



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	27 May 2026	Reg. Meas. ID:	464774
Expiration Date:	26 May 2031	Place ID:	906232
Program Type:	Fill/Excavation	WDID No.:	5B02CR00027
Project Type:	Bridges, Overpasses and Crossings	USACE No.:	SPK-2025-00529 NWP 14
Project:	10-1L660 Alpine County State Route 4 Drainage System Restoration Project (Project)		
Applicant:	California Department of Transportation		
Applicant Contact:	Haqiqat Kalirao California Department of Transportation 1976 E. Dr. Martin Luther King Jr. Blvd. Stockton, CA 95205 Phone: (209) 986-9536 Email: Haqiqat.Kalirao@dot.ca.gov		
Applicant's Agent:	Melanie Reynoso California Department of Transportation 1976 E. Dr. Martin Luther King Jr. Blvd. Stockton, CA 95205 Phone: (209) 479-6558 Email: Melanie.Reynoso@dot.ca.gov		
Water Board Staff:	Jenna Yang Water Resource Control Engineer 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670 Phone: (916) 464-4764 Email: Jenna.Yang@waterboards.ca.gov		

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

Table of Contents

I. Order 3

II. Public Notice..... 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location..... 5

VI. Project Impact and Receiving Waters Information..... 5

VII. Description of Direct Impacts to Waters of the State 6

VIII. Avoidance and Minimization 6

IX. Compensatory Mitigation 15

X. California Environmental Quality Act (CEQA)..... 15

XI. Petitions for Reconsideration..... 15

XII. Fees Received..... 15

XIII. Conditions 16

XIV. Water Quality Certification 33

Attachment A – Project MapsA-1

Attachment B – Receiving Waters, Impacts and Mitigation InformationB-1

Attachment C – CEQA Findings of Fact C-1

Attachment D – Reports and Notification Requirements D-1

Attachment E – Signatory Requirements.....E-1

Attachment F – Certification Deviation Procedures F-1

Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)..... G-1

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Transportation (hereinafter Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on 31 March 2026. The application was deemed complete on 29 April 2026.

II. Public Notice

The Regional Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 10 April 2026 to 1 May 2026. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

Several existing culverts on State Route (SR) ALP-4 and SR ALP-207 have exceeded their design life and have deteriorated, corroded, and experienced damage as well as shape loss and joint separation. If these culverts are allowed to continue to deteriorate, the roadway will be undermined and pose a safety threat to the public. The purpose of the Project is to replace, upgrade, or rehabilitate 29 culverts that are damaged and deteriorated. Only 14 of the 29 culverts will have impacts to waters of the state.

IV. Project Description

The 4.29-acre Project includes replacement or rehabilitation of 29 existing corrugated steel pipe culverts, regrading inlet and outlet channels within the right-of-way, adding rock slope protection (RSP), and upgrading or replacement of other end treatments and headwalls. Construction at the different locations will include the following activities:

- Location 2: Replace the 18-inch corrugated steel pipe with a 24-inch reinforced concrete pipe with rubber gasket joint. Regrade the outlet channel within the right-of-way. Backfill with cement concrete along the length of the culvert under the roadway.
- Location 6: Replace the 18-inch corrugated steel pipe with a 24-inch reinforced concrete pipe with rubber gasket joint. Install a concrete flared end section at the inlet and outlet. Regrade the outlet channel within the right-of-way. Backfill with cement concrete along the length of the culvert under the roadway.
- Location 8: Replace the 24-inch corrugated steel pipe with a 34-inch span by 22-inch rise elliptical concrete pipe with rubber gasket joint. Backfill with cement concrete along the length of the culvert under the roadway.
- Location 11: Replace the 18-inch corrugated steel pipe with a 24-inch

- reinforced concrete pipe with rubber gasket joint. Grade the inlet channel within the right-of-way. Install a concrete headwall at the inlet. Remove the tree trunk obstruction at the outlet.
- Location 14: Replace the 18-inch corrugated steel pipe with a 30-inch reinforced concrete pipe with rubber gasket joint. Install a concrete headwall at the inlet and outlet. Add additional rock slope protection at the outlet. Backfill with cement concrete along the length of the culvert under the roadway. This location is in a blue line stream and may experience constant water flows. Installation of a cofferdam to pump water from upstream to downstream and temporarily draining a portion of the channel during construction may be necessary. A determination on whether the cofferdam is needed will be made by the end of the design phase of the Project.
 - Location 15: Replace the 24-inch corrugated steel pipe with a 38-inch span by 24-inch rise elliptical concrete pipe with rubber gasket joint. Install a stress reducing slab. Add additional rock slope protection on the outlet embankment. Remove vegetation obstructing the culvert outlet.
 - Location 16: Replace the 18-inch corrugated steel pipe with a 24-inch reinforced concrete pipe with rubber gasket joint. Install a concrete headwall at the inlet and outlet. Backfill with cement concrete along the length of the culvert under the roadway.
 - Location 17: Replace the 18-inch corrugated steel pipe with a 30-inch reinforced concrete pipe with rubber gasket joint. Grade the inlet and outlet channel within the right-of-way. Add rock slope protection at the inlet within the right-of-way. Backfill with cement concrete along the length of the culvert under the roadway.
 - Location 22: Replace the 36-inch corrugated steel pipe with a 72-inch span by 48-inch reinforced concrete box (RCB) culvert. Install concrete headwalls at the inlet and outlet. Install light rock slope protection at the outlet within the right-of-way. Regrade the inlet and outlet channels. This location is marked as an intermittent stream and may experience water flows during construction. Installation of a cofferdam to pump water from upstream to downstream and temporarily draining a portion of the channel during construction may be necessary. A determination on whether the cofferdam is needed will be made by the end of the design phase of the Project.
 - Location 24: Replace the 24-inch corrugated steel pipe with a 34-inch span by 22-inch rise elliptical concrete pipe with rubber gasket joint. Add additional rock slope protection at the outlet drop. Backfill with cement concrete along the length of the culvert under the roadway.
 - Location 25: Replace the 36-inch double barrel corrugated steel pipes with two 48-inch reinforced concrete pipes with rubber gasket joints. Install a concrete headwall at the inlet. Backfill with cement concrete along the length of the culvert under the roadway. This location is in a blue line stream and

may experience constant water flows. Installation of cofferdam to pump water from upstream to downstream and temporarily draining a portion of the channel during construction may be necessary. A determination on whether the cofferdam is needed will be made by the end of the design phase of the Project.

- Location 26: Replace the 24-inch corrugated steel pipe with 24-inch reinforced concrete pipe with rubber gasket joint. Replace the rock slope protection at the inlet. Backfill with cement concrete along the length of the culvert under the roadway.
- Location 28: Install a cured-in-place pipe (CIPP) liner in an existing 18-inch corrugated steel pipe. Install a concrete collar and replace last 3 feet at the outlet with reinforced concrete pipe. Remove tree trunks and other obstructions from the inlet and outlet.
- Location 29: Install a CIPP liner in an existing 18-inch corrugated steel pipe. Install a concrete collar and replace the last 3 feet at the outlet with reinforced concrete pipe.

V. Project Location

Address: Multiple locations on SR 4 and SR 207

County: Alpine

Assessor's Parcel Number(s): 005020001, 005020002, T07R18000, T08R18000, T08R19000

Nearest City: Bear Valley

Sections 4, 5, 6, 8, and 27 of Township 7 North, Range 18 East; Sections 25, 35, and 36 of Township 8 North, Range 18 East; Sections 15, 16, 20, 21, 29, and 30 of Township 8 North, Range 19 East, MDB&M.

