



Central Valley Regional Water Quality Control Board

GENERAL ORDER NO. [R5-2020-XXXX] WASTE DISCHARGE REQUIREMENTS AND CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date: XX XXXXXXXX XXXX

Expiration Date: XX XXXXXXXX XXXX

Program Type: Fill/Excavation

Project Type: Other

Reg. Meas.	438169
ID:	
Place ID:	866879
WDID:	5A31CR00539
USACE:	SPK-2005-00485

Project: Western Placer County Habitat Conservation Program/Natural Community Conservation Plan (HCP/NCCP) Regional General Permit (RGP) (Project)

Applicant: United States Army Corps of Engineers

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

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I. General Order

This General Order for California Water Code section 13263 General Waste Discharge Requirements (WDRs) and Clean Water Act section 401 Water Quality Certification (Order) was issued at the request of the United States Army Corps of Engineers, Sacramento District (USACE), for certification of the Western Placer County Habitat Conservation Program/Natural Communities Conservation Plan (HCP/NCCP) Regional General Permit (RGP) (Project).

This Order is for the purpose described in the application submitted by the USACE. The application was received on 21 April 2020. The application was deemed complete on 21 May 2020.

Pursuant to Water Code section 13263, subdivision (i), and California Code of Regulations, title 23, section 3861, the Central Valley Water Board may prescribe general waste discharge requirements and certification for a category of discharges if all of the following criteria apply:

- i. The discharges are produced by the same or similar operations or types of activities.
- ii. The discharges involve the same or similar type of waste and possible adverse impacts.
- iii. The discharges require the same or similar treatment standards, conditions, or limitations.
- iv. The discharges are more appropriately regulated under general, rather than individual, permits.

Discharges of dredged or fill material from individual projects covered under the HCP/NCCP RGP that will be regulated under this Order are consistent with the criteria listed above and therefore a general order is appropriate. All discharges regulated under this order will be from similar activities which pose similar threats to water quality and will require similar conditions and limitations. Individual permits are not necessary because the discharges are similar and discharge requirements or conditions would be similar if individual permits were issued.

II. Public Notice

In addition to the USACE notice, the Central Valley Water Board provided public notice of the application starting 24 April 2020 and the draft order from 14 August 2020 to 13 September 2020, pursuant to California Code of Regulations, title 23, sections 3858 and 3861 and Water Code section 13167.5, subdivision (a)(1).

III. Project Purpose

The USACE requested an Order by the Central Valley Water Board for the Western Placer County HCP/NCCP RGP. The USACE issued the Western Placer County HCP/NCCP RGP to authorize certain Covered Activities in the HCP/NCCP (as defined in section XIV.F) that require USACE permits under section 404 of the Clean Water Act, to eliminate the need for individual project applicants to seek separate review from the USACE for individual projects that are applicable for the Western Placer County HCP/NCCP RGP, and to expedite review of certain Covered Activities through other programmatic elements, such as compliance with section 7 of the federal Endangered Species Act (ESA). The RGP would cover activities associated with implementation of PCCP In-Lieu Fee (ILF) projects reviewed under the Western

Placer County HCP/NCCP ILF program, to provide compensatory mitigation for activities authorized under USACE permits within the HCP/NCCP ILF Program Area. The Western Placer County HCP/NCCP RGP will increase certainty, reduce time, and improve efficiency for the Enrollee through synergies with processes implemented by local jurisdictions, such as those associated with land use entitlements, while protecting aquatic resources, including waters of the state.

Activities covered under the PCCP RGP are substantially similar in nature, would result in a net beneficial gain in aquatic resources, and have been authorized by the South Placer In-Lieu Fee Program Interagency Review Team (IRT), comprised of the USACE, United States (U.S.) Environmental Protection Agency (EPA), Central Valley Water Board, U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW).

The PCCP RGP will protect, enhance, and increase the aquatic environment while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects.

