



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	14 June 2023	<table border="1"><tr><td>Reg. Meas. ID:</td><td>451862</td></tr><tr><td>Place ID:</td><td>886901</td></tr><tr><td>WDID No.:</td><td>5A58CR00193</td></tr><tr><td>USACE No.:</td><td>SPK-2023-00144 NWP 57</td></tr></table>	Reg. Meas. ID:	451862	Place ID:	886901	WDID No.:	5A58CR00193	USACE No.:	SPK-2023-00144 NWP 57
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Place ID:	886901									
WDID No.:	5A58CR00193									
USACE No.:	SPK-2023-00144 NWP 57									
Expiration Date:	13 June 2028									
Program Type:	Fill/Excavation									
Project Type:	Overhead Utility									
Project:	Beale-WAPA Interconnection Project (Project)									
Applicant:	Western Area Power Administration (WAPA)									
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Water Board Contact Person: If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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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 Western Area Power Administration (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 3 March 2023. The application was deemed complete on 30 March 2023.

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 10 March 2023 to 31 March 2023. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the project is to provide Beale Air Force Base (AFB) with an interconnection to the Western Area Power Administration's (WAPA's) existing Cottonwood-Roseville transmission line in order to provide Beale AFB with an electricity supply that would support their current and future missions.

IV. Project Description

The project consists of constructing a new 1.8-mile segment of overhead 230 kilo volt transmission line and a small (4.69 acre) substation. To construct and maintain this new line, 0.002 miles of existing access road would be improved from a dirt two-track to a 6-inch gravel-base road, and 0.994 miles of new gravel-based access road would be constructed for this project.

A 2.5-mile underground 60 kilo volt transmission line will be installed from the substation to existing Beale AFB infrastructure. Beale AFB is securing a separate permit for the underground portion of this project.

V. Project Location

The western extent of the Project is located at Brophy Road and extends 1.8 miles to the east onto Beale Air Force Base.

County: Yuba

Nearest City: Marysville

Sections 7,13,14,18, Township 15 North, Range 5, 4 East, MDB&M.

Latitude: 39.15153° and Longitude: -121.46793°

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

There are five locations where access road construction requires the placement of culverts for crossing roadside ditches. These ditches display similar characteristics to the seasonal wetland features in the project area and are being classified as seasonal wetland habitat. Four of these ditches are on Beale AFB and cross potential jurisdictional features. The fifth is on a non-jurisdictional agricultural ditch outside the base, that is excluded from coverage under section IV.D.2.C of the Procedures for Discharges of Dredged or Fill Material to Waters of the State.

The crossing of roadside ditch feature DI 647, which accesses the proposed substation, will incorporate a gravel road base and a split box culvert design. Two separate access road crossings of roadside ditch feature DI 636 will have an access road featuring dual round culverts (12 inches or 18 inches depending on the site) and a gravel road base at each crossing. The access road crossing roadside ditch feature DI 610 will incorporate dual 12-inch round culverts and a gravel road base. Two temporary ditch crossings of features DI 611 and DI 612 will be spanned by weight distributing mats during construction.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Seasonal Wetland	0.019	1.2	

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Seasonal Wetland	0.041	147.5	

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. Potential indirect impacts include reducing the function of the remaining wetlands where direct impacts occur and reducing the water quality of receiving waters as a result of an increase in impervious surfaces.

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:

- Vehicle access will be permitted only on well-established roads unless the soil is dry. Soils will be considered sufficiently dry for vehicle access when they resist compaction and after annual plants have set seed (generally May 1 to October 31, or as determined by qualified personnel based on personal observation of the soils).
- The number of access routes, number and size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the Project goal. Routes and boundaries will be clearly demarcated, and these areas will avoid wetlands/drainage areas whenever feasible.
- A 50-foot buffer zone from the edge of the vernal pool or wetland will be maintained and the vernal pool or wetland will be protected from siltation and contaminant runoff by use of erosion control. Where hydrological continuity exists between wetlands, work can occur within 25 feet of a

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.

wetland/drainage/vernal pool as long as erosion control measures (e.g., straw wattles, silt fencing) are installed.

- All equipment will be stored, fueled, and maintained in a designated vehicle staging area with appropriate spill containment. These designated areas will be established on previously developed areas whenever possible. Undeveloped staging areas, if any, will be the maximum distance possible from any vernal pool, vernal pool grassland, or seasonal wetland. Prior to the onset of work, workers will ensure a plan to allow a prompt and effective response to any accidental spills is in place. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- Prior to initiation of construction activities, sensitive areas such as vernal pools, wetlands, riparian areas, and potential habitat for federally listed species (i.e., vernal pool fairy shrimp/vernal pool tadpole shrimp or giant garter snake) will be staked and flagged as exclusion zones where construction activities cannot take place. Orange construction barrier fencing (or an appropriate alternative method) will designate exclusion zones where construction activities cannot occur. The flagging and fencing will be clearly marked as an environmentally sensitive area. The contractor will remove all fencing, stakes, and flagging within 60 days of construction completion.
- A natural resources monitor will monitor construction activities in or adjacent to sensitive habitats. The natural resources monitor will ensure compliance with all applicable AMMs required to protect federally listed species and their habitats.
- All contract crews will complete biological pre-maintenance awareness training to ensure they are familiar with sensitive biological resources and associated BMPs and AMMs.

The Project added 373,296 acres of new impervious surfaces. Impervious surfaces cause reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section XIV. K for permanent impacts.

XI. California Environmental Quality Act (CEQA)

Beale AFB and WAPA, as joint Lead Agencies under the National Environmental Policy Act (NEPA), prepared an Environmental Assessment / Findings of No Significant Impact (EA/FONSI) for the Beale-WAPA Interconnection Project and

circulated it for public comment as broadly as required by state law. Based on the draft document and comments received, Beale AFB approved a Finding of No Significant Impact (FONSI) for the proposed project on 12 January 2021.

Pursuant to CEQA Guidelines section 15220 and following, the Central Valley Water Board, as Lead Agency under CEQA, determined the EA/FONSI prepared by Beale AFB and WAPA meets the requirements of CEQA. Accordingly, the Central Valley Water Board is using the EA/FONSI instead of preparing a separate mitigated negative declaration.

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 Received

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 the environment 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 Tables 1 through 2.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications 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 Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
- 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 may be delivered via written notice, email, or other verifiable means.

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.)

- 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.
- ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance:

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

the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General:

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

- a. when performing any in-water work;
- b. during the entire duration of temporary surface water diversions;
- c. in the event that the Project activities result in any materials reaching surface waters; or
- d. when any activities result in the creation of a visible plume in surface waters.

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions:

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

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

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

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

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

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

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.

Table 3: 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. 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

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

- specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
 4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or

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

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; 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 Endangers 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.

G. Construction

1. Dewatering

- a. If water is present, the area must be dewatered prior to start of work.
- b. No dewatering will occur within the Project area.
- c. 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.
- d. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

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 wetland 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 the potential to occur within the project area: Vernal pool fairy shrimp (*Branchinecta lynchi*), Vernal pool tadpole shrimp (*Lepidurus Packardii*), and Giant Garter Snake (*Thamnophis gigas*).

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

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 27 March 2023 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.
4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Wetland	Permittee Responsible	Acres		0.019				

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

1. Final Compensatory Mitigation Plan:

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory Mitigation Plan dated 21 March 2023 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Irrevocable Letter of Credit

- a. The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee’s required compensatory mitigation under this Order within 90 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.
- b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 90 days of issuance of this Order.

- c. The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.
- d. If the Permittee has not completed the required compensatory mitigation and achieved all performance standards within sixty (60) days prior to the security instrument's expiration date, the Permittee shall obtain an extension or a new security instrument. The new security instrument shall be subject to Central Valley Water Board staff acceptance following the same procedure described in the conditions above.