Start: Latitude: 38.473056° and Longitude: -120.026111°

End: Latitude: 38.645528° and Longitude: -119.723639°

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

VI. Project Impact and Receiving Waters Information

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

antidegradation policies.

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

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

VII. Description of Direct Impacts to Waters of the State

Total Project fill/excavation quantities for all impacts are summarized in 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
Stream Channel	0.042		464
Wetland	<0.005		11

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.008	26	79
Wetland	<0.005	2	12

VIII. Avoidance and Minimization

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

- **BIO-1. Environmentally Sensitive Area (ESA) Designation:** All areas outside of the proposed construction footprint or determined by a qualified

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.

biologist shall be considered as Environmentally Sensitive Areas (ESAs) and will be implemented as a first order of work and remain in place until all construction activities are complete. ESA information will be shown on contract plans and discussed in Section 14-1.02 of the Caltrans 2026 Standard Specifications or any Special Provisions in Section 14-1.02. Temporary high visibility fencing (THVF) and signage will be included in the Standard Special Provisions for the project to delineate the ESA boundaries during construction. Contractor encroachment into ESAs will be prohibited. If they are breached, immediate work stoppage and notification to the Caltrans resident engineer is required.

- **BIO-2. Designated Biologist:** One or more designated biologists with demonstrated field experience working with the regulated species or performing the specialized task and regulatory agency approval shall be on-site and monitoring any activities that have the potential to affect sensitive biological resources. They will immediately notify the Caltrans resident engineer of any take of regulated species, disturbances to regulated habitats, or breaches of ESAs, and will prepare, submit, and sign notifications and reports. A Caltrans Biologist will specify the requirements that will be necessary for biologist qualifications, responsibilities and submittals, through selected Caltrans department-supplied biologists. Caltrans department-supplied biologists will prepare a “Natural Resources Protection Program” within 7 days of contract approval and must have it approved by Caltrans prior to the onset of construction activities.
- **BIO-3. Containment Measures/Construction Site Best Management Practices:** In order to contain construction related material, prevent debris and pollutants from entering receiving waters, and reduce the potential for discharge to receiving waters, the contractor shall follow all applicable guidelines and requirements in Section 13, Water Quality of the Caltrans 2026 Standard Specifications or any Special Provisions in Section 13 regarding water pollution control.

The project design team may specify best management practices to be utilized during construction in addition to, or in place of, other temporary measures selected by the contractor. Prior to construction, the contractor will be required to submit either a Water Pollution Control Plan or a Stormwater Pollution Prevention Plan, as appropriate, for Caltrans review prior to construction onset. Caltrans staff and the contractor are required to perform routine inspections of the construction area to verify that field best management practices are properly implemented, maintained, and are operating effectively and as designed.

- **BIO-4. Worker Environmental Awareness Training for Construction Personnel:** Before any work occurs in the project area, a qualified designated biologist will conduct a mandatory contractor/worker environmental awareness training for construction personnel. The training will be provided to

- both contractors and subcontractors to brief them on the need to avoid and minimize effects to sensitive biological resources and the penalties for not complying with applicable state and federal laws and permit requirements. If a contractor-supplied biologist is used, then they will prepare and submit copies of the worker environmental awareness training and any associated training materials for Caltrans' review and approval prior to the onset of project construction activities, as per Caltrans 2026 Standard Specifications.
- **BIO-5. Limited Operation Period – In Water Construction Activities:** It is proposed that construction activities occurring at sites determined as potentially jurisdictional waters of the United States and waters of the State of California shall occur between 1 June and 15 October of any construction season, unless earlier or later dates for in channel construction activities are approved by California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS).
 - **BIO-6. Limit Vegetation Removal:** Clearing of herbaceous vegetation and/or trimming of woody vegetation may be required at some locations for culvert replacement activities. Vegetation removal shall be limited to the absolute minimum amount required for construction.
 - **BIO-7. Restore and Revegetate Temporarily Disturbed Areas Onsite:** Disturbed areas within the construction limits will be graded to minimize surface erosion and siltation into receiving waters. Disturbed areas will be re-contoured to as close to pre-project condition as practicable and will be stabilized as soon as feasible as (and no later than 15 October of each construction season) to avoid erosion during subsequent storms and runoff. One of the following may be implemented to disturbed sites. 1) Per regulating agencies approval, native vegetation will be allowed to re-establish through passive restoration, or 2) Permanent erosion control seeding will be performed at all disturbed sites by hydro-seeding over the course of construction as each site is completed, with all sites seeded by the completion of construction activities.
 - **BIO-8. Pre-Construction Surveys – Special-Status Plants:** The qualifications of any proposed biological monitor(s) will be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. No more than 24 hours prior to any ground disturbance in a given location, pre-construction surveys will be conducted by a California Department of Fish and Wildlife-approved biologist for sensitive plant species using California Department of Fish and Wildlife-approved survey protocols. If sensitive plant species are detected within areas that will be disturbed by construction activities, then no work will take place at these locations until Caltrans has consulted with the California Department of Fish and Wildlife. New sightings of sensitive plant species shall be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked

with the location of where the sensitive plant species were observed should also be provided to the California Department of Fish and Wildlife.

- **BIO-9. Weed Free Construction Equipment and Vehicles:** To minimize the potential for the transport of weed propagules to the project area from sources outside of the project area, construction equipment and vehicles are recommended to be cleaned and washed at the contractor's facilities prior to arrival to the construction site. Any vehicle or equipment cleaning that occurs on-site during construction activities shall conform with Caltrans 2026 Standard Specifications or any Special Conditions under Section 13-4.03E(3) and Section NS-08 (Vehicle and Equipment Cleaning) of the Caltrans 2017 Construction Site Best Management Practices Manual, which require the contractor to contain and dispose of any waste resulting from vehicle or equipment cleaning.
- **BIO-10. Weed Control During Construction:** To minimize the potential for spreading weed propagules originating from within the project environmental study limits during the course of construction activities, including initial vegetation clearing and at onsite revegetation areas, weed control will be accomplished in accordance with Caltrans 2026 Standard Specifications or Special Provisions under Section 20-1.03C(3). The use of herbicides for weed control activities will be discouraged but may be considered on a case-by-case basis depending upon the weed species, the extent of infestation, or any regulatory restrictions.
- **BIO-11. Weed Free Erosion Control and Revegetation Treatments:** To minimize the risk of introducing weed propagules to the project area from sources outside of the project area, only locally adapted plant species appropriate for the project area will be used in any erosion control or revegetation seed mix or stock. The Caltrans biologist will consult with the Caltrans landscape architect to develop appropriate seed and planting palettes for use in revegetation and/or erosion control applications. Any compost, mulch, fiber, duff, tackifier, straw, topsoil, erosion control products, or seed must meet Caltrans 2026 Standard Specification or any Special Provisions under Section 21-2.02 for these materials. Any hydroseed used for revegetation activities must also be certified weed free as per Caltrans 2026 Standard Specifications Section 21-2.02F.
- **BIO-12. Monarch Butterfly – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) will be presented to the United States Fish and Wildlife Service for review and written approval at least 2 weeks prior to conducting project activities at the project site. A United States Fish and Wildlife Service-approved biologist will be present during all construction-related activities that may affect bumblebee hives or monarch butterflies. Prior to any construction activities, a focused survey for all life stages of monarch butterfly shall be conducted by a qualified biologist within 7 days prior to the beginning to project-related activities. Pre-construction surveys for bumblebee

hives shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). Any observation of any life stage of monarch butterfly, including breeding, will be reported to the western monarch butterfly mapper or via iNaturalist ([http://xerces.org/milkweed survey/](http://xerces.org/milkweed_survey/)).