IV. Project Description

The Placer County Conservation Program (PCCP) includes the HCP/NCCP and the CARP. The 269,672-acre PCCP is a regional approach to address issues related to planned development, species habitat conservation, and aquatic resource protection following a comprehensive conservation strategy, over a 50-year period. The HCP/NCCP covers 14 species of wildlife, including 9 that are state and/or federally listed as threatened or endangered. The HCP/NCCP will establish a reserve system comprised of approximately 47,300 acres of interconnected land blocks including all major streams. The reserve system created by the HCP/NCCP will also connect to approximately 15,957 acres of existing reserves. The CARP provides a comprehensive local program for the protection and restoration of aquatic resources in western Placer County. Compensatory mitigation fees collected for impacts in the Potential Future Growth area will be used to purchase, restore and preserve land in the Reserve Acquisition Area, thereby providing permanent protection to more intact watersheds and avoiding and minimizing impacts to natural resources on a regional scale. The purpose of the PCCP RGP is to authorize under section 404 of the Clean Water Act proposed PCCP ILF Program projects that have been approved by the IRT. These projects will be developed within the PCCP's interconnected preserve system and will provide compensatory mitigation in-lieu fee credits for activities authorized under the PCCP. An individual project covered under the PCCP RGP and authorized under this Order may not result in a reduction of aquatic resource functions and services.

V. Project Location

Individual projects authorized by the Central Valley Water Board under this Order may occur anywhere within the HCP/NCCP boundary. The HCP/NCCP area encompasses approximately 269,672 acres within Placer County. The HCP/NCCP area includes Placer County and the City of Lincoln that is located south of U.S. Highway 50. Within western Placer County, the Plan Area is bounded on the north by Nevada and Yuba Counties, on the east by the City of Auburn and California Highway 49, on the south by Sacramento County, and on the west by Sutter County. Activities conducted may also be located in the Cities of Auburn, Loomis, Rocklin, and

Roseville. Within Sutter County, the Plan Area includes 1,724 acres along the Raccoon Creek floodplain, and 33 miles of Auburn Ravine, Raccoon Creek, Cross Canal, and East Side Canal. A map showing the HCP/NCCP boundary is found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

Individual projects authorized under this Order are located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by the individual project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, revised May 2018 (Basin Plan). The [Basin Plan for the region and other plans and policies may be accessed online](http://www.waterboards.ca.gov/plans_policies/) at: (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.

The person or entity proposing to enroll under the HCP/NCCP RGP (Enrollee) must identify the receiving waters and beneficial uses of waters of the state¹ to be impacted by a proposed individual project, as listed in the Basin Plan. The Enrollee will include this information in the Notice of Intent (NOI; Attachment E), which must be completed by the Enrollee to enroll under this Order.

VII. Description of Direct Impacts to Waters of the State

The Enrollee will describe all proposed direct individual project impacts to waters of the state in the NOI, which must be completed for enrollment under this Order.

Total individual project fill/excavation quantities for all permanent impacts will be submitted annually by the Placer Conservation Agency (PCA). Permanent impacts are categorized as those resulting in a physical loss in area and those degrading ecological condition.

VIII. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with HCP/NCCP RGP individual projects. The Enrollee will identify individual project activities resulting in indirect impacts to waters of the state and quantify indirect impacts in the NOI.

Activities resulting in indirect impacts may include where a direct impact to a wetland reduces the functions of the remaining wetland, where impervious surfaces reduce water quality of receiving waters, or where a direct impact to a riparian zone reduces

¹ The term "waters of the state" includes any surface water or groundwater, including saline waters, within the boundaries of the state. Waters of the state includes but is not limited to waters of the United States. (Wat. Code, § 13050, subd. (3); Cal. Code Regs., tit. 23, § 3831.)

the water quality of receiving waters. HCP/NCCP RGP individual project activities that may result in indirect impacts to waters of the state, further described in chapter 4 of the HCP/NCCP Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

IX. Avoidance and Minimization

The RGP provides benefits by encouraging individual project proponents to minimize their proposed impacts to waters of the state and design their individual project within the scope of the RGP, rather than applying for individual permits for activities that could result in greater adverse impacts to the aquatic environment. Individual project impacts to waters of the state must be avoided and minimized to the greatest practicable extent.

