

Central Valley Regional Water Quality Control Board

23 September 2026

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**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER WQ 2022-0048-DWQ,
ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION
AND WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS
STATEWIDE, LOWER PUTAH CREEK SALMON HABITAT RESTORATION
NISHIKAWA REACH PROJECT (WDID#5A48CR00215), SOLANO COUNTY**

On 19 February 2026, the Solano County Water Agency submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Order No. WQ 2022-0048-DWQ, Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order). The NOI was deemed complete on 20 March 2026. Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete NOI and the Permittee responded to the request for supplemental information on the following dates:

Date of Request for Supplemental Information: **20 March 2026**

Date all requested information was received: **11 September 2026**

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Lower Putah Creek Salmon Habitat Restoration Nishikawa Reach Project (Project) meets the requirements of, and is hereby enrolled under, Order No. WQ 2022-0048-DWQ. You may proceed with your Project in accordance with the Order. This Notice of Applicability is being issued under the General Certification Order pursuant to Section 3838 of the California Code of Regulations.

A copy of [Order No. WQ 2022-0048-DWQ](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf) can be found on the State Water Resources Control Board's General Orders webpage.

Please familiarize yourself with the requirements of Order No. WQ 2022-0048-DWQ. You are responsible for complying with all applicable Order requirements. Coverage under the Order is no longer valid if the Project (as described) is modified. Failure to comply with Order No. WQ 2022-0048-DWQ constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The 29-acre Project consists of recontouring and realigning a 0.5-mile section of Putah Creek. The channel is currently entrenched, straight, and in an over widened condition that results in warm water temperatures and a lack of cover for fish and other aquatic organisms. Restoration actions are intended to create a narrow, meandering channel with lower inset floodplains that will stabilize eroding banks, facilitate channel shading with bank-side riparian vegetation, lower water temperatures, restore geomorphic processes, increase flow velocities, and improve habitat for native fish species.

Construction operations will begin by mapping out the new channel location on the floodplain, avoiding existing native trees to the maximum extent possible. Construction of the new channel will cause little disturbance to the existing channel or to large native trees in the area. The new channel will consist of riffle and pool sequences that will mimic formations found in natural settings. Riffles will be constructed by placing appropriately sized gravel into the new channel. Gravel will be salvaged from within the project area or imported from local sources and will be placed into the streambed using a loader. Heavy equipment needed for this phase will include excavators and front loaders.

Wood structures will be installed in conjunction with gravel placement activities to improve channel sinuosity and bar formation. Channel bank stabilization methods, including installation of rock revetment, log revetment, root wads, and large woody debris will also be installed. Rock cross-vanes and similar grade-control structures will be installed to establish grade control, reduce bank erosion, maintain channel capacity, and create a stable width to depth ratio. Rock material used in these installations will be sourced from a nearby quarry in the Cache Creek watershed. Large logs and root wads will be sourced on site from removed trees. Heavy equipment needed for this phase would include excavators and loaders.

Approximately 9 acres of the existing floodplain will be graded to create a lowered floodplain elevation. Recontouring the floodplain to an elevation that is below the ordinary high-water mark will subject it to frequent overland flow and restore natural geomorphological processes that will increase riparian and aquatic habitat complexity. Perpendicular trenches leading from the new channel into the newly created floodplain will be excavated and filled with gravel and floodplain soil. These trenches will bring water from the new channel to areas proposed for riparian establishment. Floodplain excavation will remove approximately 31,000 cubic yards of native floodplain material. Heavy equipment including graders, excavators, water trucks, dump trucks, dozers, and scrapers will be needed to recontour the existing floodplain. Once constructed, the

floodplain will be planted with a mix of riparian and wetland vegetation and irrigated until the vegetation is well established.

Once the new channel has been built, temporary coffer dams will be put in place at the beginning and end of the new channel to divert water into the new channel. The current channel will then be filled with approximately 12,500 cubic yards of native alluvial material excavated from the floodplain. Fill will be compacted to match the surrounding density of existing floodplain soil. Work areas within the active channel will be isolated from flowing water and dewatered as needed.

Equipment will use pre-existing access routes and ramps that lead from the top of the creek's embankments to the creek's terrace and floodplain. Staging areas are located along the creek's embankments on the north and south sides of the creek.

The project will result in temporary and permanent impacts to wetland, stream channel, and riparian habitat. All impacts are expected to re-establish and enhance these habitat types and will not result in a loss of waters of the state. Project impacts are outlined in the tables below.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	4.49	7,244	
Stream Channel	0.31	500	501
Riparian Zone	0.01	16	

Table 2: Total Project Fill/Excavation Quantity for Permanent Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Wetland	3.55	36,400	2,498
Stream Channel	1.74	8,700	2,037
Riparian Zone	0.71	5,900	

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.

