



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	13 June 2025	Reg. Meas. ID:	460660
Expiration Date:	12 June 2030	Place ID:	900652
Program Type:	Fill/Excavation	WDID No.:	5A34CR00917
Project Type:	Fish and Wildlife Harvesting/Aquaculture	USACE No.:	SPK-2017-00826 NWP 33 and 13
Project:	Nimbus Hatchery Fish Passage Project-Phase III (Project)		
Applicant:	US Bureau of Reclamation		
Applicant Contact:	Drew Lessard US Bureau of Reclamation 7794 Folsom Dam Road Folsom, CA 95630 Phone: (916) 537-7101 Email: DLessard@usbr.gov		
Applicant's Agent:	Zarela Guerrero US Bureau of Reclamation 7794 Folsom Dam Road Folsom, CA 95630 Phone: (279) 235-5182 Email: ZGuerrero@usbr.gov		
Water Board Staff:	Carter Cook Environmental Scientist 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4699 Email: Carter.Cook@waterboards.ca.gov		

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.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of US Bureau of Reclamation (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 7 April 2025. The application was deemed complete on 11 June 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: **15 April 2025**
Date all requested information was received: **9 June 2025**

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 11 April 2025 to 2 May 2025. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to create and maintain a reliable system for collecting adult fish to allow the Permittee to remain in compliance with its mitigation obligations, while adequately protecting Chinook salmon and Central Valley steelhead trout.

IV. Project Description

Fish Diversion Weir Removal

The Project consists of removing the existing diversion weir and modifying the new fish passageway. All in-river construction activities will be limited to June through September. Removing the weir consists of cutting off and off-site disposal of the concrete piers, all sheet piles, wire, and rebar in the foundation, and removing and redistributing large angular rock and cobble in the foundation to the finished grade of the river. Additionally, sand-filled bags will be placed around each pier, and an unwatering sump pump could be used to dewater the area for the piers and weir removal. The rock and cobble foundation of the diversion weir will be removed or redistributed with heavy equipment, including track loaders, bulldozers, and excavators.

A temporary construction road will provide access from the staging area to the foundation of the weir. 80 cubic yards of gravel will be used to make the road 6 in thick.

A bypass channel in the foundation between the right abutment and the next closest pier will be excavated on the northwest side of the river. River flows will likely have to be lowered for up to five days to facilitate the creation of the channel. Once the

bypass channel is created, river flows could return to normal for the remainder of the weir removal work.

After the in-water work is completed, the access road will be removed, riprap will be replaced along the south bank, and the disturbed area landward of the riprap will be restored. Concrete and steel remnants of the diversion weir will be disposed of off-site using lined trucks. After the removal of the diversion weir is complete, the access road will also be removed, riprap will be replaced along the bank, and the disturbed area landward of the riprap will be restored.

North Concrete Abutment Removal

The concrete abutment on the North bank of the river is to be cut to river grade and 810 cubic yards of rip rap will be placed at the location for bank stabilization.

Decommission Out of Service Fish Ladder

A reinforced concrete wall will be added at the intersection of the old and new fish ladder to permanently stop water from entering the old fish ladder. Riprap will be used to fill in the old fish ladder to meet existing exterior grade.

Tower Hoist and Hoist House Removal

The existing crane including the steel structure, cables, concrete foundations, hoist house, pickets, and picket storage structure is to be removed. The concrete anchor for the cable on the North side of the riverbank will remain. However, the cable will be removed. Heavy equipment, including a crane, track loaders, bulldozers, tractor trailers, and excavators will be used to remove the steel structure, cables, concrete foundations, hoist house, pickets, and picket storage structure. The materials will be disposed using lined trucks off-site.

Phase II Modifications

New Fish Barrier Gate at Concrete Weir

A new removable, 10.6 ft by 9.9 ft, fish barrier gate will be installed at the first concrete weir from the fish passageway gate. This new gate will limit fish getting stuck in a section of the fish channel when the fish ladder is not in use.

Maintenance Ladders

Maintenance ladders will be added to the concrete walls of the fish ladder at maintenance access points.

V. Project Location

Address: Lower American River, a quarter-mile downstream of Nimbus Dam

County: Sacramento

Nearest City: Rancho Cordova

Township 9 North, Range 7 East, MDB&M.

Latitude: 38° 38' 08.1" N and Longitude: 121° 13' 33.3" W

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/). 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.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Riparian Zone	1.6		
Stream Channel	0.77	8,457	332
Wetland	0.01		38

¹ Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. An additional 740 feet downstream of the United States Geological Service gaging station cable may be affected by sediment release or streambed disturbance.

IX. 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:

BIO-1. Worker Environmental Training Program

- Personnel will participate in and comply with a government-provided environmental training program for the following:
 - Federal, state, and local environmental laws and regulations and permits, as well as the penalties for noncompliance with permit environmental requirements, conditions, and measures,
 - Threatened and endangered species, species of concern, and species of special concern,
 - Environmentally sensitive locations,
 - Weed abatement, and
 - Environmental protection measures, mitigation, compensation, and restoration;

A member of Reclamation's staff will participate in the training sessions to discuss environmental protection plans. On completion of each training session, employees will sign a statement that they have received the training.

BIO-2. Demarcation of Environmentally Sensitive Locations

- Qualified biologists and environmental resource specialists will be retained to locate and fence, stake, or flag environmentally sensitive locations. This would include areas that support threatened and endangered species, species of concern and special status species, nesting migratory birds, woody riparian vegetation, wetlands, and perennial drainage crossings. These areas will be avoided.

BIO-3. Environmental Monitors

- Qualified biologists and environmental resource specialists will be retained to monitor construction. They will work with Reclamation to ensure that environmental protection measures, such as environmental fencing, flagging, staking, and setback buffers, were maintained, that

environmental guidelines were followed, and that appropriate environmental compliance documentation were maintained.