- **BIO-13. Bumblebee Hive Avoidance – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) will be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. A California Department of Fish and Wildlife-approved biologist will be present during all construction-related activities that may affect bumblebee hives. Prior to any ground-breaking activities, a focused survey for bumblebee hives shall be conducted by a qualified biologist within 7 days prior to the beginning to project-related activities. Pre-construction surveys for bumblebee hives shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection).
- **BIO-14. Bumblebee Hive Avoidance – Avoid Active Hives:** If active bumblebee hives found, a protective no-work buffer of 20 feet will be established and Caltrans shall consult with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. Protective buffers for bumblebee hives shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). No work will commence within the buffer until authorization is received from the resident engineer. If construction requires activities that may potentially cause hive destruction or hive abandonment, monitoring of the hive site by a qualified biologist will be required to ensure that protective radii are maintained.
- **BIO-15. Pre-Construction Surveys and Construction Site Biological Monitoring – Sierra Nevada Yellow-Legged Frog:**
 - The qualifications of any proposed biological monitor(s) will be presented to the United States Fish and Wildlife Service and California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site.
 - A United States Fish and Wildlife Service and California Department of Fish and Wildlife -approved biologist will be present during all construction-related activities that may affect Sierra Nevada yellow-legged frogs or their habitats.
 - The United States Fish and Wildlife Service and California Department of Fish and Wildlife -approved biologist will have the authority to halt work through coordination with the Resident Engineer or on-site project manager in the event that a Sierra Nevada yellow-legged frog is observed on the project footprint. The Resident Engineer or onsite project manager will ensure construction activities remain suspended

in any area where the biologist has determined that take of the Sierra Nevada yellow-legged frog could occur. Work will resume once the animal leaves the site of its own volition, once it is determined that the frog is not being harassed by or in danger due to construction activities. If a Sierra Nevada yellow-legged frog is observed in the work area, United States Fish and Wildlife Service and California Department of Fish and Wildlife - approved biologist(s) will notify the United States Fish and Wildlife Service and California Department of Fish and Wildlife contact by telephone and electronic mail within twenty-four hours of the initial observation.

- No more than 24 hours prior to any ground disturbance in a given location, preconstruction surveys will be conducted by a United States Fish and Wildlife Service and California Department of Fish and Wildlife -approved biologist for Sierra Nevada yellow-legged frogs using United States Fish and Wildlife Service and California Department of Fish and Wildlife -approved survey protocols. These surveys will consist of walking surveys of the project limits and accessible adjacent areas within at least 50 feet of the project limits. The biologist(s) will investigate all potential Sierra Nevada yellow-legged frog cover sites. This includes thorough investigation of mammal burrows, appropriately soil cracks, and debris. Native vertebrates found in the cover sites will be documented and, if appropriate, relocated to an adequate cover site in the vicinity. The entrances and other refuge features within the project limits will be collapsed or removed following investigation and clearance.
- New sightings of Sierra Nevada yellow-legged frogs shall be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the Sierra Nevada yellow-legged frog was observed should also be provided to the United States Fish and Wildlife Service and California Department of Fish and Wildlife.
- To the extent practicable, initial ground-disturbing activities will be avoided between 16 October and 31 May to avoid the period when adult Sierra Nevada yellow-legged frogs are most likely to be in torpor. When ground-disturbing activities must take place between 16 October and 31 May, daily monitoring by a United States Fish and Wildlife Service-approved biologist(s) will occur for Sierra Nevada yellow-legged frogs.
- If pumping is used for dewatering, intakes will be completely screened with wire mesh no larger than 0.2-inch to prevent any tadpoles from entering the pump. To prevent the inadvertent entrapment of the Sierra Nevada yellow-legged frog, all excavated, steep-walled holes or trenches more than 6 inches deep will be covered at the close of each working day by plywood or similar materials. If it is not feasible to cover

an excavation, one or more escape ramps constructed of earthen fill or wooden planks will be installed. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. If at any time a trapped animal is discovered, the biologist will immediately place escape ramps or other appropriate structures to allow the animal to escape, or the United States Fish and Wildlife Service and California Department of Fish and Wildlife will be contacted by telephone for guidance. The United States Fish and Wildlife Service and California Department of Fish and Wildlife will be notified of the incident by telephone and email within one working day.

Construction Site Best Management Practices:

- During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies will be restricted to the designated construction staging areas and all operations will be confined to the minimal area necessary.
- Project-related vehicle traffic will be restricted to established roads and construction areas. Access roads will be constructed to the minimum amount necessary. Project vehicles will observe a 20-mile-per-hour speed limit while in the action area. Dust control measures will be implemented if necessary.
- Plastic mono-filament netting (erosion control matting) or similar material will not be used at the project site. Acceptable substitutes include coconut coir matting or tackified hydro-seeding compounds.
- Use of rodenticides and herbicides, including fumigation, the use of poison bait, or other means of poisoning nuisance animals in project areas shall be restricted.
- All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site.
- No firearms shall be allowed on the project site.
- No pets, such as dogs or cats, should be permitted on the project site.
- **BIO-16. Roosting Bat Avoidance – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) will be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. A California Department of Fish and Wildlife-approved biologist will be present during all construction-related activities that may affect tree-roosting bats or their habitats. Prior to any tree removal activities, a focused survey for tree-roosting bats shall be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. If a lapse in project related work of 15 days or longer occurs, another survey and, if required, consultation with

California Department of Fish and Wildlife will be required before the work can be reinitiated. Pre-construction surveys for tree-roosting bats shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection).

- **BIO-17. Roosting Bat Avoidance – Avoid Active Roosts:** If active day roosts or maternity roosts are found, a protective no-work buffer of 50 feet will be established and Caltrans shall consult with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. Protective buffers for tree-roosting bats shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). No work will commence within the buffer until authorization is received from the resident engineer. During construction activities that may potentially cause roost destruction or roost abandonment, monitoring of the nest site by a qualified biologist will be required to ensure that protective radii are maintained.
- **BIO-18. Nesting Bird Avoidance – Limited Operation Period:** Performing ground-disturbance, vegetation removal, or other construction activities within nesting bird habitat during the non-nesting season (between 1 October and 31 January) will not require preconstruction surveys or nesting bird avoidance measures.
- **BIO-19. Nesting Bird Avoidance – Pre-Construction Surveys During Nesting Season:** If ground-disturbance, vegetation removal, or other construction activities are scheduled during the nesting season of protected raptors and migratory birds (1 February to 30 September), a focused survey for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning to project-related activities. If a lapse in project related work of 15 days or longer occurs, another survey and, if required, consultation with United States Fish and Wildlife Service and California Department of Fish and Wildlife will be required before the work can be reinitiated. Pre-construction surveys for nesting migratory birds and raptors shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection) and/or 14-6.03(B) (Bird Protection).
- **BIO-20. Nesting Bird Avoidance – Avoid Active Nests:** If active nests are found, a protective no-work buffer will be established and Caltrans shall consult with United States Fish and Wildlife Service regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. If nesting migratory birds or nesting raptors are detected by the designated biologist during the pre-construction survey, the appropriate no-work buffer will be established around the nest. No work will commence within the buffer until authorization is received from the resident engineer. The appropriate no-work buffer for raptors will be 300 feet in radius,

and for other migratory birds the radius will be 100 feet. Protective buffer radii for nesting migratory birds and raptors shall be specified under Caltrans 2026 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection) and/or 14-6.03B (Bird Protection). If construction or other project related activities which may potentially cause nest destruction, nest abandonment or forced fledging of migratory birds are necessary, monitoring of the nest site by a qualified biologist will be required to ensure that protective radii are maintained.