3. Permittee-Responsible Compensatory Mitigation Responsibility - Not Applicable

4. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

- a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.
- b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

5. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.041 acre of wetland habitat by purchasing 0.041 vernal pool mitigation credits from the Clay Station Mitigation Bank.
- c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Vernal Pool	Mitigation Bank Credits	Acres	0.041					

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

XV. Water Quality Certification

I hereby issue the Order for the Beale-WAPA Interconnection Project, WDID # 5A58CR00193, 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, Impacts, and Mitigation Information
- 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: Project Location Map

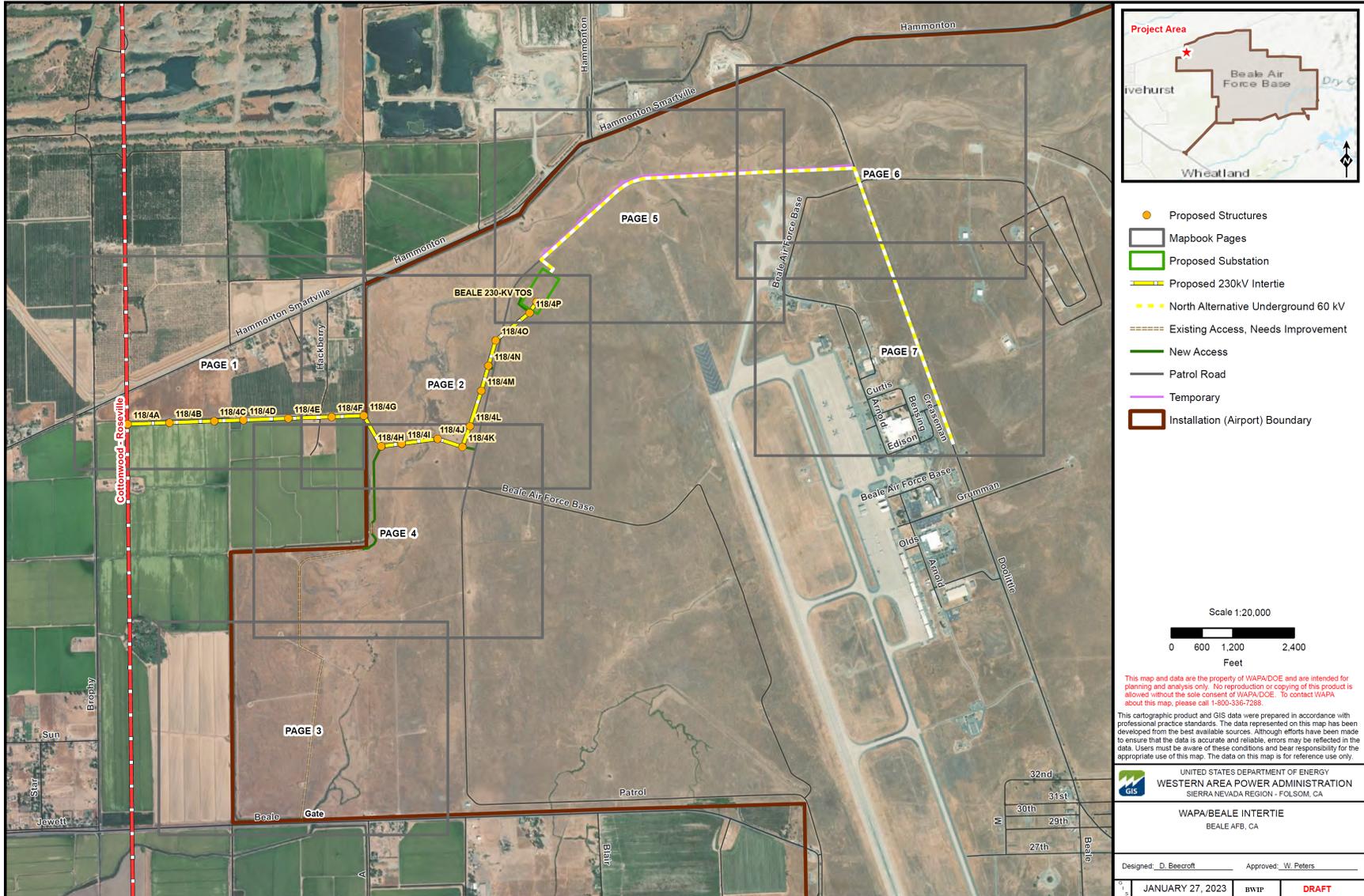


Figure 2: Project Impacts Map



Figure 3: Project Impacts Map

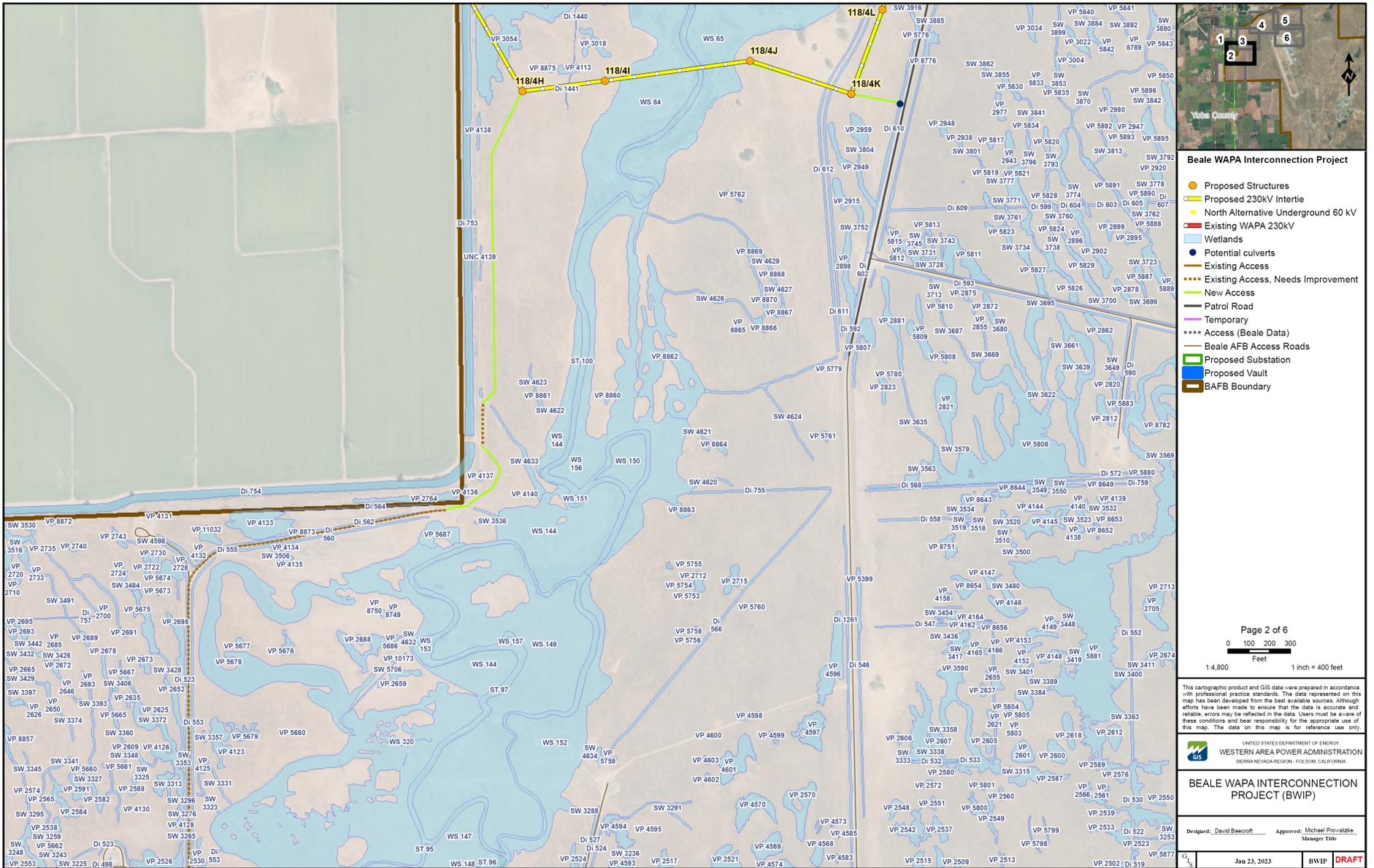
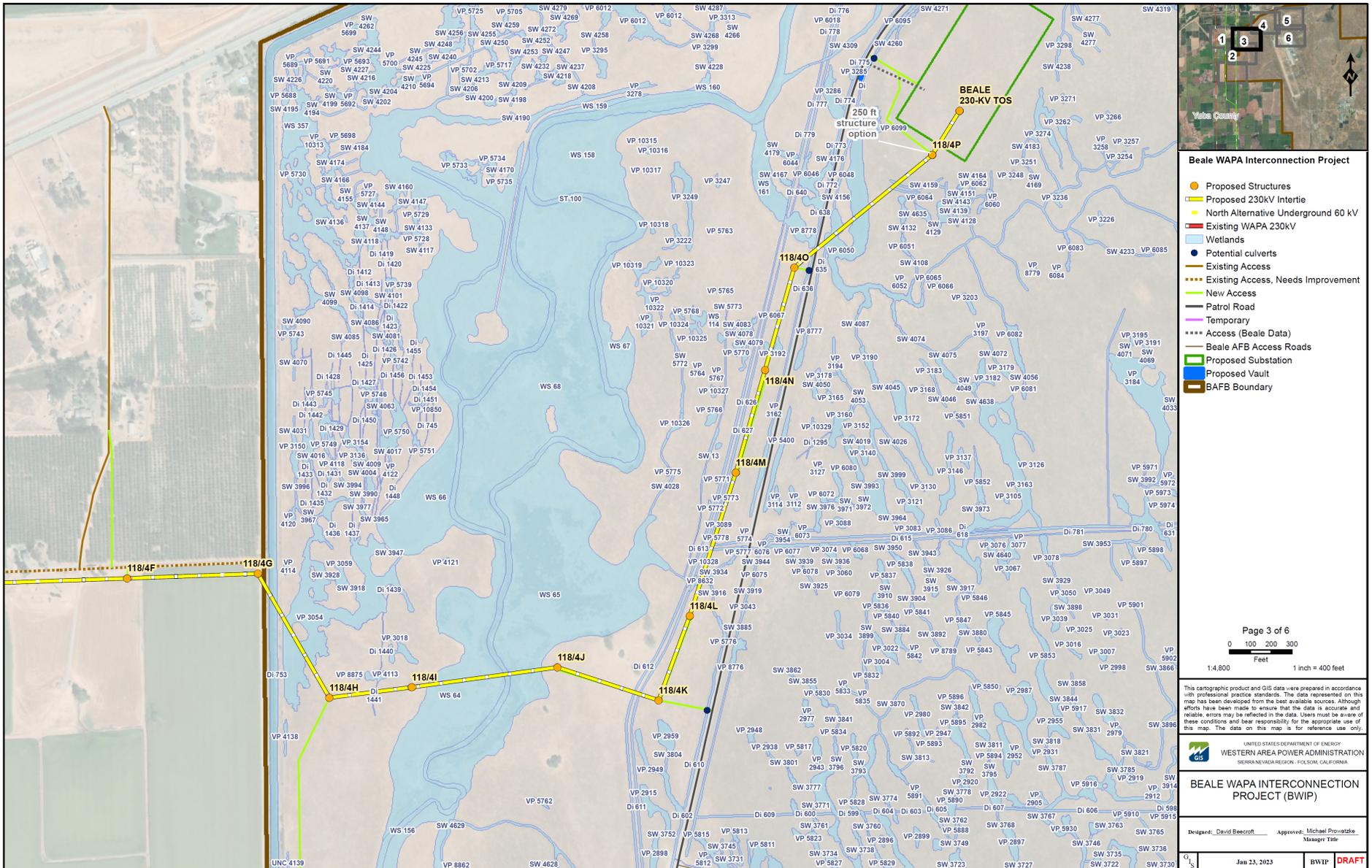


Figure 4: Project Impacts Map



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Attachment B – Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	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
No	DI 647	DI 647	Wetland	515.20	Feather River (Lake Oroville to Sacramento River)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Aluminum, Chlorpyrifos, Group A Pesticides, Mercury, Dissolved Oxygen, PCBs, Toxicity	
No	DI 636	DI 636	Wetland	515.20	Feather River (Lake Oroville to Sacramento River)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Aluminum, Chlorpyrifos, Group A Pesticides, Mercury, Dissolved Oxygen, PCBs, Toxicity	
No	DI 610	DI 610	Wetland	515.20	Feather River (Lake Oroville to Sacramento River)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Aluminum, Chlorpyrifos, Group A Pesticides, Mercury, Dissolved Oxygen, PCBs, Toxicity	

Non-Federal Waters	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
No	DI 611	DI 611	Wetland	515.20	Feather River (Lake Oroville to Sacramento River)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Aluminum, Chlorpyrifos, Group A Pesticides, Mercury, Dissolved Oxygen, PCBs, Toxicity	