BIO-4. Use Areas

- Construction will be within use area limits. All marked environmentally sensitive locations in and outside use area limits will be avoided.
 - Use and storage of construction equipment will be confined to the designated use area limits,
 - Trees and shrubs growing in the use area limits will be removed only if they had been designated for removal,
 - Existing roads and access points will be used to the extent possible to minimize disturbance to wildlife and their habitats,
 - Excavating, filling, and earth moving in use areas will be completed gradually to allow wildlife to escape in advance of machinery and moving soils,
 - Riparian vegetation or wetlands temporarily affected by loss or reduction of water supplies as a result of construction will be provided with replacement water supplies; and
 - Staging areas, borrow material sites, parking locations, stockpile areas, and storage areas will be located outside of environmentally sensitive locations and will be clearly marked and monitored.

BIO-5. Environmental Timeframes

- All activities will be completed in a timely manner to minimize duration and resulting impacts. To avoid or minimize impacts, all activities will take place during times of the year that are least detrimental to the environment.

BIO-7. Wetlands and other waters of the United States

- Before implementation of the project, a qualified wetland biologist will be retained to delineate jurisdictional wetlands that may be affected by the project and may be subject to United States Army Corps of Engineers (USACE) jurisdiction under Section 404 of the Clean Water Act (CWA). The delineation will be submitted to the Sacramento District of the USACE for verification. If verified, all conditions contained in the CWA Section 404 Permit will be complied with for the project;
- As part of the Section 404 permitting process, a qualified wetland biologist will develop a conceptual wetlands mitigation plan. The acreage of waters of the United States that will be removed will be replaced or restored and enhanced on a “no-net-loss” basis, in accordance with USACE regulations. The mitigation plan will quantify the total jurisdictional acreage lost and would describe creation/replacement ratios for acres filled, annual

success criteria, potential mitigation sites, and monitoring and maintenance requirements. A qualified wetland biologist will prepare the plan in accordance with, and through consultation with, the USACE. Implementing the plan will fully compensate for the loss of jurisdictional waters of the United States;

- Biologists will stake and flag wetland areas. The exclusion zones will include wetland buffer areas and demarcated by orange construction barrier fencing placed at least 20 feet beyond the staked and flagged boundaries of the wetland;
- Environmental monitors and construction inspectors will routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures will remain in place until construction had been completed.

BIO-8. Woody Riparian Vegetation

- Woody riparian vegetation exclusion zones will be demarcated by placing orange construction fencing 20 feet beyond the drip line of the vegetation;
- Trees and shrubs in the use area will be removed only if they had been designated for removal;
- Long-term impacts on woody riparian vegetation will be minimized by trimming limbs and branches rather than removing trees and shrubs. Where possible, trees and shrubs will be cut at least a foot above the ground level to leave the root systems intact and to allow for more rapid regeneration following construction;
- Environmental monitors and construction inspectors will routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures will remain in place until construction had been completed.

BIO-13. Central Valley Steelhead

- Because Central Valley steelhead is federally listed as threatened, the Permittee will consult with and provide a copy of correspondence from National Oceanic and Atmospheric Administration (NOAA) Fisheries and comply with any measures therein;
- Instream work will be conducted during low-flow (low flood potential) periods. Construction will be timed with awareness of precipitation forecasts and likely increases in stream flow;
- Environmental monitors and construction inspectors will routinely inspect protected areas to ensure that protective measures were in place and

were effective; and

- All protective measures will remain in place until construction had been completed.

BIO-14. Replacement Trees and Shrubs

- All replacement trees and shrubs will be of the same species as the removed tree or shrub or other species, and
- All replacement trees and shrubs will be of the same size as the removed trees or shrubs, or they will be the maximum practicable size that may be planted and sustained in the particular environment.

BIO-15. Preservation and Protection

- Natural landscape and existing vegetation not required or otherwise authorized to be removed will be preserved and protected;
- Unnecessary destruction, scarring, or defacing of natural surroundings will be prevented in the vicinity of the project;
- Crews and equipment will be moved in rights-of-way and over routes provided for access to work in a manner that will prevent damage to land or property;
- Vegetation will be protected from damage or injury caused by construction, personnel, or equipment by barriers or other methods;
- Clearings and cuts through vegetation will be minimized. Authorized clearings and cuts will be irregularly shaped to soften undesirable aesthetic impacts; and
- Trees will not be used for anchorages except in emergency cases or as approved by the Permittee. For such use, the tree trunk will be wrapped with a sufficient thickness of approved protective material before any rope, cable, or wire was placed.

WQ-1. Pollution prevention measures will be incorporated into all final design and construction plans. Pollution prevention includes erosion and sediment control measures and measures for non-stormwater discharges (i.e., construction dewatering and appropriate spill prevention and containment measures). Reclamation will obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit for Construction Activities from the State Water Board and adhere to any applicable waste discharge requirements. Work under NPDES jurisdiction requires the preparation of a stormwater pollution prevention plan (SWPPP), which will describe the proposed construction and pollution prevention measures that should be implemented to prevent a discharge of pollutants. The SWPPP will also include a description of inspection and monitoring activities that will be conducted. Construction and post-construction would be monitored to ensure that all

pollution prevention efforts are performed as described in the SWPPP. The SWPPP will be amended in the event modifications to the pollution prevention measures become necessary.

WQ-2. All water quality, erosion, and sediment control measures included in the SWPPP will be implemented in accordance with the guidelines also set forth in the SWPPP. The SWPPP will also identify responsibilities of all parties, contingency measures, agency contacts, and training requirements and documentation for those personnel responsible for installing, inspecting, maintaining, and repairing erosion control measures, as well as those responsible for overseeing, revising, and amending the SWPPP.