As required by section 5.2 of the CARP, the Enrollee shall provide a description of the methods used to avoid and minimize impacts to protected resources to the extent practicable (project design, stream structural setbacks, etc.) to impact aquatic resources of Placer County. This information must be included with the NOI for enrollment under this Order.

The Enrollee shall implement the General Avoidance and Minimization Measures listed in Appendix C 1 & 2 of the CARP, incorporated herein by reference, and the Best Management Practices (BMPs).

X. Compensatory Mitigation

No compensatory mitigation is requested for permanent impacts to aquatic resource habitat since each Project will result in a net beneficial gain of aquatic resources and functions.

XI. California Environmental Quality Act (CEQA)

On 1 September 2020, the County of Placer, as lead agency, certified an EIS/EIR (State Clearinghouse (SCH) No. 2005032050) for the Project and filed a Notice of Determination (NOD) at the SCH on 2 September 2020. Pursuant to CEQA, the Central Valley Water Board has made Findings of Fact (Findings) which support the issuance of this Order and are included in Attachment B.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee is required for a HCP/NCCP RGP individual project under this Order. The application fee amount for individual projects authorized under this Order is determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and is calculated as A - Fill & Excavation Discharges (fee code 84) or E - Low Impact Discharges (fee code 87) with [the dredge and fill fee calculator](#) located at (http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml). Note that this fee calculator is periodically adjusted. The Enrollee should confirm the correct fee amount prior to submitting an NOI to the Central Valley Water Board.

XIV. Conditions

The Central Valley Water Board will independently review the record of any individual project proposed for authorization under this Order to analyze impacts to water quality and designated beneficial uses within the watersheds of the individual project. In accordance with this Order, the Enrollee may proceed with the individual project under the following terms and conditions:

A. 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 C, including specifications for photo and map documentation. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment C, which must be signed by the authorized representative.

1. Request for Authorization and Fee Requirements

- a. The prospective Enrollee must submit a request for authorization under this Order by submitting a NOI to the Central Valley Water Board at least 45 days before any individual project activity. Effective 13 October 2014, request for authorization and attachments, and submission of material for the development of the water quality certification must be submitted electronically.

The Enrollee 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, individual project name, and WDID. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

- b. The Enrollee shall pay the required fee in accordance with California Code of Regulations, title 23, section 2200 and follow notification and reporting requirements described in the Project Status Notifications Section below and found in Attachment C of this Order.
- c. Once the Central Valley Water Board receives a completed NOI, the correct fee from the Enrollee, and determines the project qualifies for enrollment under this Order, the Central Valley Water Board will transmit a Notice of Applicability (NOA) to the Enrollee verifying enrollment in this Order.
- d. The Central Valley Water Board may deny any NOI and instead require the project proponent to obtain coverage under an individual permit. Further, a project proponent may choose to apply for an individual permit in lieu of submitting an NOI for coverage under this Order.

2. Project Reporting

- a. **Quarterly Reporting:** The Enrollee must submit a Quarterly Report to the Central Valley Water Board beginning on the 1st day of the month after the submittal of the Commencement of Construction Notification. Quarterly

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

- b. PCA Annual Impact Report:** The PCA shall submit an Annual Impact Report each year on the 1st day of the month starting one year after the effective date of this Order. Annual Impact reporting shall continue until the expiration date of this Order

3. Project Status Notifications

- a. Commencement of Construction:** The Enrollee shall submit a Commencement of Construction Notice at least seven (7) days prior to start of initial ground disturbance activities and corresponding Waste Discharge Identification Number (WDID#) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
- b. Request for Notice of Completion of Discharges Letter:** The Enrollee shall submit a Request for Notice of Completion of Discharges Letter following completion of active individual project construction activities. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all individual project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Enrollee which will end the active discharge period and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Enrollee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further individual project activities will occur. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all individual project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Enrollee which will end the post discharge monitoring period and associated annual fees.

4. Conditional Notifications and Reports:

The following notifications and reports are required, as applicable:

- a. Accidental Discharges of Hazardous Materials²:** Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, section 13271):

² "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, Section 25501.)