- **BIO-21. Compensatory Mitigation – Wetlands and Other Waters of the United States:** Construction of the proposed project is expected to result in the permanent loss of up to approximately 350 square feet (0.008-acre) of intermittent and ephemeral streams and 31 square feet (0.0007-acre) of wetlands potentially qualifying as waters of the U.S. The permanent loss of potentially jurisdictional waters of the U.S. is proposed to be compensated by Caltrans' participation in the Sacramento United States Army Corps of Engineers' and National Fish and Wildlife Foundation's in-lieu fee program to ensure no net loss of functions and values of potentially jurisdictional waters of the U.S. The program operates by making available mitigation credits for purchase by permittees (with the approval of the applicable regulatory agencies), and the credits may be used to satisfy the compensatory mitigation requirements applicable to such permittees for their impacts to aquatic resources. Credits will be purchased in the Cosumnes/Mokelumne Rivers Watershed Service Area, the Calaveras/Stanislaus Rivers Watershed Service Area, and the Carson/Walker Rivers Aquatic Service Area.
- **BIO-22. Compensatory Mitigation – Riparian Vegetation:** Construction of the proposed project is expected to result in the trimming or removal of 0.01-acre of mainly streamside montane riparian willow scrub but may include black cottonwood and alder riparian vegetation. Live willow scrub vegetation clearing and permanent impacts to bed, bank, and channel habitat are proposed to be mitigated for through the installation and monitoring of wildlife shelving within an agreed-upon number of project culvert systems which will be identified in coordination with the CDFW during the negotiation of the Lake and Streambed Alteration Agreement. At least 30 calendar days prior to the onset of Project activities, Caltrans shall submit to the appropriate agency for review and approval design details, layout, and culvert locations for the wildlife shelving. Wildlife shelving installation will be monitored through an agreed upon amount of time.

The following measures are from the Caltrans 2017 Best Management Practices (BMP) Manual that are implemented in all Caltrans projects to protect water quality. Please see Caltrans 2017 BMP Manual for detailed information on the measures listed below.

- Spill Prevention and Control (WM-4)
- Material Management (Material Delivery, Use, Storage, and Stockpiles)

(WM-1 through WM-4)

- Waste Management (Solid, Hazardous, Concrete, Sanitary/Septic Wastes, Contaminated Soils (WM-5 through WM-10)
- Vehicle and Equipment Cleaning, Fueling, and Maintenance (NS-8 through NS-10)
- Paving, Sealing, Sawing, Grooving and Grinding Activities (NS-3)
- Concrete Curing and Finishing (NS-12)
- Temporary Soil Stabilization (SS-1 through SS-10)
- Temporary Sediment Control (SC-1 through SC-10)
- Temporary Tracking Control (TC-1 through TC-3)
- Temporary Concrete Washouts (Manual WM-8)
- Illicit Connection/Illegal Discharge Detection and Reporting (NS-6)

IX. Compensatory Mitigation

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

X. California Environmental Quality Act (CEQA)

On 19 March 2025, the California Department of Transportation, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2024091083) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 March 2025. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XI. Petitions for Reconsideration

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

XII. Fees Received

A. An application fee of \$4,212.00 was received on 16 March 2026. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category E - Low Impact Discharges (fee code 87) with the dredge and fill fee calculator.

B. Annual Fees: This Certification is subject to annual billing based on the fee schedule in effect at the time of billing. Annual billing will continue until the Project, including monitoring, is complete and the Water Board receives an acceptable request for a Notice of Project Complete Letter (see Attachment D).

Invoices are usually sent out at the end of each calendar year.²

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

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

XIII. Conditions

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

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in 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 – Not Applicable

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

² Annual invoices are issued for projects active for any amount of time in the current fiscal year (1 July – 30 June).

the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

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

3. Conditional Notifications and Reports

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials³

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](https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) (https://www.caloes.ca.gov/wp-content/uploads/Fire-Rescue/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).
- ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards

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

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

³ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)

c. In-Water Work and Diversions

- i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Modifications to Project

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

e. Transfer of Property Ownership

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

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

f. Transfer of Long-Term BMP Maintenance

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

Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General

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

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

2. Accidental Discharges/Noncompliance

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

3. In-Water Work or Diversions

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

- a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.
- b. Activities shall not cause turbidity increases in surface water to exceed:
 - i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - iii. where natural turbidity is between 5 and 50 NTUs, increases shall not

exceed 20 percent;

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

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

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.⁴ 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 the remaining In-Water Work and Diversion Water Quality Monitoring shall be submitted with the Request for Notice of Completion of Discharges letter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIII.C.3.

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

⁴ 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 ⁵	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

⁵ 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 California Department of Transportation shall comply with the Construction General NPDES Permit Order No. 2022-0057-DWQ (NPDES No. CAS000002) issued by the State Water Resources Control Board.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

6. Lake or Streambed Alteration Agreement

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

G. Construction

1. Dewatering

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

- g. 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.
- h. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

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

5. Good Site Management “Housekeeping”

- a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.
- b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.
- c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

- a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIII.B.3.a and XIII.B.3.b.
- b. Wet concrete will be placed into aquatic resources habitat after the area has been completely dewatered or when the work area is naturally dry.
- c. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

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

- a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Reduce peak runoff flows;
 - iii. Provide treatment BMPs to reduce pollutants in runoff;
 - iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vii. Use existing drainage master plans or studies to ensure incorporation

of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

- viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
 - ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
- b.** The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads

- a.** The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.
- b.** Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c.** Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.
- d.** Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed,

constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

- e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

10. Sediment Control

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

11. Special Status Species

The following Special Status Species have been documented to occur near or within the Project area: Sierra Nevada yellow-legged frog.

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 as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within ninety (90) days of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).
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 ninety (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
Stream Channel	Permittee Responsible	Acres			0.042			
Wetland	Permittee Responsible	Acres			<0.005			

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 10-1L660 Alpine County State Route 4 Drainage System Restoration Project Application Supplement (Compensatory Mitigation Plan) dated March 2026 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. Permittee-Responsible Compensatory Mitigation Responsibility – Not Applicable

3. 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.

4. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.008 acre of stream channel and <0.005 acre of wetland by purchasing 0.01 Aquatic Resource Credits in the Consumnes/Mokelumne Rivers, Calaveras/Stanslaus Rivers, or Carson/Walker Rivers Aquatic Resource Watershed Service Area. Required credits shall be purchased from the National Fish and Wildlife Foundation (NFWF)'s Sacramento District California In-Lieu Fee Program.
- b. 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
Stream Channel	In-Lieu Fee Credits	Acres						0.008
Wetland	In-Lieu Fee Credits	Acres						<0.005

L. Certification Deviation

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

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project’s environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XIV. Water Quality Certification

I hereby issue the Order for the 10-1L660 Alpine County SR 4 Drainage System Restoration Project, WDID # 5B02CR00027, 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

(This page intentionally left blank)

Attachment A – Project Maps

Figure 1: Map of Project Locations and Vicinity

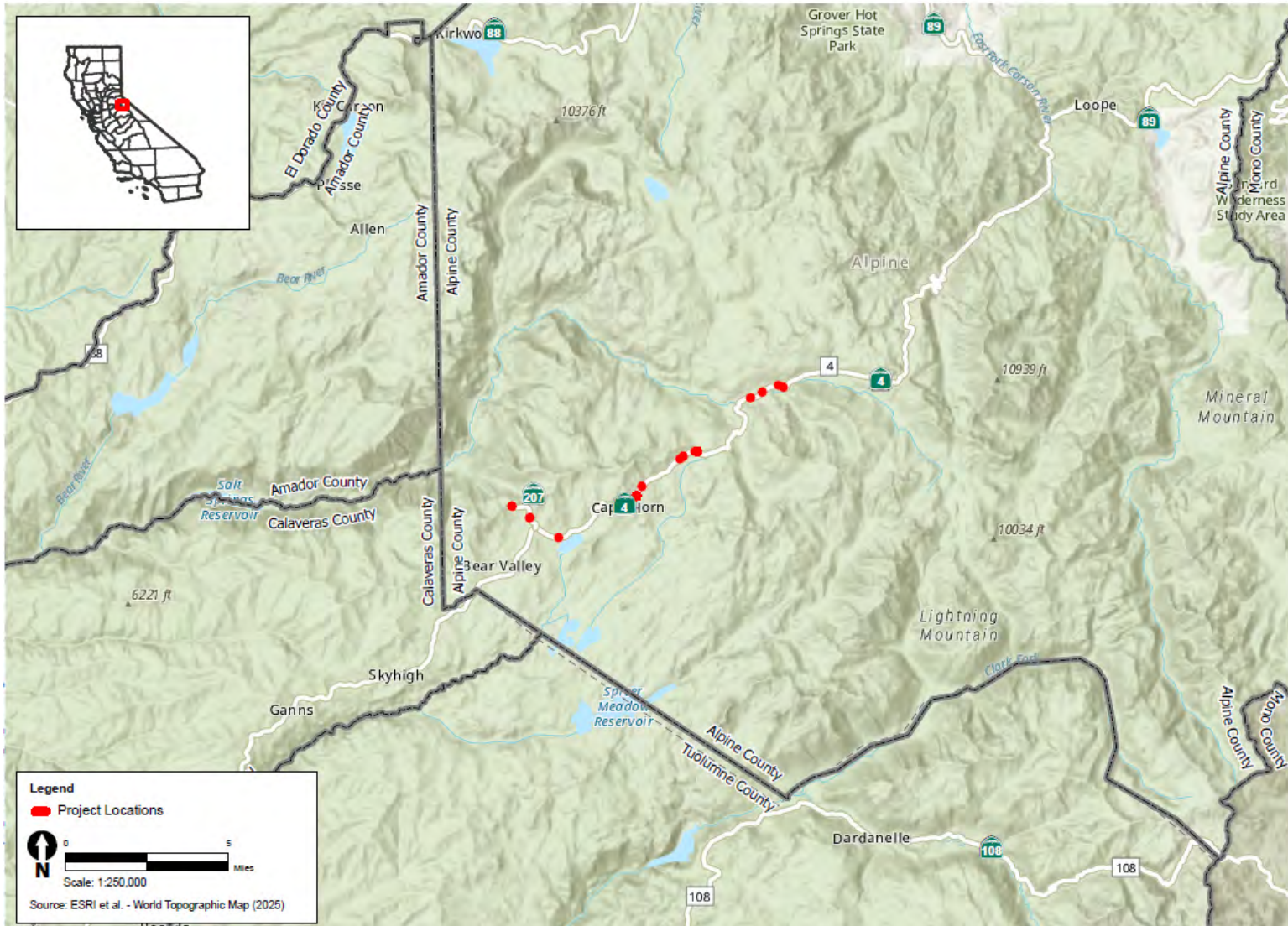


Figure 2: Project Impacts Map of Location 28 (PM 0.41)



Figure 3: Project Impacts Map of Location 29 (PM 1.25)



Figure 4: Project Impacts Map of Location 2 (PM 3.70)



Figure 5: Project Impacts Map of Location 6 (PM 6.58)



Figure 6: Project Impacts Map of Location 8 (PM 7.21)



Figure 7: Project Impacts Map of Location 11 (PM 7.56)



Figure 8: Project Impacts Map of Location 14 (PM 9.05)



Figure 9: Project Impacts Map of Location 15 (PM 9.18)



Figure 10: Project Impacts Map of Location 16 (PM 9.59) and Location 17 (PM 9.64)



Figure 11: Project Impacts Map of Location 22 (PM 13.20)



Figure 12: Project Impacts Map of Location 24 (PM 13.64)



Figure 13: Project Impacts Map of Location 25 (PM 14.18)



Figure 14: Project Impacts Map of Location 26 (PM 14.36)



(This page intentionally left blank)

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

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
Location 28 (PM 0.41)	Unnamed Ephemeral Stream (ES) 6	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 29 (PM 1.25)	Unnamed ES 7	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 2 (PM 3.70)	Unnamed ES 1	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 6 (PM 6.58)	Unnamed ES 2	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 8 (PM 7.21)	Unnamed ES 3	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 11 (PM 7.56)	Unnamed Intermittent Stream (IS) 1, Emergent Wetland (EW) 1	Stream Channel, Wetland	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 14 (PM 9.05)	Unnamed IS 2	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 15 (PM 9.18)	Unnamed ES 4	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable

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
Location 16 (PM 9.59)	Unnamed ES 5	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 17 (PM 9.64)	Unnamed IS 3	Stream Channel	543.50	Upper Stanislaus	MUN, AGR, POW, REC-1, REC-2, WARM, COLD, WILD	Not Applicable	Not Applicable
Location 22 (PM 13.20)	Unnamed IS 4	Stream Channel	543.50	Upper Mokelumne	MUN, POW, REC-1, REC-2, WILD, COLD, MIGR, SPWN, WILD	Not Applicable	Not Applicable
Location 24 (PM 13.64)	Unnamed IS 5	Stream Channel	543.50	Upper Mokelumne	MUN, POW, REC-1, REC-2, WILD, COLD, MIGR, SPWN, WILD	Not Applicable	Not Applicable
Location 25 (PM 14.18)	Unnamed IS 6	Stream Channel	543.50	Upper Mokelumne	MUN, POW, REC-1, REC-2, WILD, COLD, MIGR, SPWN, WILD	Not Applicable	Not Applicable
Location 26 (PM 14.36)	Unnamed IS 7	Stream Channel	543.50	Upper Mokelumne	MUN, POW, REC-1, REC-2, WILD, COLD, MIGR, SPWN, WILD	Not Applicable	Not Applicable

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
Location 28 (PM 0.41)	38.48723	-120.02257	No	0.001		11
Location 29 (PM 1.25)	38.49261	-120.03258	No	0.0007		10
Location 2 (PM 3.70)	38.47811	-120.00651	No	0.0033		58
Location 6 (PM 6.58)	38.49123	-119.96939	No	0.0008		14
Location 8 (PM 7.21)	38.49585	-119.96194	No	0.0016		39
Location 11 (PM 7.56)	38.50004	-119.95875	No	0.0026		21
Location 14 (PM 9.05)	38.51195	-119.93677	No	0.0035		33
Location 15 (PM 9.18)	38.51303	-119.93490	No	0.0038		49
Location 16 (PM 9.59)	38.51516	-119.92811	No	0.0033		49
Location 17 (PM 9.64)	38.51505	-119.92713	No	0.0014		16
Location 22 (PM 13.20)	38.53838	-119.89612	No	0.0111		60
Location 24 (PM 13.64)	38.54094	-119.88930	No	0.0052		37