WQ-3. The SWPPP will also identify construction areas, activities, and schedules; temporary storage and borrow areas; construction materials handling and disposal; dewatering and treatment and disposal of groundwater removed from excavations; discharges; equipment washing; inspection and maintenance measures; final stabilization and cleanup; and appropriate use of seeding, mulching, erosion control blankets, and other erosion control measures.

WQ-4. The SWPPP will include an erosion control plan, whose general goals will be to minimize runoff from leaving the construction site, remove sediment from on-site runoff before it leaves the site, slow runoff rates across construction sites, and provide soil stabilization during and after construction.

WQ-5. A comprehensive environmental monitoring and mitigation compliance and reporting program for construction and operations of the entire project will be included in the SWPPP. The plan will focus on required measures and establish clear standards for environmental compliance, construction inspection and monitoring, environmental awareness training, contractor and agency roles and responsibilities, compliance levels and reporting procedures, variance request and response procedures, and communication protocols. The goal will be to ensure that all required measures and permit terms and conditions were implemented.

WQ-6. All necessary permits and requirements specified by local, state, or federal agencies, in whole or in part, will be obtained for water quality protection, including the following:

- Central Valley Water Board Section 401 certification or waiver,
- NPDES SWPPP for General Construction,
- Central Valley Water Board General Order for Dewatering and Other Low-Threat Discharges (Order No. 5-00-175), and
- CWA Section 404 compliance through USACE;

WQ-7. BMP measures implemented to minimize and mitigate adverse impacts on water quality include the following:

- Litter and construction debris will be removed from the floodway and

disposed of at an appropriate upland site,

- Any temporary access roads constructed in the floodway or near any body of water will have adequate provisions (e.g., sediment barriers and drainage settling basins) to prevent sediment from getting into the water,
- After project construction, temporary access roads will be removed, regraded to original contours where feasible, and restored,
- Equipment and vehicles will be refueled only in a designated part of the staging areas where potential spills could be readily contained,
- Equipment and vehicles operated in the staging areas in the floodway or near any water bodies will be checked and maintained to prevent leaks of fuels, lubricants, or other fluids,
- Any spills of hazardous material will be cleaned up immediately, and spills would be reported in construction compliance reports,
- Appropriate erosion control measures will be incorporated into the stormwater pollution prevention program, and
- Any construction material placed in the water will be nontoxic. Any combination of wood, plastic, concrete, or steel will be acceptable, provided there are no toxic coatings, chemical antifouling products, or other toxic treatments that may leach into the surrounding environment.

Mitigation Measures

The following additional mitigation measures were identified during further environmental review. These mitigation measures will be implemented to further reduce the adverse impacts on fisheries identified for the proposed action.

- Develop and implement a fish salvage and rescue program that will help reduce direct take of fish during building and removal of the temporary cofferdam, dewatering, and cleaning up debris or spills. The program will require a qualified fish biologist, with all required Endangered Species Act (ESA) permits, to oversee field operations and salvage and to determine suitable times and locations to release rescued fish.
- When dewatering, use low-flow pumps with screened intakes to minimize injury and death from project construction. In addition, to mitigate adverse impacts from increased sportfishing, the Permittee may prohibit public access to Nimbus Shoals. If implemented by the Permittee, the no public access visitor management option will nearly eliminate impacts from sportfishing within the action area and impacts from recreational use of Nimbus Shoals.

X. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because all impacts are temporary in nature. No permanent impacts will occur due to Project activities.

XI. California Environmental Quality Act (CEQA)

On 31 October 2011, the California Department of Fish and Game, as lead agency, certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (State Clearinghouse (SCH) No. 2009042050) for the Project and filed a Notice of Determination (NOD) at the SCH on 31 October 2011. 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.

XII. 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.

XIII. Fees

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

XIV. Conditions

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

A. Authorization

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

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:** The Permittee shall submit an Annual Report each year on the 1st day of July beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- 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 Materials²:

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).
- 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

² "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.)

may be delivered via written notice, email, or other verifiable means.

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

c. In-Water Work 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.

For Folsom Lake and American River (Folsom Dam to Sacramento River), except for periods of storm runoff, the turbidity shall be less than or equal to 10 NTUs. To the extent of any conflict with the general turbidity objective, the more stringent applies.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 2 sampling parameters.³ 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

³ 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.

water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

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

Table 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 ⁴	Observations	Visual Inspections	Continuous throughout the construction period

4. Mercury

Prior to construction activities, the Permittee shall submit a mercury sampling plan for Central Valley Water Board staff approval. The plan shall include procedures and descriptions of locations and frequency for aqueous methylmercury and sediment total mercury sampling.

Aqueous methylmercury sampling shall occur prior to construction and after construction is complete, at sampling points located upstream outside of the influence of the project, a minimum 300 feet downstream from the project area, and at one location in the middle of the project area. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific aqueous methylmercury monitoring locations. Aqueous methylmercury sampling shall occur at the same locations throughout the sampling period.

Sampling for total mercury in sediment shall occur prior to construction activities for excavated material that will be placed as fill into waters of the state, and after construction activities are complete in areas that contain fine grained sediments (grain size less than 63 microns) that will be inundated. Samples must be representative of the entire depth and volume to be excavated. Prior to the submittal of the commencement of construction notification, the Permittee shall consult with Central Valley Water Board staff to establish the specific total mercury sediment monitoring locations. If the median concentration of total mercury on fine grained sediments (grain size less than 63 microns) is greater than 0.1 mg/kg [dry weight], the Permittee shall submit for Executive Officer approval a mercury-contaminated sediment

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

management plan. The mercury-contaminated sediment management plan shall describe actions the Permittee will implement to isolate, remove, and/or prevent downstream transport of mercury-contaminated sediments once flows are reestablished in the graded areas. The Permittee is required to implement the plan upon Executive Officer approval.

After each sampling event, the Permittee shall submit the laboratory results to Central Valley Water Board staff and upload the results to the California Environmental Data Exchange Network's website [CEDEN - California Environmental Data Exchange Network](http://www.ceden.org/) (<http://www.ceden.org/>). Water Quality Monitoring Templates for data submittal can be found on the same website.