- i. As soon as (A) the Enrollee 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](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf) as set forth in: (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
 - ii. Following notification to OES, the Enrollee shall notify the Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
 - iii. Within five (5) working days of notification to the Central Valley Water Board, the Enrollee must submit an Accidental Discharge of Hazardous Material Report.
- b. Violation of Compliance with Water Quality Standards:** The Enrollee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
 - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work and Diversions**
- i. The Enrollee shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, 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:** The Enrollee shall give advance notice to the Central Valley Water Board if individual 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 Enrollee shall inform Central Valley Water Board staff of any individual project modifications that will interfere with the Enrollee's compliance with this Order.
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- e. Transfer of Property Ownership:** Authorization under 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 Enrollee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the individual project area by submitting a Transfer of Property Ownership Report. The Enrollee 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 Enrollee in a revised order.
 - ii. Until such time as this Order has been modified to name the purchaser as the enrollee, the Enrollee 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 Enrollee 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 Enrollee 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.

B. Water Quality Monitoring

- 1. General:** 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). The Enrollee shall perform surface water sampling³ :
 - a. when performing any in-water work;
 - b. during the entire duration of temporary surface water diversions;
 - c. in the event that individual 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:** For individual projects involving planned work in

³ 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.

water or stream diversions, a water quality monitoring plan shall be submitted to Central Valley Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

- 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.** For surface water bodies outside the legal boundaries of the Delta, the monthly median of the mean daily dissolved oxygen (DO) concentration shall not fall below 85 percent of saturation in the main water mass, and the 95-percentile concentration shall not fall below 75 percent of saturation. The dissolved oxygen concentrations shall not be reduced below the following minimum levels at any time:
 - Waters designated WARM 5.0 mg/l
 - Waters designated COLD 7.0 mg/l
 - Waters designated SPWN 7.0 mg/l
- c.** For individual projects involving the fill of wet concrete into waters of the state, individual project activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.
- d.** 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.

- e.** Activities shall not cause temperature in surface waters to increase more than 5°F above natural receiving water temperature for waters with designated COLD or WARM beneficial uses

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Dissolved Oxygen	mg/L & % saturation	Grab	Every 4 hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours
Visible construction related pollutants ⁴	Observation	Visual Inspections	Continuous throughout the construction period

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 1 sampling parameters⁵. For linear waterways with an upstream and downstream, the applicable sampling requirements in Table 1 shall be conducted upstream out of the influence of the individual project and approximately 300 feet downstream of the work area. For non-linear waterways, the sampling in Table 1 shall be conducted in ambient waters outside the influence of the individual project to obtain a representative sample and within the in-water work area, discharge area, or within the visible plume to characterize the discharge to the lake.

The sampling frequency may be modified for certain individual projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment C, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Enrollee 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 individual project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.b.

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

⁵ 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.

4. **Post-Construction:** If the proposed individual project includes ground disturbance, visually inspect the individual project site during the rainy season (October 15 – April 15) until a Notice of Completion is issued to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the individual project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the individual 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.

C. 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 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify authorization for individual projects, after providing notice to the Enrollee, if the Central Valley Water Board determines that: the individual project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.
2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Enrollee.
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.

D. Conditions

1. The Enrollee shall submit a NOI. Central Valley Water Board staff may contact the Enrollee for other information to assist in the preparation of the NOA to

obtain coverage under this Order for any individual project(s) located within the HCP/NCCP boundary at least 30 days prior to initiating construction.

2. The Enrollee shall submit the entire fee with the NOI as required by section 3833(b)(3)(A) and section 2200(a)(3) of the California Code of Regulations.
3. The Enrollee shall obtain a separate Water Quality Certification for additional impacts not covered in the HCP/NCCP PWCA RGP, including impacts not within the HCP/NCCP boundary.
4. The Central Valley Water Board staff will review the NOI and evaluate whether it qualifies for enrollment under this Order. Within 30 days of NOI receipt, Central Valley Water Board staff shall determine if the application is complete. If the application is complete, within 45 days of NOI receipt, the Central Valley Water Board will issue a Notice of Applicability (NOA), informing the Enrollee that the proposed activity qualifies for authorization. The Central Valley Water Board reserves the authority to request additional information or exclude any segments from coverage if it cannot determine that the work on the proposed segments is consistent with the impacts identified in the HCP/NCCP RGP or is not sufficiently protective of water quality standards or beneficial uses. The Enrollee must receive an NOA prior to in-water work.