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Location 25 (PM 14.18)	38.54370	-119.88005	No	0.0034		29
Location 26 (PM 14.36)	38.54275	-119.87728	No	0.0024		57

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Location 28 (PM 0.41)	38.48723	-120.02257	No	0.0003	0.97	6
Location 29 (PM 1.25)	38.49261	-120.03258	No	0.0004	1.29	5
Location 2 (PM 3.70)	38.47811	-120.00651	No	0.0011	3.55	10
Location 6 (PM 6.58)	38.49123	-119.96939	No	0.0004	1.29	8
Location 11 (PM 7.56)	38.50004	-119.95875	No	0.0007	2.26	12
Location 14 (PM 9.05)	38.51195	-119.93677	No	0.0014	4.52	15
Location 15 (PM 9.18)	38.51303	-119.93490	No	0.0004	1.29	6
Location 16 (PM 9.59)	38.51516	-119.92811	No	0.0004	1.29	4
Location 17 (PM 9.64)	38.51505	-119.92713	No	0.0016	5.16	8
Location 24 (PM 13.64)	38.54094	-119.88930	No	0.0018	5.81	12

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Location 26 (PM 14.36)	38.54275	-119.87728	No	0.0002	0.62	5

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	Sacramento District California In-Lieu Fee Program
Website:	Sacramento District California In-Lieu Fee Program NFWF (https://www.nfwf.org/mitigating-impacts/sacramento-district-california-lieu-fee-program)
In-Lieu Fee Program Contact Name:	Heather Broda
Phone:	(415) 243-3105
Email:	Heather.Broda@nfwf.org
In-Lieu Fee Program Location - County:	Calaveras/Stanislaus Service Area

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Stream Channel	0.01		TBD

(This page is intentionally left blank)

Attachment C – CEQA Findings of Fact

A. Environmental Review

On 19 March 2025, the California Department of Transportation, as lead agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse (SCH) No. 2024091083) for the Project and filed a Notice of Determination (NOD) at the SCH on 26 March 2025. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that the California Department of Transportation's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the California Department of Transportation addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the California Department of Transportation for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final IS/MND which is incorporated herein by reference. The Project IS/MND is available at: [10-1L660 Alpine County State Route 4 Drainage System Restoration Project](https://ceqanet.lci.ca.gov/2024091083) (<https://ceqanet.lci.ca.gov/2024091083>).

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

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

C. Findings

The IS/MND describes the potential significant environmental effects to water resources that were mitigated in the IS/MND.

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

Mitigation measures have been required in the Project which avoid or mitigate to a less than significant level the potentially significant

environmental effect as described in the IS/MND.

a.i. Potential Significant Impact:

- Biological Resources
- Water Quality

a.ii. Facts in Support of Finding:

- **BIO-1. Environmentally Sensitive Area (ESA) Designation:** All areas outside of the proposed construction footprint or determined by a qualified biologist shall be considered as Environmentally Sensitive Areas and would be implemented as a first order of work and remain in place until all construction activities are complete. Environmentally Sensitive Area information would be shown on contract plans and discussed in Section 14-1.02 of the Caltrans 2023 Standard Specifications or any Special Provisions in Section 14-1.02. Contractor encroachment into Environmentally Sensitive Areas would be prohibited. If they are breached, immediate work stoppage and notification to the Caltrans resident engineer is required.
- **BIO-2. Designated Biologist:** One or more designated biologists with demonstrated field experience working with the regulated species or performing the specialized task and regulatory agency approval shall be on-site and monitoring any activities that have the potential to affect sensitive biological resources. They would immediately notify the Caltrans resident engineer of any take of regulated species, disturbances to regulated habitats, or breaches of Environmentally Sensitive Areas, and would prepare, submit, and sign notifications and reports. If the contractor supplies the biologist instead of Caltrans, Section 14-6.03D(1-3) of the Caltrans 2023 Standard Specifications or any Special Provisions in Section 14-6.03D(1-3) would specify the necessary qualifications, responsibilities, and submittals. Contractor-supplied biologists would prepare a "Natural Resources Protection Program" within 7 days of contract approval and must have it approved by Caltrans prior to the onset of construction activities.
- **BIO-3. Containment Measures/Construction Site Best Management Practices:** In order to contain construction related material, prevent debris and pollutants from entering receiving waters, and reduce the potential for discharge to receiving waters, the contractor shall follow all applicable guidelines and requirements in Section 13, Water Quality of the Caltrans 2023 Standard Specifications or any Special Provisions in Section 13 regarding water pollution control.

The project design team may specify best management practices to be utilized during construction in addition to, or in place of, other

temporary measures selected by the contractor. Prior to construction, the contractor would be required to submit either a Water Pollution Control Plan or a Stormwater Pollution Prevention Plan, as appropriate, for Caltrans review prior to construction onset. Caltrans staff and the contractor are required to perform routine inspections of the construction area to verify that field best management practices are properly implemented, maintained, and are operating effectively and as designed.

- **BIO-4. Worker Environmental Awareness Training for Construction Personnel:** Before any work occurs in the project area, a qualified designated biologist would conduct a mandatory contractor/worker environmental awareness training for construction personnel. The training would be provided to both contractors and subcontractors to brief them on the need to avoid and minimize effects to sensitive biological resources and the penalties for not complying with applicable state and federal laws and permit requirements. If a contractor-supplied biologist is used, then they would prepare and submit copies of the worker environmental awareness training and any associated training materials for Caltrans' review and approval prior to the onset of project construction activities, as per Caltrans 2023 Standard Specifications Section 14-6.03(D).
- **BIO-5. Limited Operation Period – In Water Construction Activities:** It is proposed that construction activities occurring at sites determined as potentially jurisdictional waters of the United States and waters of the State of California shall occur between 1 June and 15 October of any construction season, unless earlier or later dates for in channel construction activities are approved by California Department of Fish and Wildlife and the United States Fish and Wildlife Service.
- **BIO-6. Limit Vegetation Removal:** Clearing of herbaceous vegetation and/or trimming of woody vegetation may be required at some locations for culvert replacement activities. Vegetation removal shall be limited to the absolute minimum amount required for construction.
- **BIO-7. Restore and Revegetate Temporarily Disturbed Areas Onsite:** Disturbed areas within the construction limits would be graded to minimize surface erosion and siltation into receiving waters. Disturbed areas would be re-contoured to as close to pre-project condition as practicable and would be stabilized as soon as feasible as (and no later than 15 October of each construction season) to avoid erosion during subsequent storms and runoff. Permanent erosion control seeding would be performed at all disturbed sites by hydro-seeding over the course of construction as each site is completed, with all sites seeded by the completion of construction activities.