Table 3: Total Ecological Restoration and Enhancement Quantity

Aquatic Resources Type	Acres	Linear Feet
Wetland	8.02	
Stream Channel	2.05	2,867
Riparian Zone	8.01	

PROJECT LOCATION:

The Project is located along a 2,500 linear foot reach of Putah Creek, approximately 3.75 miles west of the City of Davis and 5.7 miles north of the City of Dixon.

Latitude: 38.52828°N, Longitude: -121.81229°W.

APPLICATION FEE RECEIVED:

\$1,123.00 was received on 19 February 2026. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator.

This Notice of Applicability is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D of Order No. WQ 2022-0048-DWQ). Invoices are usually sent out at the end of each calendar year.

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

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

A. Environmental Review

On 11 May 2023, the Solano County Water Agency, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2015022022) for the Project and filed a Notice of Determination (NOD) at the SCH on 16 May 2023. 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 the Solano County Water Agency's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the Solano

County Water Agency addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the Solano County Water Agency for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: [Environmental Permit & Compliance Documents | Solano County Water Agency](https://scwa2.com/about-us/environmental-permit-compliance-documents/) (<https://scwa2.com/about-us/environmental-permit-compliance-documents/>).

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

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

C. Findings

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

Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

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

a.i. Potential Significant Impacts:

- The IS/MND identified potential significant impacts to biological resources, including potential impacts to special status species, riparian habitats or other sensitive natural communities, state or federally protected wetlands, and conflicts with habitat conservation plans. Through the implementation of the Mitigation Measures listed below, impacts would be reduced to a less than significant level.

a.ii. Facts in Support of Finding:

- **Mitigation Measure 3.4-1: Worker Environmental Awareness Program (WEAP).** During construction of the Project, before any work occurs on the Project site, including grading, vegetation removal and equipment staging, all construction personnel shall participate in an environmental awareness training regarding special-status species and sensitive habitats present on the Project site. Any additional construction personnel that are employed following the initial start of construction shall receive the mandatory training before starting work. As part of the training, an environmental awareness handout shall be provided to all personnel that describes and illustrates sensitive resources (i.e., special-status species and habitat, nesting birds/raptors) to be avoided during proposed Project construction and lists measures to be followed by personal for the protection of biological resources. Such measures shall include, but are not limited to:
 - Procedures to follow if a special-status species is found within the work area. Haul trucks shall maintain at least 2 feet of freeboard.
 - Checking under equipment and staging areas for wildlife species each morning prior to work.
 - Staying within designated work areas.
 - Maintaining exclusion/silt fencing.
 - Reduced Project speed limits.
 - No pets or firearms on-site.
 - Contain trash/food waste and remove daily to avoid encouraging predators onto the Project site.
 - Following Project Best Management Practices (BMPs).
- **Mitigation Measure 3.4-2: Western Pond Turtle Avoidance.** The western pond turtle shall be protected from Project Area staging and operations areas through monitoring by a qualified biologist. The Project Area shall be inspected daily for the presence of turtles. If necessary, with consultation with California Department of Fish and Wildlife (CDFW), barriers shall be used when needed to direct the turtles and move them to an area of suitable habitat outside of the construction activity.
- **Mitigation Measure 3.4-3: Giant Garter Snake Avoidance.** In areas that provide suitable habitat for giant garter snake, construction shall only occur during the active period for the snake, between 1 May and 1 October. During the active period for giant garter snake direct

mortality is lessened because snakes are expected to actively move and avoid danger. Preconstruction surveys for the giant garter snake shall occur within 24 hours prior to ground disturbing activities. A survey of the Project Area should be repeated if a lapse in construction activity of two weeks or greater has occurred.

If a snake is encountered during construction, work shall stop within the vicinity of the snake and the United States Fish and Wildlife Service (USFWS) will be contacted immediately. Only following receipt of USFWS approval shall giant garter snake be collected and transferred to the nearest suitable habitat outside the work area. Work shall not re-commence until a qualified biologist has either removed the snake from the construction area or, after thorough inspection, determined that the snake has vacated the construction area.

Any dewatering or vegetation clearing within 200 feet of potential aquatic habitat for giant garter snake shall be limited to the minimum amount necessary.