5. 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

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:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

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

- a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.
- b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.
- c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
- d. If water is present, the area must be dewatered prior to start of work.

- e. Dewatering may occur within the Project area.
- f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

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 XIV.B.3.a and XIV.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: Central Valley Steelhead, and Central Valley Fall/Late Fall-Run Chinook Salmon.

The following Special Status Species have the potential to occur near or within the Project area: Northern California Black Walnut, Valley Sagittaria, Sacramento Orcutt Grass, Brandegee's Clarkia, Pincushion Navarretia, Conservancy Fairy Shrimp, Vernal Pool Fairy Shrimp, Vernal Pool Tadpole Shrimp, California Fairy Shrimp, Valley Elderberry Longhorn Beetle, California Red-Legged Frog, Western Spadefoot Toad, California Tiger Salamander, Northwestern Pond Turtle, Giant Garter Snake, Delta Smelt, River Lamprey, Central Valley Spring-Run Chinook Salmon, Sacramento River Winter-Run Chinook Salmon, Southern Green Sturgeon DPS, Cooper's Hawk, Swainson's Hawk, Double-Crested Cormorant, Merlin, Great Egret, Great Blue Heron, Tricolored Blackbird, White-Tailed Kite, Bank Swallow, Pallid Bat, and Silver-Haired Bat.

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)**

The Sacramento-San Joaquin Delta Methylmercury Total Maximum Daily Loads (TMDL) is an action plan to restore clean water that has been contaminated by mercury and has experienced or has the potential to produce methylmercury within waters of the state. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine specific water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. A copy of the Sacramento-San Joaquin Delta Methylmercury TMDL is located on the Central Valley Water Board website at: [Sacramento-San Joaquin Delta Methylmercury TMDL - TMDL Projects | Central Valley Regional Water Quality Control Board \(ca.gov\)](https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/)

(https://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/delta_hg/).

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the Restoration plan dated 9 June 2025 and incorporated herein by reference.
2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

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.

XV. Water Quality Certification

I hereby issue the Order for the Nimbus Hatchery Fish Passage Project-Phase III, WDID # 5A34CR00917, 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 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: Location Map

