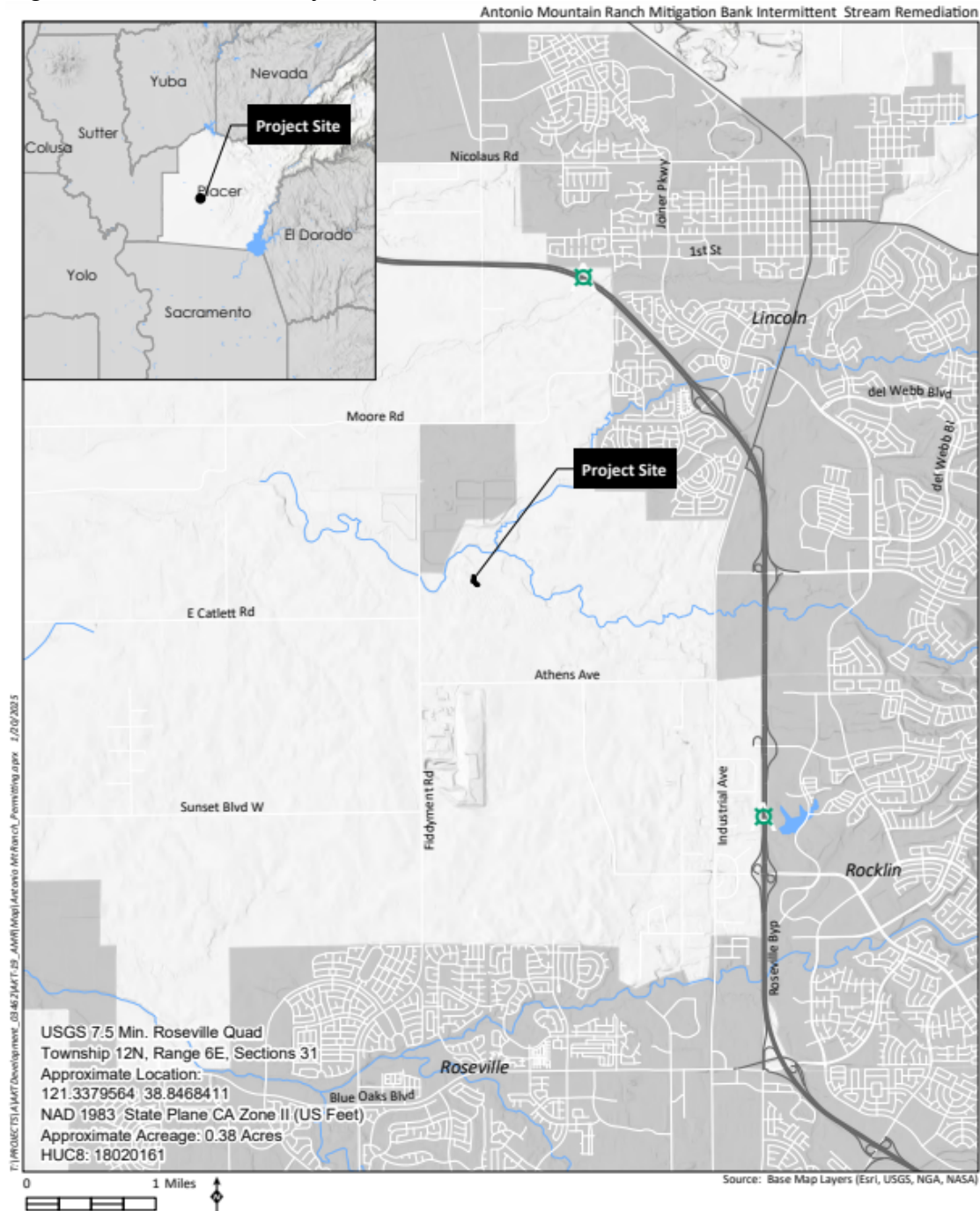
For Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board

- Attachment A:** Project Maps
- Attachment B:** Receiving Waters and Impacts
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Compliance with Code of Federal Regulations

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## Attachment A – Project Maps