No	DI 612	DI 612	Wetland	515.20	Feather River (Lake Oroville to Sacramento River)	MUN, AGR, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Aluminum, Chlorpyrifos, Group A Pesticides, Mercury, Dissolved Oxygen, PCBs, 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
DI 610	39.1489°	-121.4602°	No	0.007	0	
DI 611	39.149106°	-121.461326°	No	0.0007	0.6	
DI 612	39.149101°	-121.461423°	No	0.0007	0.6	
DI 636	39.15328°	-121.4588°	No	0.005	0	
DI 636	39.15467°	-121.4583°	No	0.006	0	

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
DI 610	39.1489°	-121.4602°	No	0.005	11	
DI 636	39.15328°	-121.4588°	No	0.003	10.1	
DI 636	39.15467°	-121.4583°	No	0.004	9	
DI 647	39.15746°	-121.4572°	No	0.029	117.4	

Compensatory Mitigation Information

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

Mitigation Bank Compensatory Mitigation Site Information

Table 4: Mitigation Bank

Mitigation Bank Name:	Clay Station Mitigation Bank
Website:	The Elliott Conservancy Protect Our Land The Elliott Conservancy (https://www.elliottconservancy.com)
Mitigation Bank Contact Name:	Marin Meza, ECORP Consulting
Phone:	(916) 782-9100
Email:	mmeza@ecorpconsulting.com
Mitigation Location - County:	Sacramento
Latitude:	38.361745°
Longitude:	-121.172676°

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Vernal Pool Establishment	0.041		

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Attachment C – CEQA Findings of Fact

A. Tribal Consultations

On 4 May 2023 and 11 May 2023, the Central Valley Water Board provided notice to the identified contact person for each California Native American tribe traditionally and culturally affiliated with the geographic area of the Project that has requested notice. Notice was provided to: Shingle Springs Band of Miwok Indians, Estom Yumeka Maidu Tribe of the Enterprise Rancheria, Mooretown Rancheria of Maidu Indians, Pakan'yani Maidu of Strawberry Valley Rancheria, Tsi Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Washoe Tribe of Nevada and California, Wilton Rancheria, Colfax-Todds Valley Consolidated Tribe, and Nevada City Rancheria Nisenan Tribe. (Public Resources Code, section 21080.3.1.) The consultation process concluded on 12 June 2023 when no notified tribe provided comments or otherwise engaged in the consultation process. (Public Resources Code, section 21080.3.2.)