- **Mitigation Measure 3.4-4: Valley Elderberry Longhorn Beetle (VELB) Avoidance.** Blue elderberry plants (with stems greater than 1-inch diameter at ground level) occurring within the Project Area shall be avoided and, if avoidance is not possible, relocated to a designated location. Where Project impacts to elderberry shrubs cannot be avoided, or where shrubs are located within 30.5 meters (100 feet) of Project Area-specific activities, activities shall be conducted according to USFWS Conservation Guidelines for VELB (1999), or other VELB guidance as updated by the USFWS.

VELB habitat shall be considered directly affected if Project construction requires the removal of the shrub or if ground disturbing activities would occur within 6.1 meters (20 feet) of the dripline of the shrub. The species would be considered indirectly affected if Project construction would disturb the ground between 6.1 and 30.5 meters (20 and 100 feet) from the dripline of the shrub (USFWS, 1999).

Transplantation or temporary removal of the affected shrubs may be necessary as prescribed by the guidelines, but plants that are extremely difficult to remove may be exempted. Planting of additional seedlings or cuttings may be required under the Project or program USFWS Biological Opinion, depending on the number of elderberry shrubs with emergence holes present in the Project Area.

A monitoring plan of any mitigation measures in the Project Area shall be implemented as required under the Biological Opinion, including monitoring the general condition of the mitigation Project Area and the condition of the elderberry plantings for up to ten consecutive years. The plan shall describe monitoring responsibilities, intervals, intensity,

and success rates. The monitoring plan shall further include requirements for reporting observations and findings to the applicable agency, for example, for VELB observations, to USFWS.

- **Mitigation Measure 3.4-5: Swainson's Hawk Avoidance.** For any construction activities initiated between 15 March and 1 September, surveys for nesting Swainson's hawk shall be conducted within 0.5-mile of areas of disturbance for this species as described in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the California's Central Valley (Swainson's Hawk Technical Advisory Committee, 2000). The recommended minimum survey protocol is completion of surveys for at least the two survey periods immediately prior to a project's initiation. Survey periods correspond to typical migration, courtship, and nesting behavior and defined as follows:

Survey Period	Survey Dates	Survey Time	Number of Surveys
1	1 January to 20 March	All Day	1
2	20 March to 5 April	Sunrise to 10:00 or 16:00 to sunset	3
3	5 April to 20 April	Sunrise to 12:00 or 16:30 to sunset	3
4	21 April to 10 June	All day; Monitoring known nest only	Ongoing
5	10 June to 30 July	Sunrise to 12:00 or 16:30 to sunset	3

If surveys determine that the species is present and nesting within this area, a buffer zone of 0.5-mile shall be established and coordination with CDFW shall be required prior to any work in this buffer zone during the nesting season. Work within 0.5-mile may be permitted with CDFW approval if a qualified biologist monitors the nest when Project disturbance activities occur within 0.5-mile of the nest. If the monitor determines that construction may result in abandonment of the nest, all construction activities within 0.5-mile shall be halted until the nest is

abandoned or all young have fledged. The monitor shall continue monitoring the nest until construction within 0.5-mile of the nest is completed, or until all chicks have completely fledged and are no longer dependent on the nest.

- **Mitigation Measure 3.4-6: Nesting Bird Avoidance.** A pre-construction survey by a qualified biologist for nesting birds shall be required if construction activities are scheduled to occur during the breeding season (1 February to 31 August) for raptors and other migratory birds, including special status bird species. The survey shall be conducted 15 days prior to ground disturbing activities and shall cover 500-foot radius surrounding the construction zone.

If active nests are found, actions typically include, but are not limited to, monitoring by agency-approved biologists, establishment or refinement of species-specific buffers, reduction or elimination of the use of loud equipment, reducing foot traffic and remaining in the vehicles, and the maintenance of visual screens. Migratory birds shall be protected from Project Area staging and operations through the use of a buffer established based on the birds sensitivity and response to the potential activity. Baseline behavior of the bird should be established to inform the buffer size. The qualified biologist may start with a 100-foot nest buffer or a 250-foot nest buffer for raptors, but may adjust the buffer size based on the reaction of the bird to the activity. If there is a potential for nest abandonment due to intrusion into the buffer zone, as established by the qualified biologist, then CDFW and the USFWS shall be consulted. If a lapse in Project-related work of 15 days or longer occurs, another focused survey, and if required, consultation with CDFW and the USFWS shall be performed before Project work can resume.