Figure 1: Site and Vicinity Map



**HELIX**  
Environmental Planning

**Site and Vicinity Map**

Figure 1



Figure 2: Impacts to Aquatic Resources





Figure 3: Site Plan

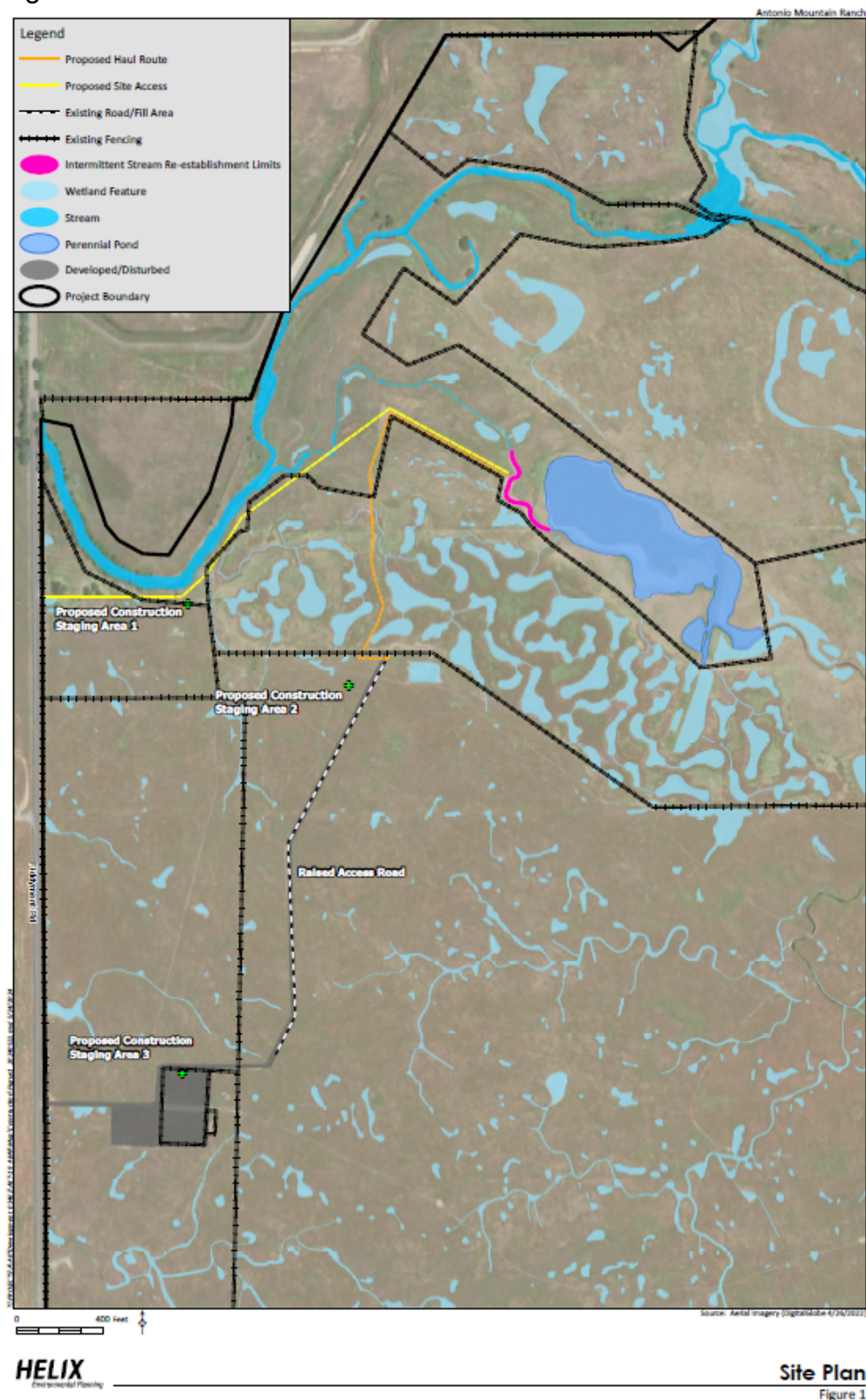


Figure 4: Limits of Grading



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### Attachment B – Receiving Waters and Impacts

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

**Table 1: Receiving Water(s) Information**

| Impact Site ID      | Waterbody Name                               | Impacted Aquatic Resources Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | California Rapid Assessment Method (CRAM) ID |
|---------------------|--|---------------------------------|------------------------------|------------------|----------------------------------|------------------------|--|
| Intermittent Stream | Unnamed Intermittent Stream to Orchard Creek | Stream Channel                  | 519.22                       | Auburn Ravine    |                                  | Indicator Bacteria     |  |
| Perennial Pond      | Unnamed Intermittent Stream to Orchard Creek | Stream Channel                  | 519.22                       | Auburn Ravine    |                                  | Indicator Bacteria     |  |

### Individual Direct Impact Locations

The following tables show individual impacts.