B. Environmental Review

Beale AFB and WAPA, as joint Lead Agencies under the National Environmental Policy Act (NEPA), prepared a draft Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the Beale-WAPA Interconnection Project and circulated it for public comment from 6 December 2017 to 19 January 2018 and from 23 July 2018 to 7 September 2018 as broadly as required by state law (Cal. Code Regs., tit. 14, §§ 15072, subd. (a), 15225, subd. (a).) Based on the draft document and comments received, Beale Air Force Base approved a FONSI for the proposed project on 12 January 2021.

The EA/FONSI contains mitigation measures and monitoring for all mitigation measures for the Project to reduce potential significant impacts. The Beale Air Force Base will implement a Maintenance, Monitoring, and Reporting Plan (MMRP) to document project compliance. (Pub. Res. Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15074, subd. (d).)

C. Incorporation by Reference

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

All CEQA project impacts are analyzed in detail in the Project Final EA/FONSI which is incorporated herein by reference. The Project EA/FONSI is available upon request by contacting Nicholas Savino at (916) 464-4920 or Nicholas.Savino@waterboards.ca.gov or at [Beale-WAPA Interconnection Project \(BWIP\) \(DOE/EA-2152\)](#) (<https://www.wapa.gov/regions/SN/environment/Pages/Beale-WAPA-Interconnection-Project-BWIP.aspx>).

The MMRP developed to ensure that the mitigation measures are implemented is incorporated herein by reference.

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

D. Findings

The Central Valley Water Board has analyzed the environmental effects of the Project as shown in the EA/FONSI. (California Code of Regulations, title 14, sections 15064 and 15074.) Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board has determined that the proposed Project will not result in a significant effect on the environment (California Code of Regulations, title 14, section 15074, subd. (b)) and makes the following findings:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment. (California Code of Regulations, title 14, section 15070.)*

a.i. Potential Significant Impact:

The project may conflict with or obstruct implementation of an applicable air quality plan.

a.ii. Facts in Support of Finding:

The Proposed Action would not conflict with or obstruct with the implementation of any applicable air quality plan if all required measures from the Feather River Air Quality Management District (FRAQMD) Indirect Source Review (ISR) guidelines are followed. The guidelines provide thresholds of significance and Standard Minimization Measures for "Type 2 Projects" (i.e., projects with a construction phase but without a true operational phase), plus additional mitigation measures for projects that result in more than 80 pounds per day of PM10. Project emissions of Nitrogen Oxides (NOx) and Volatile Organic Compounds (VOCs) can be averaged out over the lifespan of the Project and are less than the thresholds of significance for these two pollutants. Without mitigation, the Proposed Action would exceed the ISR PM10 threshold, so additional measures are applied that will reduce the impacts to less than significant levels. The following Best Available Mitigation Measures will be applied to the Project:

- **AQ-1:** Implement the Fugitive Dust Control Plan.
- **AQ-2:** Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40

percent opacity or Ringelmann 2.0). On-road and off-road equipment shall meet the mobile source strategy requirements of the California State Implementation Plan.

- **AQ-3:** The contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
- **AQ-4:** Limiting idling time to 5 minutes—saves fuel and reduces emissions (state idling rule: commercial diesel vehicles—13 CCR Chapter 10, Section 2485, effective 02/01/2005; off road diesel vehicles—13 CCR Chapter 9, Article 4.8, Section 2449, effective 05/01/2008).
- **AQ-5:** Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
- **AQ-6:** Develop a traffic plan to minimize traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites.
- **AQ-7:** Portable engines and portable engine-driven equipment units used at the Project work site, except for on-road and off-road motor vehicles, may require California Air Resources Board (CARB) Portable Equipment Registration with the state or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the CARB or the district to determine registrations and permitting requirements prior to equipment operation at the site.
- **AQ-8:** WAPA will adhere to all requirements of those agencies having jurisdiction over air quality matters, and any necessary permits for O&M will be obtained.
- **AQ-9:** Machinery and vehicles will be kept in good operating condition, and older equipment will be replaced with equipment meeting more stringent California emission standards; appropriate emissions-control equipment will be maintained for vehicles and equipment, per California, EPA, and WAPA air-emission requirements.
- **AQ-10:** Idle equipment will be shut down when not in active use; visible emissions from stationary generators will be controlled.
- **AQ-11:** Dust-control measures will be implemented in road construction and maintenance as needed. Loose material will be covered when being transported in trucks, or the trucks will maintain at least 2 feet of freeboard and will not create any visible dust emissions.

- **AQ-12:** There will be no open burning of construction trash.
- **AQ-13:** Grading activities will cease during periods of high winds (as determined by local Air Quality Management Districts/AQMDs).
- **AQ-15:** Major operations will be avoided on days when the local Air Quality Index is expected to exceed 150.
- **AQ-15:** The mitigation measures that apply to PM10, as the threshold of 80 pounds per day is exceeded, shall be implemented:
 - All grading operations on a Project should be suspended when winds exceed 20 miles per hour or when winds carry dust beyond the property line despite implementation of all feasible dust control measures.
 - Construction sites shall be watered as directed by the Department of Public Works or Air Quality Management District and as necessary to prevent fugitive dust violations.
 - An operational water truck should be available at all times. Apply water to control dust as needed to prevent visible emissions violations and offsite dust impacts.
 - Onsite dirt piles or other stockpiled particulate matter should be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce windblown dust emissions. Incorporate the use of approved non-toxic soil stabilizers according to manufacturer's specifications to all inactive construction areas.
 - All transfer processes involving a free fall of soil or other particulate matter shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.
 - Apply approved chemical soil stabilizers according to the manufacturers' specifications, to all inactive construction areas (previously graded areas that remain inactive for 96 hours) including unpaved roads and employee/equipment parking areas.
 - To prevent track-out, wheel washers should be installed where Project vehicles and/or equipment exit onto paved streets from unpaved roads. Vehicles and/or equipment shall be washed prior to each trip. Alternatively, a gravel bed may be installed as appropriate at vehicle/equipment site exit points to effectively remove soil buildup on tires and tracks to prevent/diminish track-out.
 - Paved streets shall be swept frequently (water sweeper with reclaimed water recommended; wet broom) if soil material has

been carried onto adjacent paved, public thoroughfares from the Project site.

- Reduce traffic speeds on all unpaved surfaces to 15 miles per hour or less and reduce unnecessary vehicle traffic by restricting access. Provide appropriate training, onsite enforcement, and signage.
- Reestablish ground cover on the construction site as soon as possible and prior to final occupancy, through seeding and watering.
- Disposal by Burning: Open burning is yet another source of fugitive gas and particulate emissions and shall be prohibited at the Project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (trash, demolition debris, et. al.) may be conducted at the Project site. Vegetative wastes should be chipped or delivered to waste to energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials offsite for disposal by open burning.

b.i. Potential Significant Impact:

The Project may violate air quality standards or contribute substantially to an existing or projected air quality violation.

b.ii. Facts in Support of Finding:

Modeling the air quality impacts for the Proposed Action and alternatives using the Air Conformity Applicability Model (ACAM), emissions from construction activities would be less than the de minimis limits contained in 40 CFR 93.153. Construction impacts would result in approximately 5.781 tons of O₃ (as VOC and NO_x) and 84.17 tons of PM₁₀ over the most intense year of construction for the preferred alternative. Maintenance and operational air quality impacts are considered negligible.

The O₃ impacts are not considerable enough that they would result in a violation or contribute substantially to a violation of any air quality standard, as the VOC impacts are less than the thresholds of significance in the FRAQMD ISR guidelines. PM₁₀ emissions are greater than the daily standard for the construction phase; however, the FRAQMD allows these to be mitigated by standard dust control and traffic control BMPs and additional Best Available Mitigation Measures (outlined in section a.ii), after which impacts can be considered less than significant. The efficacy of these mitigation measures is discussed in the Project Environmental Assessment.