- **Mitigation Measure 3.4-7: Avoid and Minimize Impacts to Special-Status Bats.** In areas where suitable habitat occurs and there is potential for special-status bat species to be present, specific mitigation measure(s) will be developed in consultation with CDFW.
- **Mitigation Measure 3.4-8: Avoid and Minimize Impacts to Rare Plants.** Before the initiation of any vegetation removal or ground-disturbing activities, in areas that provide suitable habitat for special-status plants, the following measures shall be implemented:
 - A qualified botanist shall conduct appropriately timed surveys for special-status plant species, in all suitable habitat that would be potentially disturbed by the Project.
 - Surveys shall be conducted following CDFW- or other approved protocol.

- If no special-status plants are found during focused surveys, the botanist shall document the findings in a letter to the lead agency, and other appropriate agencies as needed, and no further mitigation will be required.
- If special-status plants are found during focused surveys, the following measures shall be implemented:
 - Information regarding the special-status plant population shall be reported to the CNDDDB.
 - If the populations can be avoided during Project implementation, they shall be clearly marked in the field by a qualified botanist and avoided during construction activities. Before ground clearing or ground disturbance, all on-site construction personnel shall be instructed as to the species' presence and the importance of avoiding impacts to this species and its habitat.
 - If special-status plant populations cannot be avoided, consultations with CDFW and/or USFWS would be required. If allowed under the appropriate regulations, the plants shall be mapped, photographed, and then transplanted to a suitable location by a qualified botanist. If required by the relevant agency, a plan to compensate for the loss of special-status plant species, detailing appropriate replacement ratios, methods for implementation, success criteria, monitoring and reporting protocols, and contingency measures that would be implemented. If the initial mitigation fails, the plan would be developed in consultation with the appropriate agencies prior to the start of local construction activities.
 - If mitigation is required, the Project proponent shall maintain and monitor the mitigation area for 5 years following the completion of construction and restoration activities. Monitoring reports shall be submitted to the resource agencies at the completion of restoration and for 5 years following restoration implementation. Monitoring reports shall include photo documentation, planting specifications, a site layout map, descriptions of materials used, and justification for any deviations from the mitigation plan. Additional mitigation monitoring may be required or modified by the administering agency, and those requirements would supersede this section.

- **Mitigation Measure 3.4-9: Monitor Riparian Habitat.** In advance of construction, a Riparian Revegetation and Monitoring Plan shall be prepared for riparian areas which will describe the thresholds of revegetation success, monitoring and reporting requirements, and a description of the site-specific planting plan. The long-term ecological monitoring program described in the Plan will provide the basis for gauging the achievement of minimum performance standards. The Plan will describe a three-year riparian monitoring program that assesses the survival and health of on-site plantings. Appropriate performance standards may include but are not limited to: an 80 percent survival rate of restoration tree and shrub plantings; absence of invasive plant species in restored areas; and self-sustaining conditions (i.e., plant viability without supplemental water) at the end of three years. The Plan will be submitted to the appropriate regulatory agencies for review and approval.
- **Mitigation Measure 3.4-10: Implement Aquatic Habitat Protection.** Aquatic habitat shall be protected during Project Activities by limiting the amount of in channel work and acquiring proper permits for work done within aquatic habitats. A fence shall be installed to the extent necessary to prevent the unintended discharge of excavated material and turbid water. The fencing shall be checked regularly and maintained until construction is complete. If needed, fish salvage shall be performed under the direct supervision of an approved biologist to avoid incidental take from Project activities. Following installation of any water diversion structures, and prior to placement of fill, the approved biologist shall perform surveys for any fish in the Project Area, collect, and transfer native fish, including Pacific lamprey, to the nearest suitable habitat to the work area. During holding and transportation, fish would be held in stream water collected from the Project reach.

Before removal and relocation begins, the approved biologist, in consultation with the appropriate agencies, shall identify the most appropriate release location(s). Release locations should offer ample habitat for Pacific lamprey and other native fish and should be selected to minimize the likelihood of reentering the work area.

Relocation activities shall be performed during the morning when temperatures are coolest. Air and water temperatures would be periodically measured during dewatering activities to ensure native fish that may be present are protected.

If Pacific lamprey are relocated, the following procedure shall be used:

- Handling of fish would be minimized. However, when handling is necessary, hands and nets would be wetted prior to handling.