- **BIO-8. Pre-Construction Surveys – Special-Status Plants:** The qualifications of any proposed biological monitor(s) would be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. No more than 24 hours prior to any ground disturbance in a given location, pre-construction surveys would be conducted by a California Department of Fish and Wildlife-approved biologist for sensitive plant species using California Department of Fish and Wildlife-approved survey protocols. If sensitive plant species are detected within areas that would be disturbed by construction activities, then no work would take place at these locations until Caltrans has consulted with the California Department of Fish and Wildlife. New sightings of sensitive plant species shall be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the sensitive plant species were observed should also be provided to the California Department of Fish and Wildlife.
- **BIO-9. Weed Free Construction Equipment and Vehicles:** To minimize the potential for the transport of weed propagules to the project area from sources outside of the project area, construction equipment and vehicles are recommended to be cleaned and washed at the contractor's facilities prior to arrival to the construction site. Any vehicle or equipment cleaning that occurs on-site during construction activities shall conform with Caltrans 2023 Standard Specifications or any Special Conditions under Section 13-4.03E(3) and Section NS-08 (Vehicle and Equipment Cleaning) of the Caltrans 2017 Construction Site Best Management Practices Manual, which require the contractor to contain and dispose of any waste resulting from vehicle or equipment cleaning.
- **BIO-10. Weed Control During Construction:** To minimize the potential for spreading weed propagules originating from within the project environmental study limits during the course of construction activities, including initial vegetation clearing and at onsite revegetation areas, weed control would be accomplished in accordance with Caltrans 2023 Standard Specifications or Special Provisions under Section 20-1.03C(3). The use of herbicides for weed control activities would be discouraged but may be considered on a case-by-case basis depending upon the weed species, the extent of infestation, or any regulatory restrictions.
- **BIO-11. Weed Free Erosion Control and Revegetation Treatments:** To minimize the risk of introducing weed propagules to the project area from sources outside of the project area, only locally adapted plant species appropriate for the project area would be used in any erosion control or revegetation seed mix or stock. The Caltrans biologist would

consult with the Caltrans landscape architect to develop appropriate seed and planting palettes for use in revegetation and/or erosion control applications. Any compost, mulch, fiber, duff, tackifier, straw, topsoil, erosion control products, or seed must meet Caltrans 2023 Standard Specification or any Special Provisions under Section 21-2.02 for these materials. Any hydroseed used for revegetation activities must also be certified weed free as per Caltrans 2023 Standard Specifications Section 21-2.02F.

- **BIO-12. Monarch Butterfly – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) would be presented to the United States Fish and Wildlife Service for review and written approval at least 2 weeks prior to conducting project activities at the project site. A United States Fish and Wildlife Service-approved biologist would be present during all construction-related activities that may affect bumblebee hives or monarch butterflies. Prior to any construction activities, a focused survey for all life stages of monarch butterfly shall be conducted by a qualified biologist within 7 days prior to the beginning to project-related activities. Pre-construction surveys for bumblebee hives shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). Any observation of any life stage of monarch butterfly, including breeding, would be reported to the western monarch butterfly mapper or via iNaturalist ([http://xerces.org/milkweed survey/](http://xerces.org/milkweed_survey/)).
- **BIO-13. Bumblebee Hive Avoidance – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) would be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. A California Department of Fish and Wildlife-approved biologist would be present during all construction-related activities that may affect bumblebee hives. Prior to any ground-breaking activities, a focused survey for bumblebee hives shall be conducted by a qualified biologist within 7 days prior to the beginning to project-related activities. Pre-construction surveys for bumblebee hives shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection).
- **BIO-14. Bumblebee Hive Avoidance – Avoid Active Hives:** If active bumblebee hives found, a protective no-work buffer of 20 feet would be established and Caltrans shall consult with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. Protective buffers for bumblebee hives shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). No work would commence within the buffer until authorization is received from the resident

engineer. If construction requires activities that may potentially cause hive destruction or hive abandonment, monitoring of the hive site by a qualified biologist would be required to ensure that protective radii are maintained.

- **BIO-15. Pre-Construction Surveys and Construction Site Biological Monitoring – Sierra Nevada Yellow Legged Frog:** The qualifications of any proposed biological monitor(s) would be presented to the United States Fish and Wildlife Service and California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. A United States Fish and Wildlife Service and California Department of Fish and Wildlife-approved biologist would be present during all construction-related activities that may affect Sierra Nevada yellow-legged frogs or their habitats. The approved biologist would have the authority to halt work through coordination with the resident engineer or onsite project manager in the event that a Sierra Nevada yellow-legged frog observed on the project footprint.

The resident engineer or onsite project manager would ensure construction activities remain suspended in any area where the biologist has determined that take of the Sierra Nevada yellow-legged frog could occur. Work would resume once the animal leaves the site of its own volition, once it is determined that the frog is not being harassed by or in danger due to construction activities. If a Sierra Nevada yellow-legged frog is observed in the work area, the United States Fish and Wildlife Service and California Department of Fish and Wildlife-approved biologist(s) would notify the United States Fish and Wildlife Service and California Department of Fish and Wildlife contact by telephone and electronic mail within twenty-four hours of the initial observation.

No more than 24 hours prior to any ground disturbance at a given location, preconstruction surveys would be conducted by a United States Fish and Wildlife Service and California Department of Fish and Wildlife-approved biologist for Sierra Nevada yellow-legged frogs using United States Fish and Wildlife Service and California Department of Fish and Wildlife-approved survey protocols. These surveys would consist of walking surveys of the project limits and accessible adjacent areas within at least 50 feet of the project limits. The biologist(s) would investigate all potential Sierra Nevada yellow-legged frog cover sites. This includes thorough investigation of mammal burrows, appropriately soil cracks, and debris. Native vertebrates found in the cover sites would be documented and, if appropriate, relocated to an adequate cover site in the vicinity. The entrances and other refuge features within the project limits would be collapsed or removed following investigation and clearance.

New sightings of Sierra Nevada yellow-legged frogs shall be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the Sierra Nevada yellow-legged frog was observed should also be provided to the United States Fish and Wildlife Service and California Department of Fish and Wildlife.

To the extent practicable, initial ground-disturbing activities would be avoided between 16 October and 31 May to avoid the period when adult Sierra Nevada yellow-legged frogs are most likely to be in torpor. When ground-disturbing activities must take place between 16 October and 31 May, daily monitoring by a United States Fish and Wildlife Service-approved biologist(s) would occur for Sierra Nevada yellow-legged frogs.

If pumping is used for dewatering, intakes would be completely screened with wire mesh no larger than 0.2-inch to prevent any tadpoles from entering the pump. To prevent the inadvertent entrapment of the Sierra Nevada yellow-legged frog, all excavated, steep-walled holes or trenches more than 6 inches deep would be covered at the close of each working day by plywood or similar materials. If it is not feasible to cover an excavation, one or more escape ramps constructed of earthen fill or wooden planks would be installed. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. If at any time a trapped animal is discovered, the biologist would immediately place escape ramps or other appropriate structures to allow the animal to escape, or the United States Fish and Wildlife Service and California Department of Fish and Wildlife would be contacted by telephone for guidance. The United States Fish and Wildlife Service and California Department of Fish and Wildlife would be notified of the incident by telephone and email within one working day.

The following construction best management practices will also avoid or minimize impacts to Sierra Nevada yellow-legged frog. During construction operations, stockpiling of construction materials, portable equipment, vehicles, and supplies would be restricted to the designated construction staging areas and all operations would be confined to the minimal area necessary. Project-related vehicle traffic would be restricted to established roads and construction areas. Access roads will be constructed to the minimum amount necessary. Project vehicles would observe a 20-mile-per-hour speed limit while in the action area. Dust control measures would be implemented if necessary. Plastic mono-filament netting (erosion control matting) or similar material would not be used at the project site. Acceptable substitutes include coconut coir matting or tackified hydro-seeding compounds. Use of rodenticides and herbicides, including fumigation,

the use of poison bait, or other means of poisoning nuisance animals in project areas shall be restricted. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or project site. No firearms shall be allowed on the project site. No pets, such as dogs or cats, should be permitted on the project site.