Location Map - Nimbus Fish Passage Project

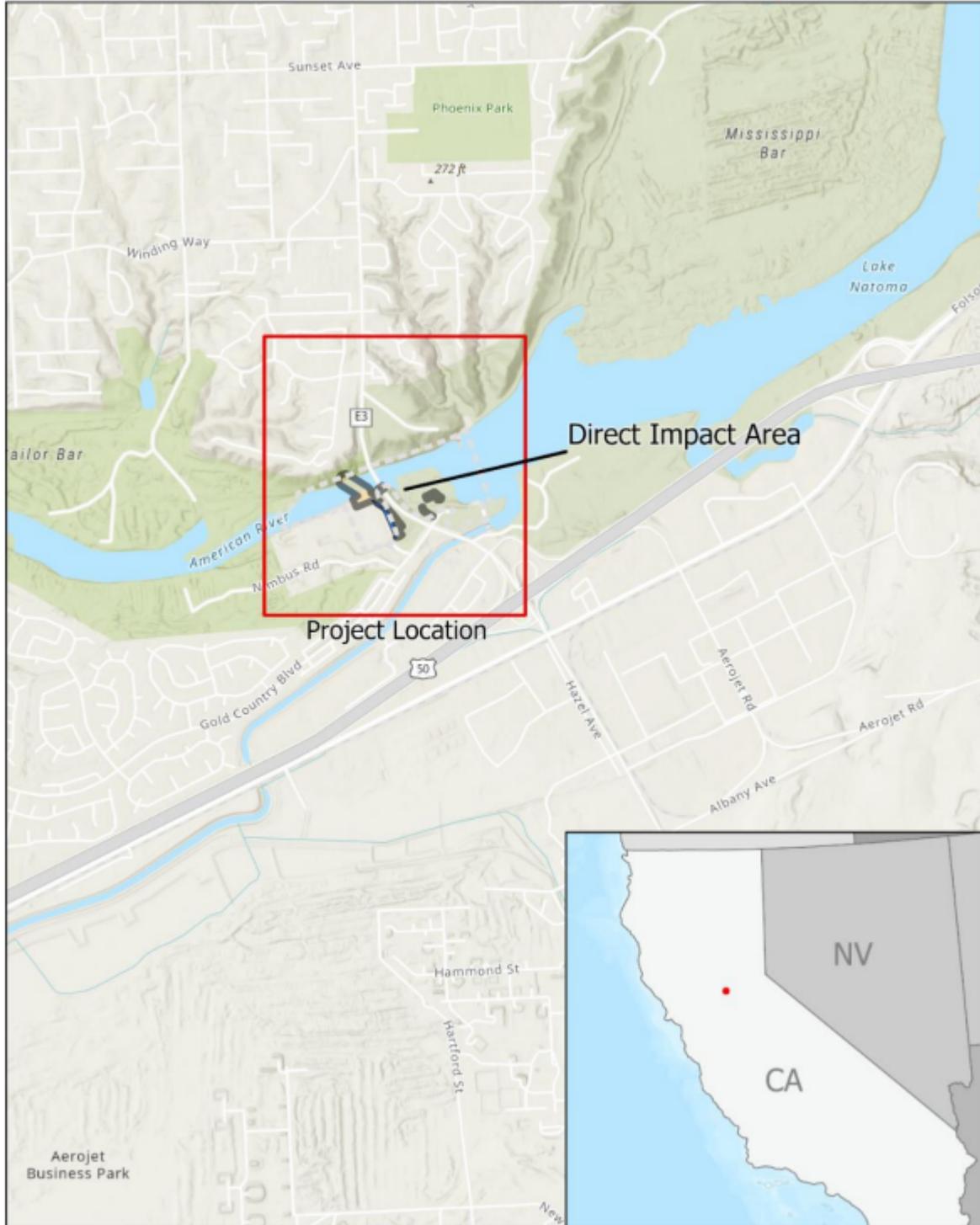


Figure 2: Construction Staging and Impact Zone

Construction Staging and Impact Zone



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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
Direct Impact Zone- Riparian Zone Impacts	American River	Riparian Zone	519.21	American River	MUN; AGR; IND; POW; REC-1; REC-2; WARM; COLD; MIGR; SPWN; WILD	Bifenthrin, Indicator Bacteria, Mercury, PCBs (Polychlorinated biphenyls), Pyrethroids, Temperature, Water, Toxicity	
Direct Impact Zone- Stream Channel Impacts	American River	Stream Channel	519.21	American River	MUN; AGR; IND; POW; REC-1; REC-2; WARM; COLD; MIGR; SPWN; WILD	Bifenthrin, Indicator Bacteria, Mercury, PCBs (Polychlorinated biphenyls), Pyrethroids, Temperature, Water, Toxicity	
Direct Impact Zone- Wetland Impacts	American River	Wetland	519.21	American River	MUN; AGR; IND; POW; REC-1; REC-2; WARM; COLD; MIGR; SPWN; WILD	Bifenthrin, Indicator Bacteria, Mercury, PCBs (Polychlorinated biphenyls), Pyrethroids, Temperature, Water, Toxicity	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Direct Impact Zone- Riparian Zone Impacts	38°38'08.1"N	121°13'33.3"W	No	1.6		
Direct Impact Zone- Stream Channel Impacts	38°38'08.1"N	121°13'33.3"W	No	0.77	8,457	332
Direct Impact Zone- Wetland Impacts	38°38'08.1"N	121°13'33.3"W	No	0.01		38

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 31 October 2011, the California Department of Fish and Game, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2009042050) for the Project and filed a Notice of Determination (NOD) at the SCH on 31 October 2024. 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 California Department of Fish and Game's certified 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 California Department of Fish and Game 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 California Department of Fish and Game 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 15091, subd. (d).)

B. Incorporation by Reference

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

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first-tier document for the FEIR, is available at: [Nimbus Hatchery Fish Passage Project \(NHFPP\)](https://ceqanet.lci.ca.gov/2009042050/3) (<https://ceqanet.lci.ca.gov/2009042050/3>) and [Bureau of Reclamation](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=5216) (https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=5216).

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: [Nimbus Hatchery Fish Passage Project \(NHFPP\)](https://ceqanet.lci.ca.gov/2009042050/3) (<https://ceqanet.lci.ca.gov/2009042050/3>) and [Bureau of Reclamation](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=5216) (https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=5216).

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, is incorporated herein by reference.

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments

received during the public review process, the Central Valley Water Board makes the following findings:

Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

a.i. Less than Significant Adverse Effect/Beneficial Effect:

- The Project is unlikely to impact, and may benefit, fisheries in the area.

a.ii. Facts in Support of Finding:

- Fishing closure would reduce sportfishing pressure on fish populations, increase abundance of fish.
- Fishing closure would reduce the spread of the invasive New Zealand mudsnail (NZMS).
 - Risk of NZMS contamination is possible from anglers walking or fishing in the USGS gaging station cable crossing area, where NZMS were observed, to spread NZMSs to other locations on the river, notably to Lake Natoma, which would result in contamination of a portion of the water supply.
- Installation, removal and repair of the weir would not affect flow of the river.
- The following environmental commitments will reduce the environmental impacts from the proposed project:
 - Develop and implement a fish salvage and rescue program that would help reduce direct take of fish during cofferdam, dewatering, and debris or spill cleanup. The program should require a qualified fish biologist, with all required ESA permits, to oversee field operations and salvage and to determine suitable times and locations to release rescued fish.
 - When dewatering, use low-flow pumps with screened intakes to minimize injury and mortality to fish from project construction.

b.i. Less than Significant Adverse Effect/Beneficial Effect:

- With proposed mitigation measures, the Project is unlikely to significantly impact, and may benefit, waters of the state, vegetation communities, and plant and wildlife species.

b.ii. Facts in Support of Finding:

- All phases of the Project will temporarily impact 0.79 acre of waters of

the United States and permanently impact 0.05 acre. Impacts will be minimized by permitting and environmental commitments. In addition, a net beneficial impact of 0.35 acre will result from restoration associated with the weir removal.

- One elderberry shrub will be transplanted. All adverse effects on elderberry shrubs would be fully compensated.
- Vegetation communities in the Project area include riparian forest/scrub, gravel bar, and oak woodland. Vegetation communities will be temporarily or permanently impacted.
- The project area supports a variety of wildlife associated with woodland, grassland, riparian, wetland, and aquatic habitats. Species within the project area are likely to be those that are adapted to urban landscapes and human disturbance since the site is next to Hazel Avenue, a busy road, and is regularly used by anglers and recreationists. Wildlife would be temporarily impacted during construction.
- Reduced visitation at Nimbus Shoals due to fishing closure would greatly reduce impacts, such as vegetation trampling and wildlife disturbance, by recreationists.
- The following environmental commitments will reduce the environmental impacts from the proposed project:
 - Before construction begins and during the flowering season (May through October), a qualified biologist would conduct a survey for valley sagittaria (*Sagittaria sanfordii*) in all areas where permanent impacts would occur. If the species were found, the Permittee will consult with the California Department of Fish and Wildlife (CDFW) to determine appropriate mitigation.

BIO-1. Worker Environmental Training Program

- Personnel would participate in and comply with a government-provided environmental training program for the following:
 - Federal, state, and local environmental laws and regulations and permits, as well as the penalties for noncompliance with permit environmental requirements, conditions, and measures,
 - Threatened and endangered species, species of concern, and species of special concern,
 - Environmentally sensitive locations,
 - Weed abatement, and
 - Environmental protection measures, mitigation,

compensation, and restoration;

A member of the Permittee's staff will participate in the training sessions to discuss environmental protection plans. On completion of each training session, employees would sign a statement that they have received the training.