Project emissions would be dispersed in small, localized areas during Project construction and would be spread throughout the construction period. Therefore, the Project will have a less than significant impact on the violation of any air

quality standard and would not contribute substantially to an existing or projected air quality violation.

c.i. Potential Significant Impact:

The Project may result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

c.ii. Facts in Support of Finding:

The CARB has designated Yuba County as a nonattainment-transitional area for 8-hour O₃ and in nonattainment for PM₁₀. Yuba County is also in federal maintenance for PM_{2.5}. The County is designated as unclassified/attainment for all other state and federal criteria pollutants (FRAQMD 2010).

Modeling the Proposed Action air quality impacts using the ACAM, emissions from construction activities would be less than the de minimis limits contained in 40 CFR 93.153. Construction impacts would result in approximately 11.2 tons of O₃ (as VOC and NO_x) and 97.89 tons of PM₁₀ over the entire construction period. Maintenance and operational air quality impacts are considered negligible. No ongoing considerable emissions beyond construction will occur due to Project operation.

The general mitigation measures outlined in section a.ii would adequately mitigate the effects of the PM₁₀ emissions resulting during Project construction, which is the only type of emissions that are considered potentially significant. With mitigation incorporated, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard.

a.i. Potential Significant Impact:

The project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

a.ii. Facts in Support of Finding:

Vernal pool species

Portions of the Project area on Beale Air Force Base contain sensitive vernal pool habitat and occur within the Beale Core Recovery Area of the Southeastern Sacramento Valley vernal pool region, as defined by the 2005 USFWS Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (USFWS 2005). Two aspects of Project construction have the potential to cause impacts to vernal pool crustaceans. (1) To support access to poles and a new substation, six culverts will be installed and eight culverts will be replaced at drainage ditches or vernal swales. (2) To facilitate construction of the underground portion of the Project along Patrol Road, up to 1.27 miles of temporary access may be

necessary on the side of Patrol Road for vehicle and equipment passing. This access will be designed to avoid vernal pool and wetland features to the extent feasible. For those areas where avoidance of vernal pool or wetland features is not possible, weight dispersion mats will be placed over the feature and removed upon completion or work in that area.

The activities described in (1) and (2) above have the potential to affect ditches and vernal swales, which are suboptimal habitat for vernal pool tadpole shrimp (a federally endangered species) and vernal pool fairy shrimp (a federally threatened species). Although individual shrimp or cysts could be affected by Project activities, impacts to the viability of the local population and species will be negligible. To minimize impacts to vernal pool species, construction in these areas will occur during the dry season when the ditches and vernal swales are dry; a USFWS-approved biologist will identify the extent of vernal pools and will monitor work.

Giant garter snake

Portions of the Project area are on private land parcels currently cultivated for rice production. The rice fields and adjacent upland areas may provide suitable habitat for giant garter snake (a federal and state threatened species). Specific measures for minimizing impacts to giant garter snakes include dewatering aquatic habitat prior to ground disturbance, surveys and flagging of suitable habitat by a USFWS approved biologist, and silt exclusion fencing during construction.

The following mitigation measures will be implemented to avoid or lessen impacts to special status species:

- **BIO-1: Vernal Pools, Vernal Pool Grasslands, and Seasonal Wetlands:** Vehicle access will be permitted only on well-established roads unless soils are dry. Soils will be considered sufficiently dry for vehicle access when they resist compaction and after annual plants have set seed (generally May 1 to October 31, or as determined by qualified personnel based on personal observation of the soils).

For patrolling the ROW off of established roads in a pickup truck or for inspecting hardware on structures with a bucket truck, vernal pools, vernal pool grasslands, and seasonal wetlands will be avoided by 50 feet.

All equipment will be stored, fueled, and maintained in a designated vehicle staging area with appropriate spill containment. These designated areas will be established on previously developed areas whenever possible. Undeveloped staging areas, if any, will be the maximum distance possible from any vernal pool, vernal pool grassland, or seasonal wetland. Prior to the onset of work, workers will ensure a plan to allow a prompt and effective response to any accidental spills is in place. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

When feasible, all maintenance activities will be routed around wet areas while ensuring that the route does not cross sensitive resource areas.

A 50-foot buffer zone from the edge of the vernal pool or wetland will be maintained and the vernal pool or wetland will be protected from siltation and contaminant runoff by use of erosion control. Where hydrological continuity exists between wetlands, work can occur within 25 feet of a wetland/drainage/vernal pool as long as erosion control measures (e.g., straw wattles, silt fencing) are installed. A USFWS-approved biologist or natural resources monitor will determine whether erosion control measures should be utilized, weighing the potential for impacts to other species. Construction boundaries within the buffer will be designated with fencing or other suitable means to ensure no equipment and/or construction workers access protected wetland resources. If vegetation-management activities are proposed within 250 feet of a vernal pool, vernal pool grassland, or seasonal wetland, a qualified biologist will be present at all times to ensure the protection of the work-area limits in the below bullets OR qualified personnel will clearly fence the limits of the work area, according to limits presented in the following, prior to the maintenance activity (the herbicide restriction measures generated by the PRESCRIBE database supersede those below where they are different.).

- Mixing or application of pesticides, herbicides, or other potentially toxic chemicals will be prohibited.
- Herbicide application to target vegetation by direct application methods (e.g., injection or cut-stump treatment) will be prohibited within 50 feet in the wet season (generally October 1 to May 31) and allowed up to the edge of the pool or seasonal wetland in the dry season (generally June 1 to September 30).
- Herbicide application by basal spray and foliage spray methods will be prohibited within 100 feet in any season.
- Herbicide use will conform to Beale AFB's Weed Management Plan and allowed weed treatment methods.
- Manual clearing of vegetation (chainsaw, axe, clippers) will be allowed up to the edge of the pool or seasonal wetland in the wet season (generally October 1 to May 31); a buffer will not be necessary in the dry season (generally June 1 to September 30).
- Mechanical clearing of vegetation (heavy-duty mowers, crawler tractors, or chippers) will be prohibited within 100 feet in the wet season (generally October 1 to May 31); a buffer will not necessary in the dry season (generally June 1 to September 30).
- **BIO-2: Seep, Spring, Pond, Lake, River, Stream, and Marsh:** The following activities will be prohibited at all times within 100 feet of a seep, spring, pond, lake, river, stream, marsh, or their associated habitats:

- Vehicle access, except on existing access and maintenance roads
- Mixing of pesticides, herbicides, or other potentially toxic chemicals
- Open petroleum products

All equipment will be stored, fueled, and maintained in a designated vehicle staging area with appropriate spill containment. These designated areas will be previously developed areas whenever possible.

Undeveloped staging areas, if any, will be the maximum distance possible from any seep, spring, pond, lake, river, stream, marsh, or their associated habitats.

All maintenance activities will be routed around wet areas while ensuring that the route does not cross sensitive resource areas.

For vegetation management or maintenance within 100 feet of any seep, spring, pond, lake, river, stream, marsh, or any of their associated habitats, the following work-area limits will be provided:

- Only manual clearing of vegetation will be permitted.
- Basal and foliar application of herbicides will be prohibited. Only direct application treatments (e.g., injection and cut-stump) of target vegetation will be allowed using herbicide approved for aquatic use by the EPA and in coordination with the appropriate federal land manager.

All instream work, such as culvert replacement or installation, bank recontouring, or placement of bank protection below the high-water line, will be conducted during no-flow or low-flow conditions, in a manner to avoid impacts to water flow, and will be restricted to the minimum area necessary for completion of the work.

All equipment used below the ordinary high watermark will be free of exterior contamination.