- **BIO-16. Roosting Bat Avoidance – Pre-Construction Surveys:** The qualifications of any proposed biological monitor(s) would be presented to the California Department of Fish and Wildlife for review and written approval at least 2 weeks prior to conducting project activities at the project site. A California Department of Fish and Wildlife-approved biologist would be present during all construction-related activities that may affect tree-roosting bats or their habitats. Prior to any tree removal activities, a focused survey for tree-roosting bats shall be conducted by a qualified biologist within 15 days prior to the beginning of project-related activities. If a lapse in project related work of 15 days or longer occurs, another survey and, if required, consultation with California Department of Fish and Wildlife would be required before the work can be reinitiated. Pre-construction surveys for tree-roosting bats shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection).
- **BIO-17. Roosting Bat Avoidance – Avoid Active Roosts:** If active day roosts or maternity roosts are found, a protective no-work buffer of 50 feet would be established and Caltrans shall consult with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. Protective buffers for tree-roosting bats shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection). No work would commence within the buffer until authorization is received from the resident engineer. During construction activities that may potentially cause roost destruction or roost abandonment, monitoring of the nest site by a qualified biologist would be required to ensure that protective radii are maintained.
- **BIO-18. Nesting Bird Avoidance – Limited Operation Period:** Performing ground-disturbance, vegetation removal, or other construction activities within nesting bird habitat during the non-nesting season (between 1 October and 31 January) would not require preconstruction surveys or nesting bird avoidance measures.
- **BIO-19. Nesting Bird Avoidance – Pre-Construction Surveys:** During Nesting Season: If ground-disturbance, vegetation removal, or other construction activities are scheduled during the nesting season of protected raptors and migratory birds (1 February to 30 September), a focused survey for active nests of such birds shall be conducted by a qualified biologist within 15 days prior to the beginning to project-related

activities. If a lapse in project related work of 15 days or longer occurs, another survey and, if required, consultation with United States Fish and Wildlife Service and California Department of Fish and Wildlife would be required before the work can be reinitiated. Pre-construction surveys for nesting migratory birds and raptors shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection) and/or 146.03(B) (Bird Protection).

- **BIO-20. Nesting Bird Avoidance – Avoid Active Nests:** If active nests are found, a protective no-work buffer would be established and Caltrans shall consult with United States Fish and Wildlife Service regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and with California Department of Fish and Wildlife to comply with provisions of the Fish and Game Code of California. If nesting migratory birds or nesting raptors are detected by the designated biologist during the pre-construction survey, the appropriate no-work buffer would be established around the nest. No work would commence within the buffer until authorization is received from the resident engineer.

The appropriate no-work buffer for raptors would be 300 feet in radius, and for other migratory birds the radius would be 100 feet. Protective buffer radii for nesting migratory birds and raptors shall be specified under Caltrans 2023 Standard Specification and/or Standard Special Provision 14-6.03A (Species Protection) and/or 14-6.03B (Bird Protection). If construction or other project related activities which may potentially cause nest destruction, nest abandonment or forced fledging of migratory birds are necessary, monitoring of the nest site by a qualified biologist would be required to ensure that protective radii are maintained.

- **BIO-21. Compensatory Mitigation – Wetlands and Other Waters of the United States:** Construction of the proposed project is expected to result in the permanent loss of up to approximately 370.50 square feet (0.0085-acre rounded to 0.01-acre) of intermittent and ephemeral streams and 143.29 square feet (0.003-acre) of wetlands potentially qualifying as waters of the United States.

The permanent loss of potentially jurisdictional waters of the United States is proposed to be compensated by Caltrans' participation in the Sacramento United States Army Corps of Engineers' and National Fish and Wildlife Foundation's in-lieu fee program to ensure no net loss of functions and values of potentially jurisdictional waters of the United States. The program operates by making available mitigation credits for purchase by permittees (with the approval of the applicable regulatory agencies), and the credits may be used to satisfy the compensatory mitigation requirements applicable to such permittees for their impacts to aquatic resources. Credits would be purchased in

the Cosumnes/Mokelumne Rivers Watershed Service Area, the Calaveras/Stanislaus Rivers Watershed Service Area, and the Carson/Walker Rivers Aquatic Service Area.

- **BIO-22. Compensatory Mitigation – Riparian Vegetation:**
Construction of the proposed project is expected to result in the trimming or removal of 0.01-acre of mainly streamside montane riparian willow scrub but may include black cottonwood and alder riparian vegetation. This loss of riparian vegetation is expected to require a 3-to-1 compensation ratio by the California Department of Fish and Wildlife. Caltrans therefore proposes to compensate for the loss of 0.01-acre of riparian vegetation with the establishment of 0.03-acre of riparian vegetation at an undetermined onsite (within the project limits) or offsite location.

D. Determination

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

(This page intentionally left blank)

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 (Annual Reports):** This report will be submitted monthly until a Notice of Project Complete Letter is issued.
 - **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
 - **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.
- B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
- C. Electronic Report Submittal Instructions:
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Jenna.Yang@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Jenna Yang; Project Name; and WDID No. 5B02CR00027.

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:

27 May 2026

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: 10-1L660 Alpine County SR 4 Drainage System Restoration Project
Permittee: California Department of Transportation
WDID: 5B02CR00027
Reg. Meas. ID: 464774
Place ID: 906232
Order Effective Date: 27 May 2026
Order Expiration Date: 26 May 2031

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 Monthly Report – Not Applicable
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

Signature

Date

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

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report – Not Applicable

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 XIII.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 XIII.C.3.
- c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIII.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.

(This page intentionally left blank)

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 A.1 through A.3 above may sign documents if:
 - 1. The authorization is made in writing by a person described in items A.1 through A.3 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.”

(This page intentionally left blank)

Attachment F – Certification Deviation Procedures

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIII of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

A. Who may apply:

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

B. How to apply:

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

C. Certification Deviation Request:

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

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

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

E. Annual Summary Deviation Report:

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

(This page is intentionally left blank)

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

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

I. General Justification for Section XIII Conditions

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

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

The State Water Board’s Antidegradation Policy, “Statement of Policy with Respect to Maintaining High Quality Waters in California,” Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

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

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

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

II. Specific Justification for Section XIII Conditions

A. Authorization

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

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

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

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

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

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

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

d. Modifications to Project

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

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

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

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board's authority to investigate the

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

D. Standard

1. This Order is subject to modification or revocation

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

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

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

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

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

E. General Compliance

1. Failure to comply with any condition of this Order

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

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

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board’s Basin Plan. The Basin Plan’s water quality

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

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

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

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

Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

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

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

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

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

7. Construction General Permit Requirement

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

F. Administrative

1. Signatory requirements for all document submittals

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

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

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

3. The Permittee shall grant Central Valley Water Board staff

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

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

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

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

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

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

6. Lake or Streambed Alteration Agreement

This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

1. Dewatering

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

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

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

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

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

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

5. Good Site Management “Housekeeping”

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

6. Hazardous Materials

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

7. Invasive Species and Soil Borne Pathogens

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

8. Post-Construction Storm Water Management

Conditions related to post-construction stormwater management are required to comply with the Basin Plan and to assure that the discharge complies with applicable water quality objectives. 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 conditions will assure compliance with water quality objectives including for floating material, sediment, turbidity, temperature, suspended material, and settleable material. (Basin Plan, Sections 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 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.

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

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).