- Any handled fish would be immediately placed in an aerated container with a lid in cool, shaded water. Aeration would be provided with a battery powered external bubbler. Fish would not be held more than 30 minutes.
- All handled fish would be moved directly to the nearest suitable habitat in the creek, as identified above.
- **Mitigation Measure 3.4-11: Native or Migratory Fish or Wildlife Species Avoidance.** The Native or Migratory Fish and Wildlife Species, such as North American beaver, North American otter, and other protected species shall be protected from Project staging and operations impacts through monitoring by a qualified biologist. Prior to construction, the Project Area shall be inspected for the presence of these species. If necessary, with consultation with CDFW, appropriate measures shall be taken to avoid and minimize Project impacts to these species. Additional specific measures to protect native or migratory wildlife species, may be required by CDFW under the 1600 series permit for the Project and shall be adhered to by the Project proponent.
- **Mitigation Measure 3.4-12: Implement Herbicide Protective Actions.** During all Project activities, herbicides shall only be used by a licensed applicator and shall be applied only to target plants. Herbicides shall not be used within 100 feet of blue elderberry plants.

In order to avoid and minimize impacts related to herbicide use, use any herbicides during Project activities in accordance with all directions and protective actions listed on the product label of the herbicide being applied.

In addition, take the following actions to ensure protection of fish, plant, and bird life during use of the herbicides listed below:

 - Glyphosate: Implement the following US EPA recommendations during Project activities:
 - For non-aquatic uses, do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash waters and rinsate.
 - For aquatic uses, only end-use products that are registered for aquatic uses. Do not contaminate water when disposing of equipment wash waters and rinsate. Treatment of aquatic weeds can result in oxygen loss from decomposition for dead plants. This loss can cause fish kills.

- Triclopyr:
 - As recommended by US EPA, avoid spray drift to prevent toxicity to non-target plants during Project activities.
 - Do not apply to open water or wetland areas to prevent toxicity to freshwater fish.
- Imazapyr: Implement the following US EPA recommendations during Project activities:
 - If ground borne application is performed, take the following precautions to minimize potential risk to non-target terrestrial plants, aquatic vascular plants, and threatened and endangered species:
 - Use a nozzle height below 4 feet above the ground or plant canopy and coarse or coarser droplet size. (ASABE S572) or, if specifically using a spinning atomizer nozzle, use a volume mean diameter (VMD) of 385 microns or greater.
 - Do not apply with wind speeds greater than 10 mph.
 - Do not apply into temperature inversions.
 - To minimize potential risk to aquatic vascular plants, do not apply to bodies of water or portions of bodies of water where emergent and/or floating weeds do not exist.
- Aminopyralid: In addition to following all directions and protective actions listed on the product label, apply aminopyralid using hand spray and spot treatments only.
- Chlorsulfuron: To minimize potential harm to non-target plants, implement the following US EPA recommendations during Project activities:
 - Employ measures to control spray drift
 - Restrict use to only one application per growing season.
- Dithiopyr:
 - Do not apply dithiopyr in or near water due to its toxicity to fish.
 - To minimize potential harm to non-target plants, implement the following US EPA recommendations during Project activities:
 - Do not apply dithiopyr aerially.

- Isoxaben: To minimize exposure to fish and aquatic invertebrates, implement the following actions:
 - Do not apply directly to water, to areas where surface water is present, to wetlands, or to intertidal areas below the mean high water mark.
 - Employ measures to control spray drift.
 - Do not contaminate water when disposing of equipment wash waters and rinsate.
- **Mitigation Measure TERR-1: Coordinate with CDFW, USFWS, and Permittees Regarding HCPs, NCCPs, and Other Conservation Plans.** If the site for a restoration project permitted under the Order is within the planning area for any adopted HCP, NCCP, or similar conservation plan, the CEQA lead agency for the project shall consult with the plan permittee(s), CDFW and/or USFWS, as applicable, to identify any potential conflicts with the plan's goals, objectives, or conservation measures. As part of this consultation, the CEQA lead agency shall seek input regarding potential design features, conservation measures, or other mitigation strategies to avoid potential conflicts and achieve substantial conformance with the objectives of the HCP, NCCP, or similar conservation plan. The CEQA lead agency shall implement these elements as applicable to ensure that the restoration project conforms to applicable goals and policies set forth in the adopted conservation plan.
- **Mitigation Measure BIO-1: Monarch Butterfly Avoidance.** Preconstruction surveys shall be conducted during the monarch breeding season (16 March through 30 November) to determine if milkweed is present on the site and, if present, is being used for monarch breeding. Surveys shall be conducted by a qualified biologist no more than 14 days prior to ground or vegetation disturbance activities. The biologist shall search for evidence of monarch eggs, caterpillars, chrysalises, and adults. If active monarch breeding is identified, the milkweed stand shall be avoided until the applicant develops and implements a salvage and relocation plan that has been reviewed and approved by SCWA and the applicable Resource Agencies.
- **Mitigation Measure BIO-2: Pollinator Habitat Restoration.** To limit any potential adverse effects on pollinators, all herbaceous vegetation removal activities shall be conducted from 1 September through 28 February, including any vegetation control with herbicides (refer to Mitigation Measure 3.4-12 of the 2016 Program EIR). When using herbicides, application shall be implemented by a person holding a Qualified Applicator License from the State of California. Any