**Table 2: Individual Permanent Fill/Excavation Impact Information**

| Impact Site ID      | Latitude   | Longitude    | Indirect Impact Requiring Mitigation? | Acres | Cubic Yards | Linear Feet |
|---------------------|------------|--------------|---------------------------------------|-------|-------------|-------------|
| Intermittent Stream | 38.8468411 | -121.3379564 | No                                    | 0.243 |             | 539         |
| Perennial Pond      | 38.8468411 | -121.3379564 | No                                    | 0.001 |             |             |

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## **Attachment C – CEQA Findings of Fact**

### **A. Environmental Review**

On 24 January 2022, Placer County Community Development Resource Agency, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2017012040) for the Project and filed a Notice of Determination (NOD) at the SCH on 25 January 2022. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Placer County Community Development Resource Agency's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Placer County Community Development Resource Agency addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Placer County Community Development Resource Agency for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

### **B. Incorporation by Reference**

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: [SCH Number 2017012040](https://ceqanet.lci.ca.gov/Project/2017012040) (<https://ceqanet.lci.ca.gov/Project/2017012040>).

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

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

### **C. Findings**

The IS/MND states that there are no potentially significant environmental effects to water resources after the mitigation measures imposed by the lead agency.

Having considered the whole of the record, the Central Valley Water Board makes the following findings:

*Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant environmental effect as described in the IS/MND.*

a.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Wildlife (CDFW), U.S. Fish & Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA) Fisheries.

a.ii. Facts in Support of Finding:

- Implementation of the proposed project will result in ground disturbance associated with restoration of vernal pool complexes, seasonal wetland depression re-establishment, and intermittent stream re-establishment. These activities have the potential to result in adverse effects, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by California Natural Plant Society (CNPS), CDFW or USFWS. The following describes potentially impacted species, as well as avoidance measures for activities that may result in direct and/or indirect impacts to these species.

*Special Status Plant Species*

- Two special-status plant species, dwarf downingia and legenere, are present within the project site. Legenere exhibits healthy populations with several thousand observed in several pools, while dwarf downingia was observed in one pool only. Both species are confined to relatively undisturbed vernal pools in the northeast portion of the project site on the Alamo-Fiddymont Complex. Although dwarf downingia was observed in only one pool, the drier than normal water year may have affected the germination and bloom of this species, which in normal years may be more robust.
- The presence of both special-status plant species suggest high quality vernal pool habitat, as well as provide the opportunity to understand the biotic, abiotic, and management conditions that have contributed to their continued survival within the Proposed Bank, which in turn can contribute to potential restoration design and management.
- Boggs Lake hedge hyssop has been reported from the Proposed Bank (ECORP 2006); however, this species was not observed by WRA in 2013. Any additional surveys may result in discoveries of other special-

status plant species (e.g. Sacramento Orcutt grass), which are solely vernal pool species.

- Implementation of Mitigation Measure IV-1 would ensure that potential impacts on special status plant species resources would be reduced to a less-than-significant level.

#### MM IV.1

- Prior to the start of construction, final grading plans/drawings shall be developed that show the limits of the designated work area, approved access routes, and existing sensitive habitats (i.e., special-status plant and wildlife occurrences, wetlands, active bird nests, etc.) to be avoided. These areas shall be clearly identified in the field using flags, signs, or fencing (with highly visible markers). Signs or flagging shall be posted every 100 feet and fencing shall consist of 4-foot-high orange construction barrier fencing. After initial installation, flags, signs, and fencing shall be maintained throughout the construction work period and properly removed when construction is complete.

#### *Special Status Animal Species*

- One vernal pool species listed under the Federal Endangered Species Act and California Endangered Species Act (CESA) occurs within the Proposed Bank. Mitigation bank management guidelines for this listed species include the following:
  - Grazing practices should be managed to maintain vernal pool habitat.
  - Activities relating to creation or enhancement of vernal pool habitat should avoid known occupied pools. Alteration or enhancement of these features may require consultation under Section 7 of the ESA and section 2080 of CESA.
  - Inoculation of listed vernal pool species to increase the amount of occupied habitat within the site would require permits from USFWS and possibly CDFW. Such inoculation, that could be shown to have an overall benefit to listed species, could be permitted under Section 7 of the ESA and a memorandum of understanding from CDFW. Alternatively, inoculation as a recovery action could be permitted through a 10(a)1(A) recovery permit with an MOU from CDFW.
- One bird species listed under the California Endangered Species Act has potential to occur within the project site: Swainson's hawk. Management guidelines for listed bird species should include the



following:

- If Swainson's hawk nesting is found to occur on or within 1/2-mile of the property, nests would be protected during the breeding season (roughly March through July) by an exclusion buffer with a radius up to 1,320 feet (1/4-mile).
- One bird species listed as a Bird of Conservation Concern by the UFWs and a Species of Special Concern by the CDFW occurs within the project site: burrowing owl. Management guidelines should include the following:
  - If burrowing owl nesting occurs on or within 250-feet the property, active nests during the breeding season (roughly April 15 through July 15) would require exclusion buffer of 250 feet. Occupied burrows during the non-breeding season would be protected by an exclusionary buffer of 160 feet.
- Several birds protected under the Migratory Bird Treaty Act and listed as Species of Special Concern have potential to occur within the Proposed Bank. Management guidelines for birds protected under the MBTA should include the following:
  - Removal of trees and other vegetation during restoration or maintenance could impact active nests, harm individual birds and eggs, or cause nest abandonment if performed during the nesting season. Activities resulting in abandonment of a nest would be considered take by the MBTA and State Fish and Game Code.
- Portions of Ingram Slough and Orchard Creek are within the Proposed Bank. Management guidelines for wetland and stream protection should include the following:
  - Grazing practices should be managed to avoid degradation of Orchard Creek and Ingram Slough within the Proposed Bank. Use of troughs, salt licks and internal fencing to establish prescribed grazing regimes would reduce mechanical erosion of the stream banks and grazing of riparian vegetation, which would reduce sedimentation, increase canopy cover thereby reducing water temperatures, encourage nesting of Swainson's hawk and other raptors, improve upland habitat for western pond turtle, and provide additional nesting opportunities for song birds.
- Implementation of Mitigation Measures MMIV.2 through MMIV.5 would ensure that potential impacts on special status animal species resources would be reduced to a less-than-significant level.

#### MM IV.2

- The following management guidelines for special-status plant species would cover dwarf downingia, legenera, and any additional vernal pool plant species found, and should consider the following:
  - Continue existing land management to maintain overall vegetation communities and floral diversity;
  - Bank management guidelines for wetlands shall protect dwarf downingia and Legenera, and other potentially occurring vernal pool special-status species;
  - Creation, reestablishment, and/or restoration activities of vernal pool habitat shall consider the size, depth, soil type, hydrology, and other potential abiotic conditions that support special-status plant species;
  - Avoid wetlands occupied by special-status plant species during infrastructure management (e.g. fence construction/maintenance), and/or restoration activities (e.g. wetland enhancement).

#### MM IV.3

- The applicant shall comply with all Conditions of Approval, avoidance measures, and terms and condition as set forth in the required federal and State permits issued for the project including the U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, Central Valley Regional Water Quality Control Board, or any other regulatory agencies issuing permits for the proposed project.

#### MM IV.4

- If construction activities take place during the typical bird breeding/nesting season (typically 15 February through 1 September), pre-construction nesting bird surveys shall be conducted by a qualified biologist on the project site and within a 500-foot radius of proposed construction areas, where access is available, no more than 14 days prior to the initiation of construction. A report summarizing the survey shall be provided to the Development Review Committee and the CDFW within 30 days of the completed survey and is valid for one construction season. If no special status animal species nests are found, no further mitigation is required.
- If active nests are identified in these areas, the County shall coordinate with CDFW to develop measures to avoid

disturbance of active nests prior to the initiation of any construction activities, or construction could be delayed until the young have fledged. Appropriate avoidance measures may include establishment of an appropriate buffer zone and monitoring of the nest by a qualified biologist until the young have fledged the nest and are independent of the site. If a buffer zone is implemented, the size of the buffer zone shall be determined by a qualified biologist in coordination with California Department of Fish & Wildlife and shall be appropriate for the species of bird and nest location.

- Construction activities may only resume after a follow-up survey has been conducted and a report prepared by a qualified raptor biologist indicating that the nest (or nests) are no longer active, and that no new nests have been identified. A follow-up survey shall be conducted two months following the initial survey, if the initial survey occurs between 15 February and 1 July. Additional follow-up surveys may be required by the Development Review Committee, based on the recommendations in the raptor study and/or as recommended by the CDFW.
- If all project construction occurs between 2 September and 14 February, a survey is not required and no further studies are necessary.