Erosion control measures (straw wattles, silt fencing) will be installed where work is within 25 feet of a drainage. A USFWS-approved biologist or natural resources monitor will determine whether erosion control measures should be utilized, weighing the potential for impacts to other species. Construction boundaries within the buffer will be designated with fencing or other suitable means to ensure no equipment and/or construction workers access protected wetland resources. Seed mixtures applied for erosion control and restoration will be certified as free of noxious weed seed and will be composed of native species or sterile non-native species. Seed mixtures used on Beale AFB will be approved by Beale AFB 9 CES/CEIEC and in accord with the Integrated Natural Resources Management Plan.

WAPA will obtain appropriate 404 discharge and 401 water-quality permits prior to any maintenance activities that must take place within jurisdictional wetlands or other WOTUS. These will be coordinated with USACE and RWQCB as needed.

Dewatering work for maintenance operations adjacent to or encroaching on seeps, springs, ponds, lakes, rivers, streams, or marshes will be conducted to prevent muddy water and eroded materials from entering the water or marsh. All potentially affected aquatic habitats will be dewatered prior to any ground disturbance. Dewatered areas will remain dry with no puddled water remaining for at least 15 consecutive days prior to excavation or filling of that habitat. If a site cannot be completely dewatered, prey items will be netted or otherwise salvaged if present.

All stream crossings will be constructed such that they permit fish to pass and reduce the potential for stream flows to result in increased scour, washout, or disruption of water flow. Wherever possible, stream crossings will be located in stream segments without riparian vegetation, and structure footings will be installed outside of stream banks. Should WAPA need to modify existing access roads or install new access roads, they will be built at right angles to streams and washes to the extent practicable.

Trees providing shade to water bodies will be trimmed only to the extent necessary and will not be removed unless they present a specific safety concern. Trees that must be removed will be felled out of and away from the stream maintenance zone and riparian habitat, including springs, seeps, bogs, and any other wet or saturated areas, to avoid damaging riparian habitat. Trees will not be felled into streams in a way that will obstruct or impair the flow of water, unless instructed otherwise. Tree removal that could cause stream-bank erosion or result in increased water temperatures will not be conducted in and around streams. Tree removal in riparian or wetland areas will be done only by manual methods.

- **BIO-3:** All contract crews will complete biological pre-maintenance awareness training to ensure they are familiar with sensitive biological resources and associated BMPs and AMMs. All supervisors and field personnel will have on-file a signed agreement that they have completed the training and understood and agreed to the terms. BMPs and applicable AMMs will be written into the contract for O&M work, and contractors will be held responsible for compliance.
- **BIO-4:** WAPA crews will complete annual awareness training to ensure they are familiar with sensitive biological resources and associated AMMs and BMPs. All supervisors and field personnel will have on-file a signed agreement that they have completed the training and understood and agreed to the terms. Further, WAPA crews will have access to the O&M GIS database in the field to be able to identify sensitive resources and associated AMMs.

- **BIO-5:** O&M excavations greater than 3 feet deep will be fenced, covered, or filled at the end of each working day or have escape ramps provided to prevent the entrapment of wildlife. Trenches and holes will be inspected for entrapped wildlife before being filled. Any entrapped animals will be allowed to escape voluntarily before O&M activities resume, or they may be removed by qualified personnel with an appropriate handling permit if necessary.
- **BIO-6:** Vehicle traffic will be restricted to designated access routes and the immediate vicinity of construction/O&M sites. Vehicle speeds will not exceed 15 miles per hour on access and maintenance roads and 10 miles per hour on unimproved access routes. Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the maximum extent feasible. Off-road travel outside of the demarcated construction boundaries will be prohibited. Per the Fugitive Dust Emissions Rule, a person shall take every reasonable precaution to not cause or allow the emissions of fugitive dust from being airborne past the action area, especially near threatened or endangered species or their habitats.
- **BIO-7:** No pets or firearms will be permitted at Project sites.
- **BIO-8:** During construction activities, all trash that may attract animals will be properly contained, removed from the work site daily, and disposed of properly. Following construction, all refuse and construction debris will be removed from work areas. All garbage and Project construction-related materials in construction areas will be removed immediately following Project completion. At the end of each workday, O&M workers will leave work areas and adjacent habitats to minimize disturbance to actively foraging animals and remove food-related trash from the work site in closed containers for disposal. Workers will not deliberately or inadvertently feed wildlife.
- **BIO-9:** Nighttime O&M activities will be minimized to emergency situations. If nighttime O&M work is required, lights will be directed to the minimum area needed to illuminate Project work areas.
- **BIO-10:** Where feasible and appropriate, tall dead trees will be topped and left in place as snags or as downed logs to support wildlife dependent on these important features. This BMP will be performed in coordination with the landowner.
- **BIO-11:** Mortalities or injuries to any wildlife that occur as a result of Project- or maintenance related actions will be reported immediately to the WAPA Natural Resources Department or other designated point of contact, who will instruct O&M personnel on the appropriate action and who will contact the appropriate agency if the species is listed. The phone number for the Western Natural Resources Department or designated

point of contact will be provided to maintenance supervisors and the appropriate agencies.

- **BIO-12:** Caves, mine tunnels, and rock outcrops will never be entered, climbed upon, or otherwise disturbed.
- **BIO-13:** If a pesticide label stipulates a buffer zone width for protection of natural resources that differs from that specified in an AMM, the buffer zone width that offers the greatest protection will be applied.
- **BIO-14:** To protect nesting birds (birds not specifically protected by AMMs but protected by the Migratory Bird Treaty Act) whose nests could occur within the ROW, WAPA and its subcontractors will perform construction activities outside the nesting season, which runs from March 1 through August 15. Alternatively, a qualified biologist will conduct nesting bird surveys prior to Project activities. For special-status birds, see specific AMMs:
 - An additional survey may be required if gaps between the survey and the Project activity exceed three weeks.
 - Should an active nest be discovered, the qualified biologist will establish an appropriate buffer zone (in which O&M activity is not allowed) to avoid disturbance in the vicinity of the nest. Maintenance activities will not take place until the biologist has determined that the nestlings have fledged or that maintenance activities will not adversely affect adults or newly fledged young.
 - Alternatively, the qualified biologist will develop a monitoring/mitigation plan that permits the maintenance activity to continue in the vicinity of the nest while monitoring nesting activities to ensure that the nesting birds are not disturbed.

The Project will adhere to the guidance in the WAPA and Beale Air Force Base Avian Protection Plans (Beale AFB 2017; WAPA 2016).

- **BIO-15:** Measures described in the *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* and *Mitigation Bird Collisions with Power Lines: The State the Art in 1994* will be implemented during O&M activities to minimize bird mortality and injury. The Project will adhere to the guidance in the Avian Protection Plan for Beale Air Force Base (Beale AFB 2017) and WAPA's Avian Protection Plan (WAPA 2016).
- **BIO-16:** At completion of work or according to erosion control plans and at the request of the landowner/manager, all work areas except permanent access roads will be scarified or left in a condition that will facilitate natural or appropriate vegetation, provide for proper drainage, and prevent erosion. All areas of upland ground disturbance or exposed soil from construction will be reseeded with a native "weed-free" seed mix. Seed

mixtures used on Beale AFB will be approved by Beale AFB 9 CES/CEIEC and in accordance with the Integrated Natural Resources Management Plan.

- **BIO-17:** Prior to any application of herbicide, WAPA will query the California Department of Pesticide Regulation PRESCRIBE database, entering location information by county, township, range, and section and entering both the commercial name and the formulation of the desired pesticide, and WAPA will follow all use limitations provided to ensure compliance with applicable pesticide standards. This database is currently located at <http://www.cdpr.ca.gov/docs/endspec/prescint.htm>. The measures generated by the PRESCRIBE database will supersede those in the AMMs where they are different.