application of pesticides shall be completed in a manner that avoids drift and contamination of non-target plants and areas. Ecologically invasive weeds shall be treated with spot spraying of an approved herbicide only. Targeted application of herbicides may be used in conjunction with removal of nonnative invasive weeds. Restoration of floodplain habitat shall include establishing native seed mixes containing a diversity of native wildflowers, including milkweed, as appropriate. Native seed mixes should be applied in bare soil areas, including those recently cleared, graded, or disturbed. Nesting needs of ground nesting bees and bumble bees should be taken into consideration when restoring this habitat. Snags and other resources should be left for wood nesting bees.

b.i. Potential Significant Impacts:

The IS/MND identified potential significant impacts related to hazards and hazardous materials. With the implementation of the mitigation measures below, the potentially significant impacts will be reduced to a less than significant level.

b.ii. Facts in Support of Finding:

- **Mitigation Measure 3.2-1: Procedures to Prevent Contamination from Construction Equipment.** In order to prevent contamination from vehicle or equipment leaks during Project activities, the Project Applicant shall implement the following actions:
 - Vehicles shall be maintained and operated in a leak-free condition.
 - Project vehicles shall not be parked or stored on impervious surfaces.
 - No fueling or maintenance of vehicles or equipment shall occur in the channel or floodplain. The exception would be equipment that cannot be readily relocated (e.g., pumps and generators).
 - All off-site fueling sites (e.g., on access roads above the top of-bank) shall be equipped with secondary containment and avoid a direct connection to underlying soil, surface water, or the storm drainage system.
 - For any stationary equipment (e.g., pumps and generators) that must be fueled on-site, secondary containment, such as a drain pan, drop cloth or booms, shall be provided in such a manner to prevent accidental spill of fuels to underlying soil, surface water, or the storm drainage system.
 - Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the

aforementioned materials shall not be allowed to enter receiving waters or the storm drainage system.

- Waste disposal containers shall be covered when they are not in use.
- **Mitigation Measure 3.7-2: Fire Prevention Measures.** The following fire prevention measures shall be implemented:
 - All earthmoving and portable equipment with internal combustion engines shall be equipped with spark arrestors.
 - Work crews shall have appropriate fire suppression equipment available at the work site.
 - On days when the fire danger is high and a burn permit is required (as issued by the Yolo-Solano Air Quality Management District), flammable materials, including flammable vegetation slash, shall be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame.

- **Mitigation Measure HAZ-1: Prepare and Implement a Health and Safety Plan and Provide Qualified Oversight of Fill Removal Related to Earthmoving Activities.** The following measures shall be implemented before and during construction of any restoration project permitted under the Order:

A health and safety plan for the project shall be developed and implemented. This plan shall clearly notify all workers of the potential to encounter hazardous materials during ground disturbing work and other construction activities. The plan shall identify proper handling and disposal procedures for contaminants expected to be on-site and shall provide maps and phone numbers for local hospitals and other emergency contacts. Construction workers shall comply with all protocols outlined in the health and safety plan throughout project implementation.

Any hazardous materials being stored in the project area and not needed for construction activities shall be removed and disposed of at appropriately permitted locations before construction. A qualified professional (e.g., geologist or engineer) shall oversee fill excavation activities and work in potential project areas that contain abandoned underground storage tanks requiring removal, to properly identify any contaminated soils that may be present. Excavation of underground storage tanks must comply with county ordinances and policies. If contaminated soils are found, Mitigation Measure HAZ-2 shall be implemented.

Removal of underground storage tanks associated with the restoration project shall include measures to ensure their safe transport and

disposal. Remediation actions, if necessary, shall be defined in consultation with the local Regional Water Quality Control Board (RWQCB) and implemented during construction.