#### MM IV.5

- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of Waters of the U.S. within the project site. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering Waters of the U.S. and shall be shown on the grading plans. Fueling of equipment shall take place within existing disturbed areas greater than 100 feet from Waters of the U.S. Contractor equipment shall be checked for leaks prior to operation and repair as necessary. All construction equipment shall be stored overnight within the staging areas.
- "No fueling zones" shall be established within a minimum of 100 feet from Orchard Creek and Ingram Slough.
- Any project-related spills of hazardous materials shall be reported to appropriate entities including but not limited to the Placer County, Corps, USFWS, CDFW, and Central Valley Water Board and shall be cleaned up immediately and contaminated soils removed to approved disposal areas.

- Any planting stock to be brought onto the project site for restoration shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including, but not limited to, Argentine ants, fire ants, and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats. The stock shall be quarantined, treated or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.
- Any temporary irrigation installed for the restoration area shall be used for the shortest duration possible.

MM IV.6

- After completion of construction activities, temporary fill and construction debris shall be removed and disturbed areas will be restored to pre-project conditions. Excavated soil will either be removed from work site, backfilled into excavations, or distributed over the existing work area.

b.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species.

b.ii. Facts in Support of Finding:

- As described above, implementation of the proposed project will result in ground disturbance associated with restoration of vernal pool complexes, seasonal wetland depression re-establishment, and intermittent stream re-establishment. These activities have the potential to result in adverse effects, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CNPS, CDFW or USFWS. The following describes potentially impacted species, as well as avoidance measures for activities that may result in direct and/or indirect impacts to these species. Please see Attachment C, Section C.(1)a.ii for further details.

MM IV.1-MMIV.-6 See Attachment C, Section C.(1)a.ii. above.

c.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to have a

substantial adverse effect on federal or state protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) or as defined by state statute, through direct removal, filling, hydrological interruption, or other means

c.ii. Facts in Support of Finding:

- The scope of the Antonio Mountain Ranch Mitigation Bank Project is to establish a mitigation bank to serve as mitigation for impacts to jurisdictional wetlands, impacts to protected species, and impacts to sensitive stream and riparian communities. The proposed project would result in the restoration of wetland habitats resulting in a net gain in high quality habitat for both sensitive and common species known from the region.
- The project would result in a net gain of jurisdictional wetland habitat and would be required to apply for, and comply with, a Section 404 Permit from the USACE. The proposed project would have a less-than-significant impact with mitigation incorporated.

MM IV.7

- Prior to initiation of any construction activities, the applicant will provide written evidence to the Planning Service Division that the project has applied for and received a nationwide permit under Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers (Corps) prior to conducting proposed work in waters of the United States. The applicant will implement the following measures including any additional requirements contained within the actual Corps permit for the project.
- Prior to initiation of any construction activities within waters of the U.S., the applicant will employ construction best management practices (BMPs) on-site to prevent degradation to on-site and off-site waters of the U.S. Methods will include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs will be in place prior to the initiation of each phase of the project and will remain until construction activities are completed. The applicant will maintain erosion control methods until all on-site soils are stabilized.

d.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to increase the rate or amount of surface runoff.

d.ii. Facts in Support of Finding:

- The project proposes restoring formerly converted vernal pool grassland complexes and restoring altered and degraded alluvial floodplain systems. Approximately 127.9 acres will be disturbed with grading activity and approximately 88,000 cubic yards of soil will be moved on the site. Due to the large area of grading disturbance, there is a potential to increase stormwater peak flows and/or volumes. The project is located within the Cross Canal watershed. The Auburn Ravine, Coon, and Pleasant Grove Creeks Flood Mitigation study (June 1993) prepared for the Placer County Flood Control and Water Conservation District recommends onsite detention be implemented for projects located within the Cross Canal watershed in order to mitigate the increase in peak stormwater flows and volume. Therefore, the proposed project's impacts associated with increases in stormwater peak flows and volume can be mitigated to a less than significant level by implementing the following mitigation measures:

MM VI.1

- The applicant shall prepare and submit Grading Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval. The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. The applicant shall pay plan check and inspection fees and Placer County Fire Department grading plan review and inspection fees, if applicable, with the 1st Grading Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. Record drawings shall be prepared and signed by a California Registered Civil Engineer, or California Registered Landscape Architect, at the applicant's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD prior to acceptance by the County of site improvements.
- Prior to the County's final acceptance of the project's improvements, submit to the Engineering and Surveying

Division two copies of the Record Drawings in digital format (on compact disc or other acceptable media) in accordance with the latest version of the Placer County Digital Plan and Map Standards along with two blackline hard copies (black print on bond paper) and two PDF copies. The digital format is to allow integration with Placer County's Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record.