On Beale AFB, the application of any pesticide, including herbicides, will be conducted in accordance with approved Integrated Pest Management Plan, Invasive Plant Species Management Guidelines, and Integrated Natural Resources Management Plan.

- **BIO-18:** The number of access routes, number and size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the Project goal. Routes and boundaries will be clearly demarcated, and these areas will avoid wetlands/drainage areas whenever feasible.
- **BIO-19:** A USFWS-approved biologist will conduct preconstruction surveys of all ground disturbance areas within sensitive habitats to determine if any federally listed species may be present during the start of construction. These surveys will be conducted prior to the start of construction activities in and around any sensitive habitat.
- **BIO-20:** A natural resources monitor will monitor construction activities in or adjacent to sensitive habitats. The natural resources monitor will ensure compliance with all applicable AMMs required to protect federally listed species and their habitats.
- **BIO-21:** If federally listed species are found that are likely to be affected by work activities, the USFWS-approved biologist will have the authority to stop any aspect of the Project that could result in take of a federally listed species in coordination from Beale AFB and/or the contracting officer. If the USFWS-approved biologist exercises this authority, they must coordinate with the Environmental Office of Beale AFB and/or WAPA.
- **BIO-22:** Any worker that inadvertently kills or injures a federally listed species or finds one injured or trapped will immediately report the incident to the on-site biologist. The biologist will inform the appropriate Natural Resources Office (WAPA off Beale AFB or Beale AFB natural resources manager [NRM] on Beale AFB) immediately. The Natural Resources

Office will verbally notify the Sacramento USFWS Office within one day and will provide written notification of the incident within five days.

- **BIO-23:** Unless otherwise designated as part of a habitat restoration plan, all excess soil excavated during construction in the vicinity of vernal pools and other wetlands will be removed and disposed of outside the Project area. Coordination with the Beale AFB Environmental Office and appropriate regulatory agencies is required prior to disposal of the excavated soil.
- **BIO-24:** To avoid and minimize the spread of invasive plant species equipment used for all proposed project activities will be washed before being used on Beale AFB and before being moved from one location to another. Earth-moving equipment brought onto Beale AFB should be washed before use and before being moved from one location to another (i.e., from one construction site to another). Water or compressed air will be used to remove any visible plant material, soil or compacted mud, gravel, sand, etc. Wash sites must be located in upland locations so wash water does not flow into a stream channel or adjacent wetlands.
- **BIO-25:** Prior to initiation of construction activities, sensitive areas such as vernal pools, wetlands, riparian areas, and potential habitat for federally listed species (i.e., vernal pool fairy shrimp/vernal pool tadpole shrimp or giant garter snake) will be staked and flagged as exclusion zones where construction activities cannot take place. Orange construction barrier fencing (or an appropriate alternative method) will designate exclusion zones where construction activities cannot occur. The flagging and fencing will be clearly marked as an environmentally sensitive area. The contractor will remove all fencing, stakes, and flagging within 60 days of construction completion.
- **BIO-26:** For areas on Beale AFB, ground disturbance within vernal pools will require mitigation and two years of follow-up monitoring by a USFWS-approved biologist. Direct impacts to wetlands (in all areas) may require a CWA Section 404 permit issued by the USACE and a Section 401 Water Quality Certification from the State RWQCB.
- **BIO-27: Vernal Pool Species:** On Beale AFB, the following measures will apply within 250 feet of potential vernal pool habitat to avoid or minimize disturbances and adverse effects to the species:
 - Mowing in and around vernal pool habitat after seed set during the dry season (May 1st to October 15th) may help reduce thatch in the vernal pool. Mowing conducted earlier in the season may be desirable to maintain appropriate conditions for vernal pool species. If mowing occurs in or near vernal pools, it will occur only when the soil is no longer saturated to ensure tracks are not left in or near

wetlands. The mower height must be set to avoid the flowering heads of sensitive vernal pool plant species.

- Projects that occur on road surfaces and along road shoulders will avoid direct impacts to wetland habitats, including roadside ditches that act as seasonal wetlands.
- If access routes crossing vernal pool habitats cannot be avoided, ground protection mats will be used to disperse the weight of vehicles and equipment so as to not harm any existing cysts. These can be used in both dry and wet seasons. A USFWS-approved biologist will flag vernal pool species' habitat and a reasonable buffer of at least 50 feet to be avoided. The area will be protected by placing construction fencing or other appropriate protective fencing around the pools, including a buffer. Fencing will be used in locations where Project equipment and/or personnel will be situated adjacent to or in the near vicinity of suitable vernal pool species' habitat.
- Dust control measures will be utilized during Project construction to prevent excessive dust from silting nearby vernal pools. Types of dust control measure will take into account the potential to impact the proximal vernal pool landscape and thus, will not impact nearby pools.
- If herbicide spraying is required within and near vernal pool species' habitat, only herbicide without toxic surfactants that is approved for use in aquatic environments will be used.
- All equipment used in Projects requiring access to sites within vernal pool species' habitat will be staged outside of vernal pool habitat and will be on paved or gravel surfaces wherever possible. If paved or gravel surfaces are not available, construction mats and/or drip pans will be placed under vehicles to minimize impacts. To further minimize adverse effects, the following measures will be implemented at these Project sites near vernal pools:
 - No work shall occur within vernal pool habitat when water is present.
 - Ground disturbances, such as trenching, and permanent disturbances, such as pole installation, will avoid hydrologically connected areas.
 - A USFWS-approved biologist will be present as necessary during access and Project work within vernal pool habitat to monitor activities.
 - For Projects adjacent to (within about 33 feet) vernal pool species' habitat or hydrologically connected to the habitat,

- silt fencing or other appropriate BMPs to prevent siltation shall be implemented prior to work within that area. A USFWS-approved biologist will flag areas where silt fencing or BMPs shall be implemented. BMPs may include sandbags and weed-free straw bales or straw wattles.
- Spill containment kits will be present at all sites where petroleum-fueled equipment is used.
 - If Project activities encroach within the perimeter of a pool, the following measures will be implemented:
 - Protective mats should be used as a first resort; if not possible, equipment with pneumatic tires should be used rather than tracked equipment.
 - Non-wetlands present within adjacent habitat will be used as an equipment parking platform. Alternately, ground protection mats, boards, or plates will be used to distribute the weight of construction equipment for access. Drip pans will also be placed under vehicles parked on non-wetland vegetation.
 - The Project will be implemented during the dry season and only when the pool is dry.

Pre- and post-Project surveys will be conducted to record habitat condition before the start of a Project and after completion of the Project for tracking purposes. This may include photos and/or species surveys and will be used to better manage the species.

- **BIO-28:** O&M excavations greater than 3 feet deep will be fenced, covered, or filled at the end of each working day or have escape ramps provided to prevent the entrapment of wildlife. Trenches and holes will be inspected for entrapped wildlife before being filled. Any entrapped animals will be allowed to escape voluntarily before O&M activities resume, or they may be removed by qualified personnel, with an appropriate handling permit if necessary.
- **BIO-29:** During construction activities, all trash that may attract animals will be properly contained, removed from the work site daily, and disposed of properly. Following construction, all refuse and construction debris will be removed from work areas. All garbage and Project construction-related materials in construction areas will be removed immediately following Project completion. At the end of each workday, O&M workers will leave work areas and adjacent habitats to minimize disturbance to actively foraging animals and remove food-related trash from the work site in closed containers for disposal. Workers will not deliberately or inadvertently feed wildlife.