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 Enrollee 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 water quality control plans the Central Valley 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 Enrollee to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems 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 Enrollee 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 Enrollee submittals for coverage under this Order.
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 individual 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. Construction General Permit Requirement:** The Enrollee shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where individual projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Activities Covered

This Order authorizes discharges of dredged and/or fill material into waters of the state associated with establishment, re-establishment, enhancement, and rehabilitation activities, provided the activities result in a net increase in aquatic resource functions and services and are approved for coverage by this office under the ILF Program.

G. General Prohibitions

1. This Order may not be used to authorize discharges of dredged and/or fill material into waters of the state for activities that do not result in a net increase in aquatic resource functions and services.
2. This Order may not be used to authorize discharges of dredged and/or fill material into waters of the state for activities that are not approved by the Corps through the ILF Program.

H. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D 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 Enrollee, the Enrollee must obtain authorization for the take prior to any construction or operation of the portion of the individual project that may result in a take. The Enrollee is responsible for meeting all requirements of the applicable endangered species act for the individual project authorized under this Order.
3. The Enrollee shall grant Central Valley Water Board staff or an authorized representative (including an authorized contractor acting as a Central Valley Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the individual 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 individual 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 individual project. Copies of this Order shall remain at the individual project site for the duration of this Order. The Enrollee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
 5. A copy of this Order must be available at the individual project site(s) during construction for review by site personnel and agencies. All personnel performing work on the individual project shall be familiar with the content of this Order and its posted location at the individual project site.
 6. Lake and Streambed Alteration Agreement – If issued, the Enrollee shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Central Valley Water Board prior to any discharge to waters of the state.
- I. Construction:** Best management practices shall be followed to protect water quality from fill and/or excavation impacts as much as possible. If applicable, the following conditions apply to each individual project authorized by this Order:
1. **Dewatering**
 - a. The Enrollee 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. A dewatering plan must be included in the NOI to fulfill this requirement. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.B.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. Sufficient water shall, at all times, be allowed to pass downstream to maintain beneficial uses of waters of the state.
 - c. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, such diversions shall not diminish quantity or degrade quality of the discharged water, and shall maintain ambient stream flows below the diversion. When the work is completed, all de-watering materials placed in the channel shall be removed and normal flows shall be restored to the affected stream as soon as is feasible and safe. To the extent feasible, all temporary diversion structures and the supportive material shall be removed no more than 48 hours after work is completed; clean gravel in contact with flowing water shall be left in place
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and allowed to disperse naturally by high winter flows. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.B.3.