#### MM VI.2

- The Grading Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Grading Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee (DRC). All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Division (ESD) concurs with said recommendation.
- The applicant shall revegetate all disturbed areas. Revegetation, undertaken from 1 April to 1 October, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Grading Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the Engineering and Surveying Division (ESD).
- The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Grading Plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

- If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Grading Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding.

MM VIII.1

- As part of the Grading Plan submittal process, a final Drainage Report shall be submitted. The final Drainage Report will be reviewed in concert with the Grading Plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term post-construction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of Grading Plan submittal.

MM VIII.2

- The Grading Plan submittal and final Drainage Report shall provide details showing that storm water run-off shall be reduced to pre-project conditions as approved by the Engineering and Surveying Division (ESD). Retention/detention facilities, if required, shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Division (ESD) and shall be shown on the Grading Plans.

e.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to create or contribute runoff water which would include substantial additional sources of polluted water.

e.ii. Facts in Support of Finding:

- The construction of the proposed improvements has the potential to



degrade water quality and increases the risk of erosion and creates a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, this soil disruption has the potential to modify the existing on site drainageways by transporting erosion from the disturbed area into local drainageways. Discharge of concentrated runoff after construction could also contribute to these impacts in the long-term. Erosion potential and water quality impacts are always present and occur when soils are disturbed and protective vegetative cover is removed. The proposed project grading has the potential to accelerate erosion and degrade water quality. The project will increase the potential for erosion impacts without appropriate mitigations. The proposed project's impacts associated with water quality can be mitigated to a less than significant level by implementing the following mitigation measures:

MM.VI.1, MM.VI.2, MM.VIII.1 See Attachment C, Section C.(1)d.ii. above.

MM VI.3

- The Grading Plans shall show that Best Management Practices (BMPs) shall be designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division (ESD) such as the Stormwater Quality Design Manual for the Sacramento and South Placer Regions).
- Construction (temporary) BMPs for the project include, but are not limited to: Fiber Rolls (SE-5), Straw Bale Barrier (SE-9), Straw Wattles, Storm Drain Inlet Protection (SE-10), Velocity Dissipation Devices (EC-10), Hydroseeding (EC-4), Silt Fence (SE-1), Wind Erosion Control (WE-1), Stabilized Construction Entrance (TC-1), and revegetation techniques.

MM VI.4

- Prior to construction commencing, the applicant shall provide evidence to the Engineering and Surveying Division of a WDID number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application & Reports Tracking System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit.

MM VI.5

- The Grading Plan(s) shall identify the stockpiling and/or vehicle staging areas with locations as far as practical from existing dwellings and protected resources in the area.

MM VIII.3

- Project-related stormwater discharges are subject to Placer County's Stormwater Quality Ordinance (Placer County Code, Article 8.28). This project shall reduce pollutants in stormwater discharges to the maximum extent practicable and prevent nonstormwater discharges from leaving the site, both during and after construction.

f.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to otherwise substantially degrade surface water quality.

f.ii. Facts in Support of Finding:

- As listed above, the construction of the proposed improvements has the potential to degrade water quality and increases the risk of erosion and creates a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, this soil disruption has the potential to modify the existing on site drainageways by transporting erosion from the disturbed area into local drainageways. Discharge of concentrated runoff after construction could also contribute to these impacts in the long-term. Erosion potential and water quality impacts are always present and occur when soils are disturbed and protective vegetative cover is removed. The proposed project grading has the potential to accelerate erosion and degrade water quality. The project will increase the potential for erosion impacts without appropriate mitigations. The proposed project's impacts associated with water quality can be mitigated to a less than significant level by implementing the following mitigation measures:

MM.VI.1, MM.VI.2, MM.VIII.1 See Attachment C, Section C.(1)d.ii. above.

MM.VI.3, MM.VI.4, MM.VI.5, MM.VIII.3 See Attachment C, Section C.(1)e.ii. above.

g.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the project is unlikely to place within a 100-year flood hazard area improvements which would impede or redirect flood flows.

g.ii. Facts in Support of Finding:

- The project proposes restoring formerly converted vernal pool grassland complexes and restoring altered and degraded alluvial floodplain systems. Approximately 127.9 acres will be disturbed with grading activity and approximately 88,000 cubic yards of soil will be moved on the site. No soil will be imported or exported from the site. The maximum proposed cut and fill heights on the site are approximately 2 feet with slopes no steeper than approximately 5:1. The project site includes a 100-year floodplain as mapped by the FEMA (Federal Emergency Management Agency). The wetlands and stream channel will be created by excavating existing soils. While some minor filling will occur to create mound topography around the vernal pools, the amount of fill within the 100-year floodplain limits will be less than or equal to the amount of excavated material.
- The proposed grading for the construction of the project has the potential to place grading improvements within a 100 year flood hazard area of the onsite drainageway that could impede or redirect existing flood flows. The proposed project's impacts associated with impeding or redirecting 100 year flood flows can be mitigated to a less than significant level by implementing the following mitigation measures:
  - MM.VI.1, MM.VIII.1 See Attachment C, Section C.(1)d.ii. above.
  - MM VIII.4
    - Show the limits of the future, unmitigated, fully developed, 100-year flood plain (before and after onsite grading) for the existing onsite drainageways on the Grading Plans. No increase in any upstream or downstream offsite 100 year floodplain water surface elevation shall be allowed unless otherwise approved by the ESD.

**D. Determination**

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water resource impacts. (California Code of Regulations, title 14, section 15096, subd (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)

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## Attachment D – Reports and Notification Requirements

### I. 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:

- A. [Central Valley Regional Water Quality Control Board's Adopted Orders Web page](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)  
([https://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/401\\_wqcerts/](https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/))
- B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

### II. Report Submittal Instructions

- A. 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 (Monthly Reports):** This report will be submitted monthly 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.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
- Submit signed Report and Notification Cover Sheet and required information via email to: [centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) and cc: [Carter.Cook@waterboards.ca.gov](mailto:Carter.Cook@waterboards.ca.gov).
  - Include in the subject line of the email:  
ATTN: Carter Cook; Project Name; and WDID No. 5A31CR00615.

### **III. Definition of Reporting Terms**

#### **A. 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.

#### **B. 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.

#### **C. 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.

#### **D. 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.

#### **E. Effective Date:**

22 August 2025

### **IV. Map/Photo Documentation Information**

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

#### **A. 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.

**B. 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.

## **V. Report and Notification Cover Sheet**

**Project:** Antonio Mountain Ranch Mitigation Bank Intermittent Stream Remediation Project  
**Permittee:** AKT Development Corporation  
**WDID:** 5A31CR00615  
**Reg. Meas. ID:** 460602  
**Place ID:** 900586  
**Order Effective Date:** 22 August 2025  
**Order Expiration Date:** 21 August 2030

## **VI. Report Type Submitted**

### **A. Part A – Project Reporting**

Report Type 1 ☐ Monthly Report  
Report Type 2 ☐ Annual Report- Not Applicable

### **B. 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

### **C. 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**

|   |
|---|
| <p><b>*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.</b></p> |
|---|

## **A. Part A – Project Reporting**

### **1. Report Type 1 - Monthly Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.
- b. When to Submit** - On the 1st day of each month after the submittal of the Commencement of Construction Notification until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** -
  - i. 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). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control. If construction has not started, provide estimated start date.
  - ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.
  - iii. 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.
  - iv. Compliance Summary
    - List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
    - List associated monitoring reports for the reporting period.
    - Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
    - Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

### **2. Report Type 2 - Annual Report- Not Applicable**

## **B. Part B – Project Status Notifications**

### **1. Report Type 3 - Commencement of Construction**

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

### **2. Report Type 4 - Request for Notice of Completion of Discharges Letter**

- a. 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.
- b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.
- c. Report Contents** -
  - i. Status of storm water Notice of Termination(s), if applicable.
  - ii. Status of post-construction storm water BMP installation.
  - iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.
  - iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.
  - v. 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.

### **3. Report Type 5 - Request for Notice of Project Complete Letter**

- a. 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.

**b. When to Submit** - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

**c. Report Contents -**

i. 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.

ii. 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).

iii. 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.
- 3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

**C. Part C – Conditional Notifications and Reports**

**1. Report Type 6 - Accidental Discharge of Hazardous Material Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
- b. When to Submit** - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

**c. Report Contents -**

- i. 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.

- ii. 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.
- iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

## **2. Report Type 7 - Violation of Compliance with Water Quality Standards Report**

- a. **Report Purpose** - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
- b. **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.
- c. **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.

## **3. Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**

- a. **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.
- b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
- c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

#### **4. Report Type 9 - Modifications to Project Report**

- a. 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.
- b. 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.
- c. 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.

#### **5. Report Type 10 - Transfer of Property Ownership Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
- b. When to Submit** - At least 10 working days prior to the transfer of ownership.
- c. Report Contents** -
  - i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:
    - 1) 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
    - 2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.
  - ii. 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.