BIO-2. Demarcation of Environmentally Sensitive Locations

- Qualified biologists and environmental resource specialists would be retained to locate and fence, stake, or flag environmentally sensitive locations. This would include areas that support threatened and endangered species, species of concern and special status species, nesting migratory birds, woody riparian vegetation, wetlands, and perennial drainage crossings. These areas would be avoided.

BIO-3. Environmental Monitors

- Qualified biologists and environmental resource specialists would be retained to monitor construction. They would work with the Permittee to ensure that environmental protection measures, such as environmental fencing, flagging, staking, and setback buffers, were maintained, that environmental guidelines were followed, and that appropriate environmental compliance documentation were maintained.

BIO-4. Use Areas

- Construction would be within use area limits. All marked environmentally sensitive locations in and outside use area limits would be avoided.
 - Use and storage of construction equipment would be confined to the designated use area limits,
 - Trees and shrubs growing in the use area limits would be removed only if they had been designated for removal,
 - Existing roads and access points would be used to the extent possible to minimize disturbance to wildlife and their habitats,
 - Excavating, filling, and earth moving in use areas would be completed gradually to allow wildlife to escape in advance of machinery and moving soils,
 - Riparian vegetation or wetlands temporarily affected by loss or reduction of water supplies as a result of construction would be provided with replacement water supplies; and

- Staging areas, borrow material sites, parking locations, stockpile areas, and storage areas would be located outside of environmentally sensitive locations and would be clearly marked and monitored.

BIO-5. Environmental Timeframes

- All activities would be completed in a timely manner to minimize duration and resulting impacts. To avoid or minimize impacts, all activities would take place during times of the year that are least detrimental to the environment.

BIO-6. Noxious Weed Control

- Small, isolated, noxious weed infestations would be treated with approved eradication methods, at the appropriate times, to prevent or destroy viable plant parts or seed;
- All equipment would be washed before being allowed onto the project sites and after leaving noxious weed infestation areas; and
- Certified weed-free native mixes would be used for all revegetation.

BIO-7. Wetlands and other waters of the United States

- Before implementation of the project, a qualified wetland biologist would be retained to delineate jurisdictional wetlands that could be affected by the project and could be subject to USACE jurisdiction under Section 404 of the CWA. The delineation would be submitted to the Sacramento District of the USACE for verification. If verified, all conditions contained in the CWA Section 404 Permit would be complied with for the project;
- As part of the Section 404 permitting process, a qualified wetland biologist would develop a conceptual wetlands mitigation plan. The acreage of waters of the United States that would be removed would be replaced or restored and enhanced on a “no-net-loss” basis, in accordance with USACE regulations. The mitigation plan would quantify the total jurisdictional acreage lost and would describe creation/replacement ratios for acres filled, annual success criteria, potential mitigation sites, and monitoring and maintenance requirements. A qualified wetland biologist would prepare the plan in accordance with, and through consultation with, the USACE. Implementing the plan would fully compensate for the loss of jurisdictional waters of the United States;
- Biologists would stake and flag wetland areas. The exclusion zones would include wetland buffer areas and would be

demarcated by orange construction barrier fencing placed at least 20 feet beyond the staked and flagged boundaries of the wetland;

- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures would remain in place until construction had been completed.

BIO-8. Woody Riparian Vegetation

- Woody riparian vegetation exclusion zones would be demarcated by placing orange construction fencing 20 feet beyond the drip line of the vegetation;
- Trees and shrubs in the use area would be removed only if they had been designated for removal;
- Long-term impacts on woody riparian vegetation would be minimized by trimming limbs and branches rather than removing trees and shrubs. Where possible, trees and shrubs would be cut at least a foot above the ground level to leave the root systems intact and to allow for more rapid regeneration following construction;
- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures would remain in place until construction had been completed.

BIO-9. Native Oak Woodland Habitat

- To avoid impacts on mature oak trees (those with a six-inch minimum diameter at breast height), orange construction barrier fencing would be installed at least 20 feet outside their drip lines;
- Trees in the use area would be removed only if they had been designated for removal;
- Where avoidance were not possible, long-term impacts on oaks would be minimized by trimming limbs and branches over access roads or construction zones and by avoiding parking and excavating in the root zone;
- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and were effective; and

- All protective measures would remain in place until construction had been completed.

BIO-10. Blue Elderberry Shrubs

- Because blue elderberry shrubs can provide habitat for the valley elderberry longhorn beetle, a federally listed species, “Reasonable and Prudent Measures and Conservation Measures” associated with the blue elderberry shrubs would be discussed in the federal ESA biological opinion. The United States Fish and Wildlife Service (USFWS) will prepare the biological opinion and would provide a copy to the Permittee, and the Permittee would comply with these measures;
- To avoid disturbance, orange construction barrier fencing would be installed around elderberry shrubs within 100 feet of the construction zone. No ground-disturbing activities would be permitted within 25 feet of each elderberry shrub;
- Elderberry shrubs that could not be avoided by project activities would be transplanted or replaced. Transplanting would be done during the dormant period (from approximately November to mid-February), with a qualified biologist monitoring potential unauthorized take. At the discretion of the USFWS, the plants could be exempted from transplanting if they could not be transplanted because of access problems;
- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures would remain in place until construction had been completed.