- d.** Cofferdams for isolating in-channel activities shall be installed both upstream and downstream not more than 100 feet from the extent of the work areas to prevent seepage into or from the work area when dewatering of the entire channel is necessary; otherwise, cofferdams shall affect no more of the stream channel than is necessary to support completion of the work. All water shall be discharged in a non-erosive manner (e.g., through gravel or vegetated bars, on hay bales, on plastic, on concrete, or in storm drains when equipped with filtering devices) provided that it first has been properly treated to eliminate contaminants, including raw concrete. Treated water discharged to the channel shall be consistent with ambient conditions, including temperature and pH. Turbid water or water contaminated with other pollutants pumped out of cofferdams shall be discharged to upland areas (e.g., grassy field) providing overland flow and infiltration and not allowed to re-enter the channel, or pumped to containers (e.g., baker tanks) for disposal.
- e.** In channels with low flows, small in-channel berms constructed of imported, non-erosive materials (e.g., washed, rounded, spawning-sized gravel between 0.4 and 4.0 inches [10 to 100 millimeters] in diameter) or other temporary structures (gravel-filled sandbags, inflatable rubber cofferdams) that deflect water to one side of the channel during project implementation may be built. Following berm removal, the channel shall be restored to its original condition; gravel in contact with flowing water shall be left in place and allowed to disperse naturally by high winter flows.
- f.** 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.
- g.** Sumps or basins may be used to collect water, where appropriate (e.g., in channels with low flows). If pumps are used, a fish screen must be installed to prevent entrapment of small fish. To prevent increases in temperature and decreases in dissolved oxygen (DO), properly sized bypass pipes shall be used (i.e., larger diameter pipes to better pass the flows). Creation of a low-flow channel or other methods to isolate the work area may be used to avoid the use of bypass pipes.
- h.** If water is present, the area must be dewatered prior to start of work. Streamflow may be diverted around the work area by a barrier, except where it has been determined by a qualified biologist that the least environmentally disruptive approach is to work in a flowing stream and fish and amphibian passage is not a concern at that time. Where feasible, water diversion techniques shall allow stream flows to gravity flow around or through the work site.
- i.** Dewatering will occur within the individual project area.

- j. 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 an individual project.
- k. The Enrollee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

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

5. Good Site Management “Housekeeping”

- a. The Enrollee shall develop and maintain onsite an individual project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the individual project. The Plan must detail the individual 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 Enrollee 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 individual 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 individual 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 Enrollee shall comply with notification requirements in sections XIV.A.4.a and XIV.A.4.b.

- b. Wet concrete will be placed into waters of the state 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 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 individual project site and prior to leaving the individual 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 Enrollee must minimize the short and long-term impacts on receiving water quality from the individual project by implementing the following post-construction storm water management practices and as required by local agency permitting the individual project, as appropriate:
 - i. Minimize the amount of impervious surface;
 - ii. Comply with General Condition 1 of the HCP/NCCP including compliance with the requirements of the West Placer Storm Water Quality Design Manual;
 - iii. Comply with Community Condition 1.1 (*Avoidance of Vernal Pool Complex Constituent Habitat*) and 1.2 (*Avoidance of Aquatic/Wetland Complex Constituent Habitat*) of the HCP/NCCP;
 - iv. Comply with Community Condition 1.5 (*Wetlands Restoration*), 2.3 (*Riverine and Riparian Restoration*) and Stream System Condition 2 (*Stream System Mitigation: Restoration*) and Conservation Measure 1 (*Establish Reserve System*); and
 - v. 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.
- b. The Enrollee shall ensure that all development within the individual project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the individual 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;
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance;

- iii. Written text in individual 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 and Bridges

- 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 individual 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. Public structures must comply with Regional Public Projects Condition 1 (*Transportation and Other Infrastructure Projects Design Requirements*) and all projects must comply with Species Condition 7 (*Guidelines for Salmonid Passage at Stream Crossings*) of the HCP/NCCP. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.
- c. Temporary fill materials placed in any waters of the state, such as for access ramps, diversion structures, or cofferdams, must be completely removed upon construction completion. Any disturbed soils will be revegetated with native plants; non-invasive species; or non-reproductive (i.e., sterile hybrids) plants suitable for the altered soil conditions. 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 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 Enrollee shall be responsible for restoration of conditions as necessary (as determined by the Central Valley 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, as provided in section 6.3.4.2.1 of the HCP/NCCP, no erodible materials will be deposited into surface water or surface water drainage courses. Brush, loose soils, or other debris material will not be stockpiled within stream channels, on adjacent banks, or where it may enter any river, stream or lake.

- 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 individual project.
- c. Erosion control measures will be of material that will not entrap wildlife (i.e., no plastic monofilament). Erosion control blankets will be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.

11. Special Status Species: Special status species are described and included by reference in the HCP/NCCP EIS/EIR chapter 3 in the HCP/NCCP document, which include Swainson's hawk, California black rail, Western burrowing owl, Tricolored blackbird, Giant garter snake, Western pond turtle, Foothill yellow-legged frog, California red-legged frog, Central Valley steelhead, Central Valley fall-/late fall-run Chinook salmon, Valley elderberry longhorn beetle, Vernal pool fairy shrimp, Vernal pool tadpole shrimp, and Conservancy fairy shrimp.