- **Mitigation Measure HAZ-2: Notify Appropriate Federal, State, and Local Agencies If Contaminated Soils Are Identified, and Complete Recommended Remediation Activities.** The following measures shall be implemented before construction of any restoration project permitted under the Order if contaminated soils are found on the project site:
 - The appropriate federal, state, and local agencies shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during construction activities. Any contaminated areas shall be cleaned up in accordance with the recommendations of the RWQCB, Department of Toxic Substances Control (DTSC), or other appropriate federal, state, or local regulatory agencies.
 - A site plan shall be prepared for the remediation activities appropriate for the proposed land uses, including excavation and removal of on-site contaminated soils, and needed redistributions of clean fill material on the study area. The plan shall include measures to ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. If ground-disturbing activities encounter contaminated groundwater, the construction contractor shall report the contamination to the appropriate agencies, dewater the area, and treat the groundwater to remove the contaminants before discharge into the sanitary sewer system. The construction contractor shall comply with the plan and applicable federal, state, and local laws. The plan shall outline specific procedures for handling and reporting of hazardous materials, and for disposing of hazardous materials removed from the site at an appropriate off-site facility.
- **Mitigation Measure HAZ-3: Notify Appropriate Federal, State, and Local Agencies If Accidental Discharges of Hazardous Materials.** Following an accidental discharge of a reportable quantity of a hazardous material or an unknown material, the appropriate federal, state, and local agencies shall be notified. Any contaminated areas shall be cleaned up in accordance with the recommendations of the RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies.
- **Mitigation Measure HAZ-4: Establish Airport Operation Area Buffer Zones.** Restoration projects permitted under the Order shall avoid creating hazardous wildlife attractants within a distance of 10,000 feet of a designated Airport Operations Area.

- **Mitigation Measure HAZ-5: Coordinate with Applicable Federal, State, and Local Agencies and Districts.** Before construction, project proponents implementing restoration projects permitted under the Order shall coordinate with the appropriate federal, state, and local government agencies, districts, and emergency response agencies regarding the timing of construction projects that would occur near the project sites. Specific measures to mitigate potentially significant impacts shall be determined during the interagency coordination, and shall include measures to achieve the following performance standards:
 - Reduce potential traffic impacts so that no more than 30 trucks per hour will be added to any road (e.g., by scheduling construction truck trips and designating alternate haul routes to disperse truck trips).
 - Reduce potential traffic safety impacts (e.g., by employing flaggers to manage traffic flow at conflict locations).
 - Provide outreach and community noticing (e.g., via the web, utility bill inserts, and other methods) for locations where multiple projects will create construction traffic simultaneously.

D. Determination

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

REPORTING AND NOTIFICATION REQUIREMENTS

The Permittee shall follow notification and reporting requirements described in this Notice of Applicability (NOA), and those found in Attachment D of the Order WQ 2022-0048-DWQ, unless specified as an optional requirement and excluded from this NOA.

1. Annual Reporting

The Permittee shall submit an Annual Report each year within one month of the anniversary of the effective date of this Notice of Applicability. Annual reporting shall continue until the active discharge period is complete and the project enters the post-construction monitoring phase whereupon the Permittee shall annually submit a Post-Construction Monitoring Report (Report Type 2) The Post-Construction Monitoring Report shall be submitted on the anniversary of the date that the project restoration activities were completed.

The Annual Report and Post Construction Monitoring Report shall include the information specified in Attachment D, Part A of Order No. WQ 2022-0048-DWQ. The Permittee shall submit the report in accordance with the report submittal instructions in Attachment D of Order No. WQ 2022-0048-DWQ and email it to centralvalleysacramento@waterboards.ca.gov and cc Nicholas Savino at Nicholas.Savino@waterboards.ca.gov.

2. Notification for In-Water Work and Diversions

The project proponent shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via email, delivered written notice, or other verifiable means. An In-Water Work and Diversion Water Quality Monitoring Report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter

3. Water Quality Monitoring Plan for In-Water Work or Diversions

A Water Quality Monitoring Plan shall be submitted to the approving Water Board for acceptance at least thirty (30) days in advance of commencement of project activity. Standards for in-water work or diversions are discussed in General In-Water Measures, specifically IWW-6, presented in Attachment A. The Permittee shall comply with the approving Water Board-specific water quality control plan water quality objectives and reporting requirements.

4. Environmental Monitoring

Per General Protection Measure 5 (GPM-5) of the Order, a resource specialist shall ensure that all applicable protective measures are implemented during project construction. The resource specialist shall have authority to stop any work if they determine that any permit requirement is not fully implemented. The resource specialist shall prepare and maintain a monitoring log of construction site conditions and observations, which will be kept on file.

ADDITIONAL CONDITION:

The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavations, 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.

NOTICE OF COMPLETION:

Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project

location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Nicholas Savino by phone at (916) 464-4920 or by email at Nicholas.Savino@waterboards.ca.gov.