- **BIO-30:** Where feasible and appropriate, tall dead trees will be topped and left in place as snags or as downed logs to support wildlife dependent on these important features, in coordination with the landowner.
- **BIO-31:** Mortalities or injuries to any wildlife that occur as a result of Project- or maintenance related actions will be reported immediately to the WAPA Environmental Department or other designated point of contact, who will instruct O&M personnel on the appropriate action and who will contact the appropriate agency if the species is listed. The phone number for the WAPA Environmental Department or designated point of contact will be provided to maintenance supervisors and to the appropriate agencies.
- **BIO-33: Bald Eagle (Nesting and Wintering):** From February 1 to August 15 herbicide application or noisy or disturbing O&M activities (e.g., power saws, mechanical chippers) will be prohibited anywhere that bald eagles are known to nest OR a qualified biologist will conduct nesting surveys using methods described in Jackman and Jenkins (2004). If a nest is detected, all herbicide application and O&M activities will be prohibited at a distance determined by the qualified biologist based on topography and/or other environmental considerations.
- **BIO-34: Western Burrowing Owl (Burrow Sites Winter and Summer):**
From February 1 to August 31 herbicide application (with the exception of direct application) and other O&M activity will be prohibited within 250 feet of potential burrowing owl nesting dens (ground squirrel burrows, culverts, concrete slabs, debris piles that could support nesting burrowing owls).
From September 1 through January 31, disturbance will be prohibited within 160 feet of potential burrowing owl dens.
OR
A qualified biologist will conduct nesting and wintering surveys using methods described in California Burrowing Owl Consortium 1993. If nesting or wintering activity is detected, a qualified biologist will mark and monitor an appropriate non-disturbance buffer in the vicinity of burrows that have been active within the last three years. Within the buffer zone, all O&M activities and herbicide applications will be prohibited from February 1 to August 31.
- **BIO-35: California Black Rail:** From February 15 to July 31 surface disturbances, including noise or changes to the hydrological regime, will be prohibited in potential black rail habitat (shallowly flooded wetlands or irrigated pasture) OR a qualified biologist will conduct nesting surveys to verify absence. If nesting activity is detected or likely, a qualified biologist will mark and monitor an appropriate buffer zone around the nest within which all O&M activities will be prohibited from February 15 to July 31.

- **BIO-36: Swainson's Hawk (Nesting):** From April 1 to July 31 herbicide application and tree removal will be prohibited within 0.25 mile of Swainson's hawk nest trees.

A 0.25-mile buffer zone will be established and maintained around potential Swainson's hawk nest trees, within which there will be no intensive disturbance (e.g., use of heavy equipment, power saws, chippers, cranes, or draglines). This buffer may be adjusted as assessed by a qualified biologist based on changes in sensitivity exhibited by birds over the course of the nesting season and the type of O&M activity performed (e.g., high noise or human activity such as mechanical vegetation maintenance versus low noise or human activity such as semi-annual patrols). Within 0.25 mile of an active nest (as confirmed by a qualified biologist), routine O&M activities will be deferred until after the young have fledged or until it was determined by a qualified biologist that the activities will not adversely affect adults or young.

OR

A qualified biologist will conduct nest surveys using methods described in SHTAC 2000 (or the most recent survey protocol) to determine absence.

- **BIO-37: Tricolored Blackbird (Nesting Colony):** From March 15 to August 15 herbicide application (with the exception of direct application) and vegetation clearing/disturbance will be prohibited in marshes, willows, and blackberry thickets OR a qualified biologist will conduct a nesting survey prior to O&M activities. If nesting activity is detected, a qualified biologist will mark and monitor an appropriate buffer zone around the nesting colony within which all O&M activities and herbicide applications will be prohibited from March 15 to August 15.
- **BIO-38: Valley Elderberry Longhorn Beetle:** Prior to initiating Project-related construction activities, qualified personnel will clearly flag or fence each elderberry plant that has a stem measuring 1 inch or greater in diameter at ground level. If an elderberry plant meets this criterion is present, a minimum buffer zone of 20 feet outside of the dripline of each elderberry plant will be provided during all Project-related construction activities.
- **BIO-39: Pallid Bat:** Noisy or disturbing O&M activities (e.g., power saws, mechanical chippers) will be minimized in the vicinity of tunnels and rock outcrops.
Snags and live trees will be left standing to the maximum extent possible.
- **BIO-40: Townsend's Big-Eared Bat:** Noisy or disturbing O&M activities (e.g., power saws, mechanical chippers) will be minimized in the vicinity of tunnels.

- **BIO-41: Western Red Bat:** Live broadleaf trees will be left standing to the maximum extent possible.
- **BIO-42: Giant Garter Snake:** Follow BMPs and PCM-W002 in aquatic giant garter snake habitat. PCM-W002 will supersede those below where they are different.

Movement of heavy equipment will be confined to existing roadways to minimize habitat disturbance. Vegetation management will be confined to the minimum area necessary to facilitate O&M activities.

Giant garter snake aquatic and upland habitats (200 feet from aquatic edge) will be flagged as environmentally sensitive areas by a USFWS-approved biologist within or adjacent to the disturbance footprint. Only manual vegetation removal will be allowed within the flagged area.

A USFWS-approved monitor will be present for construction and O&M activities within the flagged area.

To the extent possible, disturbance to hibernacula and aestivation areas (i.e., rocks, burrows, logs, brush piles, etc.), will be avoided during cold and cool-weather periods (October 1 to May 1) when the giant garter snake would be using these areas. Ground disturbance will be confined to the minimum area necessary to facilitate construction and O&M activities.

All construction-related holes will be covered to prevent entrapment of individual giant garter snakes.

Within the construction area, silt fencing can be used to keep snakes from entering the Project site and being harmed.

All construction equipment shall be checked daily prior to starting work for the presence of snakes.

Pre- and post-Project surveys will be conducted to record habitat condition before the start of a Project and after completion of the Project for tracking purposes. This may include photos and/or species surveys.

Any temporary fill and debris will be removed. Restoration work could include such activities as replanting species removed from banks or replanting emergent vegetation in the active channel.

If herbicide spraying is required within and near giant garter snake habitat, only herbicide without toxic surfactants that is approved for use in aquatic environments will be used.

- **BIO-43: Western Pond Turtle:** From April 15 to July 15 any ground disturbing activity within 400 feet of a permanent pond, lake, creek, river, or slough that could affect the bed, bank, or water quality of any of these features will be prohibited OR a qualified biologist will inspect the Project area.

If adult or juvenile pond turtles are present, a qualified biologist will monitor Project activities to ensure that no turtles are harmed. If a qualified biologist determined that nests could be adversely affected, potential nesting areas will be avoided between June 1 and October 31.

E. Determination

As the Central Valley Water Board Executive Officer, I hereby find that: (1) the final EA/FONSI has been completed in compliance with CEQA; (2) the final EA/FONSI reflects the Central Valley Water Board's independent judgment and analysis; and (3) the information in the final EA/FONSI and comments received have been reviewed and considered. Accordingly, the Central Valley Water Board will use the EA/FONSI prepared by the Permittee in place of a Mitigated Negative Declaration for this project. (Cal. Code Regs., tit. 14, § 15220 et seq.) The Central Valley Water Board will file a Notice of Determination with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15075, subd. (a).)

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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: Nicholas.Savino@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Nicholas Savino; Project Name; and WDID No. 5A58CR00193.

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:

14 June 2023

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: Beale-WAPA Interconnection Project
Permittee: Western Area Power Administration (WAPA)
WDID: 5A58CR00193
Reg. Meas. ID: 451862
Place ID: 886901
Order Effective Date: 14 June 2023
Order Expiration Date: 13 June 2028

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.L 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 401 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 and the environment;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide 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 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 Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-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.

G. Construction

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

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

5. Good Site Management “Housekeeping”

Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. Hazardous Materials – Not Applicable

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management – Not Applicable

9. Roads

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

10. Sediment Control

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

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

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

13. Storm Water

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

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

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

Mitigation Bank Development/In-Lieu Fee Project Development

The conditions under Section K regarding compensatory mitigation for permanent impacts ensure permanent physical loss and permanent ecological

degradation of waters of the state are adequately mitigated. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California's "No Net Loss" Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

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).