12. Stabilization/Erosion Control

- a. Comply with General Condition 1 of the HCP/NCCP including compliance with the requirements of the West Placer Storm Water Quality Design Manual.
- b. Seed mixtures applied for erosion control will not contain [California Invasive Plant Council](http://www.cal-ipc.org/paf/)—designated invasive species (<http://www.cal-ipc.org/paf/>) but will be composed of native species appropriate for the site or sterile non-native species. If sterile non-native species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive non-natives.

13. Storm Water

- a. Comply with General Condition 1 of the HCP/NCCP including compliance with the requirements of the West Placer Storm Water Quality Design Manual.

J. Mitigation for Temporary Impacts

- 1. The Enrollee shall restore all areas of temporary impacts, including individual project site upland areas, which could result in a discharge of 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 90 days of issuance of a Notice of Applicability for 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 individual project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting). The Enrollee shall provide annual monitoring reports in accordance with Reporting and Notification Attachment C.

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by the 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 365 days of the impacts, the Enrollee must comply with the CARP and HCP/NCCP mitigation requirements for permanent effects.

K. Compensatory Mitigation for Permanent Impacts

1. **Compensatory Mitigation Plan – Not Applicable**
2. **Enrollee-Responsible Compensatory Mitigation Responsibility – Not Applicable**
3. **Purchase of Mitigation Credits by Enrollee for Compensatory Mitigation – Not Applicable**

- L. Ecological Restoration and Enhancement:** The Enrollee will identify individual project activities resulting in the net beneficial gain of aquatic resources and quantify the waters of the state permanently gained by the Project in the NOI.

XV. Water Quality Certification

The Central Valley Water Board hereby issues the Order for the Central Valley Water Board Certified Western Placer County Habitat Conservation Program/Natural Community Conservation Plan (HCP/NCCP) Regional General Permit (RGP) Project, WDID#5A31CR00539, 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).

The Central Valley Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order.