Original Signed by Anne Walters

For Patrick Pulupa
Executive Officer

Attachments: Figure 1: Project Location
Figure 2: Existing Aquatic Resources
Figure 3: Project Design

cc: Distribution List, via email only

DISTRIBUTION LIST

[Via email only]

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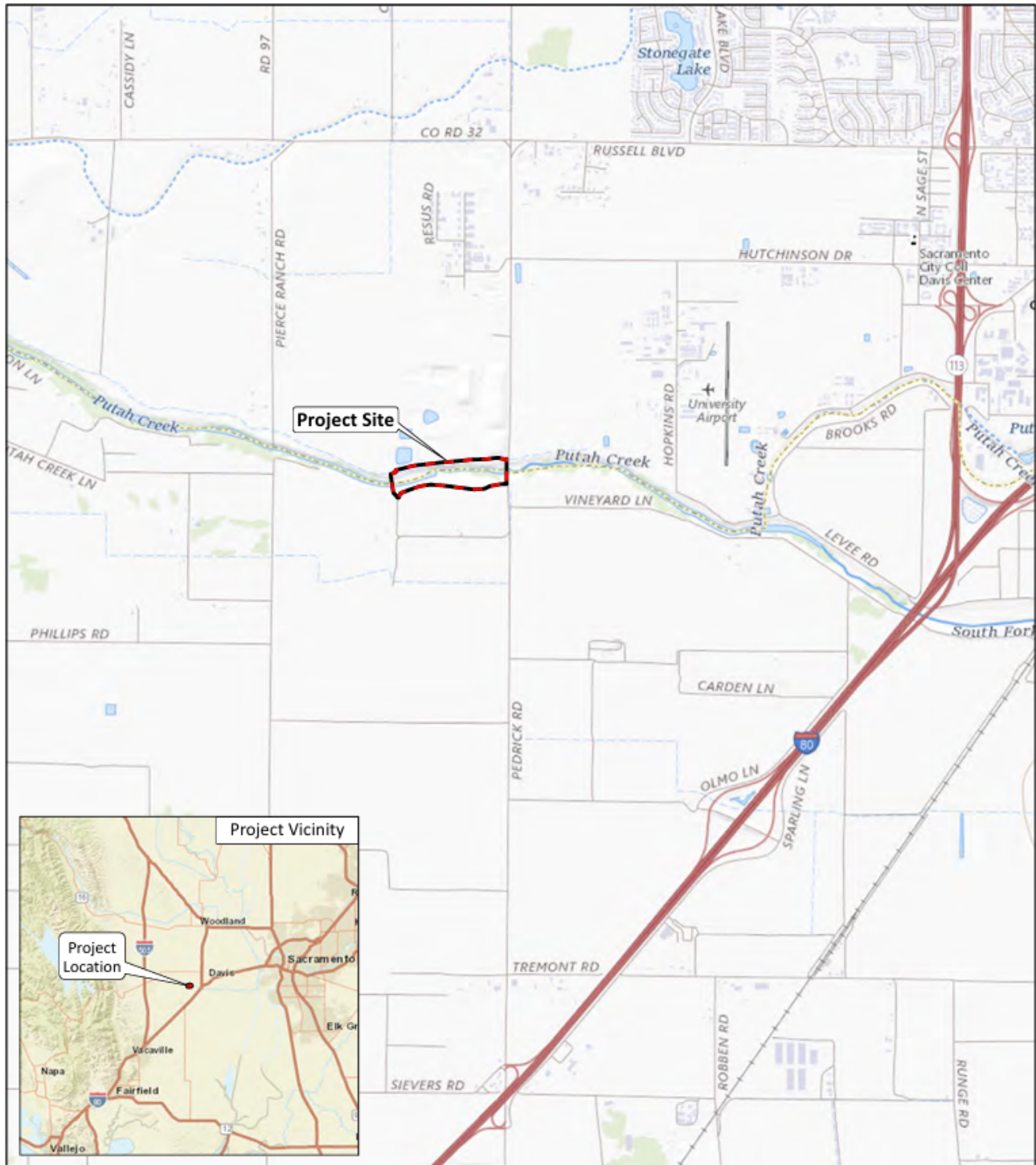
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Ruth Goodfield
NOAA Fisheries
Ruth.Goodfield@noaa.gov

Figure 1: Project Location



LSA

LEGEND

FIGURE 1

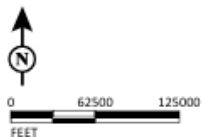


Figure 2: Existing Aquatic Resources



Figure 3: Project Design