BIO-11. Migratory Bird Nesting

- Riparian and woody vegetation would be removed outside the breeding season, from 1 September through 1 February. Peak noise and other nondestructive disturbance levels would be set at the start of the nesting season, 1 February through 1 May, to create the basis for nesting birds to establish thresholds of tolerance to these disturbances. Birds that choose to nest under those conditions would be assumed to not be adversely affected by these disturbances during the breeding season;
- If riparian and woody vegetation could not be removed outside the breeding season or if peak noise and other disturbance levels could not be established and maintained from 1 February through 1 May, additional measures would be developed in consultation with the USFWS and CDFW. If an active, known, or

potential migratory bird nest were located during the preconstruction survey, the USFWS would be notified, and the nest would be protected to the extent practicable;

- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and effective; and
- All protective measures would remain in place until construction activities had been completed.

BIO-12. Raptor Nesting

- A pre-construction raptor nest survey shall be conducted within 30 days prior to the beginning of construction activities by a CDFW approved biologist in order to identify active nests in the project site vicinity. Results of the survey shall be submitted to CDFW. If active nests are found, a quarter-mile (1,320 feet) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior will monitor the nest, and shall along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary during construction related activities and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFW and depending on the behavior of the raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities. Any trees containing nests that must be removed as a result of project implementation shall be removed during the non-breeding season, however the project proponent shall be responsible for off-setting the loss of any raptor nesting trees. The extent of any necessary compensatory mitigation shall be determined by the project proponent in consultation with the CDFW.

BIO-13. Central Valley Steelhead

- Because Central Valley steelhead is federally listed as threatened, Reclamation would consult with and would provide a copy of correspondence from NOAA Fisheries and would

comply with any measures therein;

- Instream work would be conducted during low-flow (low flood potential) periods. Construction would be timed with awareness of precipitation forecasts and likely increases in stream flow;
- Environmental monitors and construction inspectors would routinely inspect protected areas to ensure that protective measures were in place and were effective; and
- All protective measures would remain in place until construction had been completed.

BIO-14. Replacement Trees and Shrubs

- All replacement trees and shrubs would be of the same species as the removed tree or shrub or other species, and
- All replacement trees and shrubs would be of the same size as the removed trees or shrubs, or they would be the maximum practicable size that could be planted and sustained in the particular environment.

BIO-15. Preservation and Protection

- Natural landscape and existing vegetation not required or otherwise authorized to be removed would be preserved and protected;
- Unnecessary destruction, scarring, or defacing of natural surroundings would be prevented in the vicinity of the project;
- Crews and equipment would be moved in rights-of-way and over routes provided for access to work in a manner that would prevent damage to land or property;
- Vegetation would be protected from damage or injury caused by construction, personnel, or equipment by barriers or other methods;
- Clearings and cuts through vegetation would be minimized. Authorized clearings and cuts would be irregularly shaped to soften undesirable aesthetic impacts; and
- Trees would not be used for anchorages except in emergency cases or as approved by the Permittee. For such use, the tree trunk would be wrapped with a sufficient thickness of approved protective material before any rope, cable, or wire was placed.

BIO-16. Repair and Treatment

- Injuries to vegetation caused by operations, personnel, or equipment would be the responsibility of Reclamation, and

- Injured vegetation would be repaired or treated without delay and as recommended by and under direction of an experienced horticulturist or licensed tree surgeon.

BIO-17. Replacement

- Trees or shrubs not required or otherwise authorized to be removed that, in the opinion of the Permittee, are damaged or injured beyond saving would be removed and disposed, and
- Removed trees or shrubs would be replaced with trees or shrubs approved by the Permittee.

c.i. Less than Significant with Mitigation Incorporated:

- With proposed mitigation measures, the Project is unlikely to significantly impact unrecorded or subsurface archaeological resources at Nimbus Shoals during construction.

c.ii. Facts in Support of Finding:

- No historical architecture impacts because the Permittee determined the weir and Hatchery do not qualify as a historic resource.
- No field survey for archaeological resources or records search through the California Historical Resources Information System was conducted for this project. Given that the surface of the APE is either built, paved, underwater, or extensively disturbed, a field survey would likely not have identified any new archaeological sites in the APE. Survey reports and overviews for adjacent Permittee property indicate that at least two known archaeological sites are next to the APE.
- The potential to significantly impact unrecorded or subsurface archaeological resources at Nimbus Shoals during construction can be mitigated to less than significant.
- The following environmental commitments will reduce the environmental impacts from the proposed project:
 - To avoid impacts on unanticipated archaeological resources, all work within the vicinity of any potential archaeological finds would be halted until a qualified archaeologist could assess the find. Work would not recommence until the requirements of Section 106 (36 CFR, Part 800.13) regarding unanticipated discoveries have been met.

d.i. Less than Significant Adverse Effect:

- The Project is unlikely to impact water quality and geomorphology of the lower American River.

d.ii. Facts in Support of Finding:

- The Project involves increased potential for water quality degradation due to disturbance of river sediments and silt runoff from disturbed areas during construction. BMPs would minimize impacts.
- The Project involves some alteration in the geomorphology of the lower American River.
- The following environmental commitments will reduce the environmental impacts from the proposed project:
 - WQ-1. Pollution prevention measures would be incorporated into all final design and construction plans. Pollution prevention includes erosion and sediment control measures and measures for non-stormwater discharges (i.e., construction dewatering and appropriate spill prevention and containment measures). Reclamation would obtain coverage under the NPDES General Stormwater Permit for Construction Activities from the State Water Board and would adhere to any applicable waste discharge requirements. Work under NPDES jurisdiction requires the preparation of a SWPPP, which would describe the proposed construction and pollution prevention measures that should be implemented to prevent a discharge of pollutants. The SWPPP would also include a description of inspection and monitoring activities that would be conducted. Construction and post-construction would be monitored to ensure that all pollution prevention efforts are performed as described in the SWPPP. The SWPPP would be amended in the event modifications to the pollution prevention measures become necessary.
 - WQ-2. All water quality, erosion, and sediment control measures included in the SWPPP would be implemented in accordance with the guidelines also set forth in the SWPPP. The SWPPP would also identify responsibilities of all parties, contingency measures, agency contacts, and training requirements and documentation for those personnel responsible for installing, inspecting, maintaining, and repairing erosion control measures, as well as those responsible for overseeing, revising, and amending the SWPPP.
 - WQ-3. The SWPPP would also identify construction areas, activities, and schedules; temporary storage and borrow areas; construction materials handling and disposal; dewatering and treatment and disposal of groundwater removed from excavations; discharges; equipment washing; inspection and maintenance measures; final stabilization and cleanup; and appropriate use of seeding, mulching, erosion control blankets, and other erosion control measures.