#### **6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report**

- a. Report Purpose** - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
- b. When to Submit** - At least 10 working days prior to the transfer of BMP maintenance responsibility.
- c. Report Contents** - A copy of the legal document transferring maintenance

responsibility of post-construction BMPs.

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### **Attachment E – Signatory Requirements**

All documents submitted in compliance with this Order shall meet the following signatory requirements:

- A.** 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:
  - 1.** For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - 2.** For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - 3.** For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
- B.** A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - 1.** The authorization is made in writing by a person described in items 1.a through 1.c above.
  - 2.** The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - 3.** The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
- C.** 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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## **Attachment F – Certification Deviation Procedures**

### **I. 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 of the Order, may be requested by the Permittee as set forth below:

### **II. Process Steps**

#### **A. Who may apply:**

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

#### **B. How to apply:**

By letter or email to the Water Quality Certification staff designated as the contact for this Order.

#### **C. Certification Deviation Request:**

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

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

or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

**D. 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.

**E. 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; and
  - g. Mitigation to be provided (approved mitigation ratio and amount).

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**Attachment G - Compliance with Code of Federal Regulations,  
Title 40, Section 121.7, Subdivision (d)**

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIII of the Order, and the statements below correspond with the conditions set forth in Section XIII. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7.

**I. General Justification for Section XIII Conditions**

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Central Valley Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality controls boards for projects within the executive officer’s region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Central Valley Water Board’s Water Quality Control Plan for the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan)., which was adopted and is periodically revised pursuant to Water Code section 13240. 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. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation

Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

## **II. Specific Justification for Section XIII Conditions**

### **A. Authorization**

Authorization under the Order is granted based on the application submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

### **B. Reporting and Notification Requirements**

#### **1. Project Reporting**

#### **2. Project Status Notifications**

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to

investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

### **3. Conditional Notifications and Reports**

#### **a. Accidental Discharges of Hazardous Materials**

Conditions under Section B.3.a related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. "Hazardous materials" is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

#### **b. Violation of Compliance with Water Quality Standards**

#### **c. In-Water work and Diversions**

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as



authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**d. Modifications to Project**

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

**e. Transfer of Property Ownership**

**f. Transfer of Long-Term BMP Maintenance**

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

**C. Water Quality Monitoring**

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect

those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

#### **D. Standard**

**1. This Order is subject to modification or revocation . . . .**

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

**2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility . . . .**

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification's application.

**3. This Order is conditioned upon total payment of any fee . . . .**

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

#### **E. General Compliance**

**1. Failure to comply with any condition of this Order . . . .**

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

**2. Permitted actions must not cause a violation of any applicable water quality standards . . . .**

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board's Basin Plan. The Basin Plan's water quality standards 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. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

**3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require . . . .**

Conditions under Section E.3 related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

**4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports . . . .**

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

**5. This Order and all of its conditions herein continue to have full force and effect . . . .**

This condition ensures continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

**6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program . . . .**

This condition ensures mitigation measures required to lessen the significance of impacts to water quality identified pursuant to California Environmental Quality Act review are implemented and enforceable. Pursuant to California Code of Regulations, title 14, section 15097, subdivision (a), a public agency shall adopt a program for monitoring and reporting on mitigation measures imposed to mitigate or avoid significant environmental effects to ensure implementation.

**7. Construction General Permit Requirement – Not Applicable**

## **F. Administrative**

### **1. Signatory requirements for all document submittals . . . .**

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

### **2. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species . . . .**

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et seq.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

### **3. The Permittee shall grant Central Valley Water Board staff . . . .**

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board's authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with." Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

### **4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors . . . .**

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to

if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

**5. A copy of this Order must be available at the Project site(s) during construction . . .**

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

**6. Lake or Streambed Alteration Agreement – Not Applicable**

**G. Construction**

- 1. Dewatering- Not Applicable**
- 2. Directional Drilling- Not Applicable**
- 3. Dredging- Not Applicable**
- 4. Fugitive Dust**

This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.) Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

**5. Good Site Management “Housekeeping”**

Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code

section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

## **6. Hazardous Materials**

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan's pH water quality objective. (Basin Plan, Section 3.1.11.)

## **7. Invasive Species and Soil Borne Pathogens**

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **8. Post-Construction Storm Water Management- Not Applicable**

## **9. Roads**

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19, 3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **10. Sediment Control**

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **11. Special Status Species**

See F.2 above.

## **12. Stabilization/Erosion Control**

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

## **13. Storm Water**

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

## **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. Certification Deviation**

- 1. Minor modifications of Project locations or predicted impacts . . . .**
- 2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates . . . .**

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).