- WQ-4. The SWPPP would include an erosion control plan, whose general goals would be to minimize runoff from leaving the construction site, to remove sediment from on-site runoff before it leaves the site, to slow runoff rates across construction sites, and to provide soil stabilization during and after construction.
- WQ-5. A comprehensive environmental monitoring and mitigation compliance and reporting program for construction and operations of the entire project would be included in the SWPPP. The plan would focus on required measures and would establish clear standards for environmental compliance, construction inspection and monitoring, environmental awareness training, contractor and agency roles and responsibilities, compliance levels and reporting procedures, variance request and response procedures, and communication protocols. The goal would be to ensure that all required measures and permit terms and conditions were implemented.
- WQ-6. All necessary permits and requirements specified by local, state, or federal agencies, in whole or in part, would be obtained for water quality protection, including the following:
 - Central Valley Water Board Section 401 certification or waiver,
 - NPDES SWPPP for General Construction,
 - Central Valley Water Board General Order for Dewatering and Other Low-Threat Discharges (Order No. 5-00-175), and
 - CWA Section 404 compliance through USACE;
- WQ-7. BMP measures implemented to minimize and mitigate adverse impacts on water quality include the following:
 - Litter and construction debris would be removed from the floodway and disposed of at an appropriate upland site,
 - Any temporary access roads constructed in the floodway or near any body of water would have adequate provisions (e.g., sediment barriers and drainage settling basins) to prevent sediment from getting into the water,
 - After project construction, temporary access roads would be removed, regraded to original contours where feasible, and restored,
 - Equipment and vehicles would be refueled only in a designated part of the staging areas where potential spills could be readily contained,

- Equipment and vehicles operated in the staging areas in the floodway or near any water bodies would be checked and maintained to prevent leaks of fuels, lubricants, or other fluids,
- Any spills of hazardous material would be cleaned up immediately, and spills would be reported in construction compliance reports,
- Appropriate erosion control measures would be incorporated into the stormwater pollution prevention program, and
- Any construction material placed in the water would be nontoxic. Any combination of wood, plastic, concrete, or steel would be acceptable, provided there are no toxic coatings, chemical antifouling products, or other toxic treatments that may leach into the surrounding environment.

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 quality or supply 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/)

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 and Annual Reports): These reports will be submitted monthly and annually 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 and cc: Carter.Cook@waterboards.ca.gov.
- Include in the subject line of the email:
ATTN: Carter Cook; Project Name; and WDID No. 5A34CR00917.

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:

13 June 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: Nimbus Hatchery Fish Passage Project-Phase III
Permittee: US Bureau of Reclamation
WDID: 5A34CR00917
Reg. Meas. ID: 460660
Place ID: 900652
Order Effective Date: 13 June 2025
Order Expiration Date: 12 June 2030

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report
Report Type 2 Annual Report

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 Name¹	Affiliation and Job Title
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Signature	Date
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¹STATEMENT 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
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*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.
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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

- a. Report Purpose** - Notify the Central Valley Water Board staff of Project

status during both the active discharge and post-discharge monitoring periods.

- b. When to Submit** - Annual reports shall be submitted each year on the 1st day of July beginning one year after the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
- c. Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

- i. Annual Report Topic 1 - Construction Summary

When to Submit - With the annual report during the Active Discharge Period.

Report Contents - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

- 1) Map showing general Project progress.
- 2) If applicable:
 - a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
 - b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

- ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents -

- 1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state.
- 2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
- iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents - *If not applicable report N/A.

1) Part A. Permittee Responsible

- a) Planned date of initiation of compensatory mitigation site installation.
- b) If installation is in progress, a map of what has been completed to date.
- c) If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.

2) Part B. Mitigation Bank or In-Lieu Fee

- a) Status or proof of purchase of credit types and quantities.
- b) Include the name of bank/ILF Program and contact information.
- c) If ILF, location of project and type if known.

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 XIV 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 XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not “conditions” as used in Code of Federal Regulations, title 40, section 121.7.

I. General Justification for Section XIV 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 XIV 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

Permittees are required to obtain coverage under National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

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

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which 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."

G. Construction

1. Dewatering

Conditions related to dewatering and diversions ensure protection of beneficial uses during construction activities. Work in waters of the state and temporary diversions must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality consistent with the Basin Plan and Antidegradation Policy. Further and consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. Finally, dewatering activities may require a Clean Water Act section 402 permit or separate Waste Discharge Requirements under Water Code section 13263 for dewatering activities that result in discharges to land.

Conditions related to water rights permits are required pursuant to California Code of Regs, title 23, section 3856(e), which requires complete copies of any final and signed federal, state, or local licenses, permits, and agreements (or copies of drafts if not finalized) that will be required for any construction,

operation, maintenance, or other actions associated with the activity.

Conditions 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. 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.

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)

Total Maximum Daily Loads (TMDLs) are action plans to restore clean water. Section 303(d) of the federal Clean Water Act requires that states identify water bodies -- bays, rivers, streams, creeks, and coastal areas -- that do not meet water quality standards, and the pollutants that impair them. TMDLs examine water quality problems, identify sources of pollutants, and specify actions that create solutions. They are adopted by the Regional Water Board as amendments to our Region's Basin Plan. 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.

J. Mitigation for Temporary Impacts

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires “in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions.” (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

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).