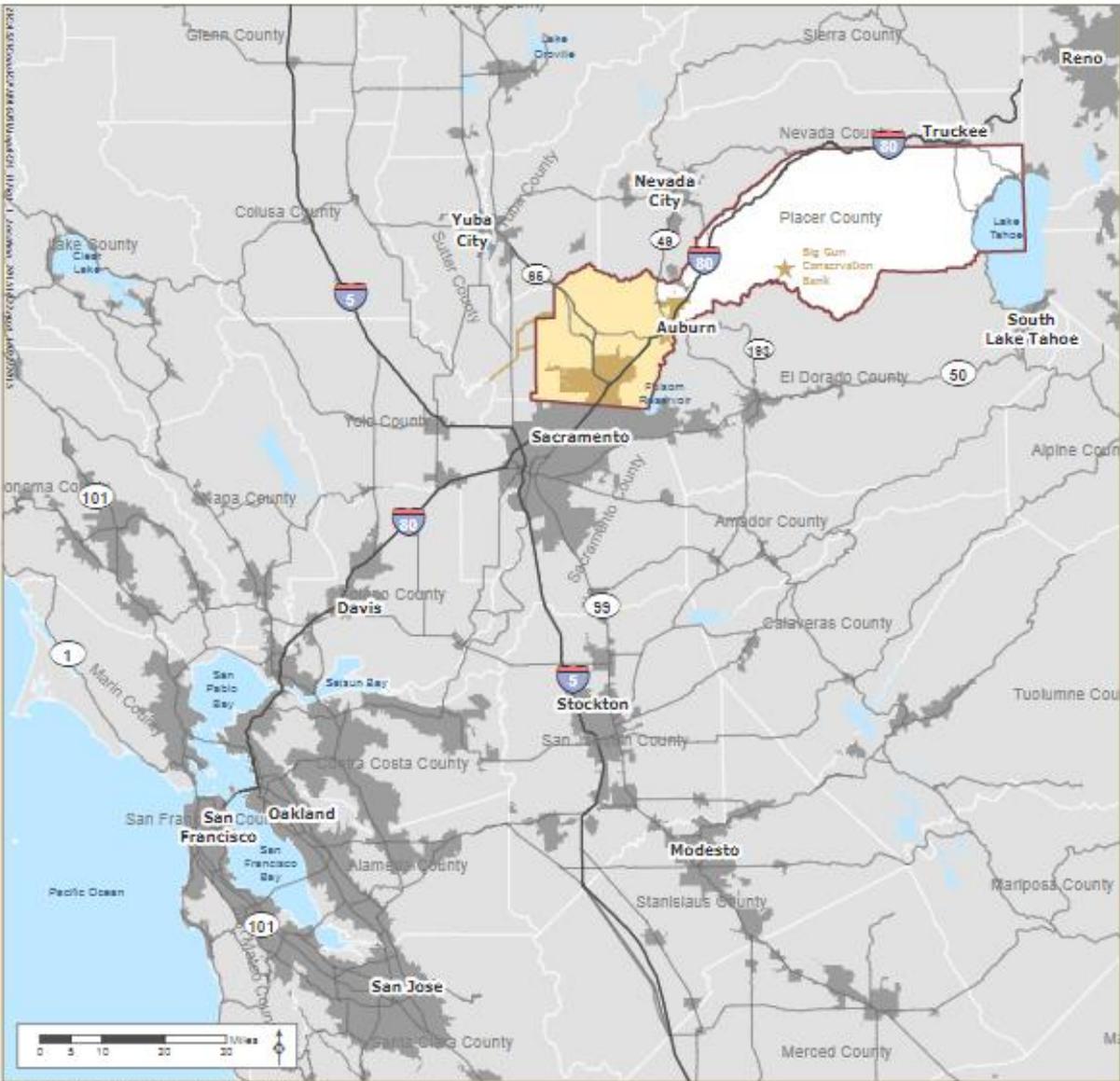
Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

CERTIFICATION

NI, Patrick Pulupa, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of the Order with all attachments adopted by the Central Valley Regional Water Quality Control Board, Central Valley Region, on XX XXXXXXXX XXXX.

PATRICK PULUPA, Executive Officer

- Attachment A** Western Placer County HCP/NCCP Map
- Attachment B** CEQA Findings of Facts
- Attachment C** Reporting and Notification Requirements
- Attachment D** Signatory Requirements
- Attachment E** Notice of Intent Form



Urban Area Placer County Conservation Plan
Interstate Plan Area A
Highway Plan Area B

Figure 1 – Western Placer County HCP/NCCP Plan Map

A. Environmental Review

On 1 September 2020, the County of Placer, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2005032050) for the Project and filed a Notice of Determination (NOD) at the SCH on 2 September 2020. 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 County of Placer's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the County of Placer addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the Impact Avoidance and Minimization Measures (AMMs) developed by the County of Placer for all measures that have been adopted for the Project to eliminate or reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: Placer County Planning Department 3091 County Center Drive, Suite 190 Auburn, CA 95603.

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

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

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, the Central Valley Water Board makes the following findings:

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

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

a.i. Potential Significant Impact: The Project may result in potentially significant impacts to land use planning, population and housing, geological problems, water, transportation, utilities and service systems and recreation.

a.ii. Facts in Support of Finding: In addition to the Avoidance and Minimization Measures listed below, from Appendix C of the CARP and chapter 6 of the HCP/NCCP document.

HYDROLOGY AND WATER QUALITY BMPs

Project Planning and Design BMPs

DESIGN-1: All Covered Activities shall minimize the area of disturbance in Stream System to the maximum extent practicable

DESIGN-2: Prior to final project design, site characteristics will be evaluated to determine if non-traditional designs, such as bioengineered bank treatments that incorporate live vegetation, or other engineered habitat improvements, can be successfully utilized while meeting the requirements of the project.

DESIGN-3: If structural changes to the channel bed are necessary as part of project design, provisions for fish passage will be incorporated into the project design

DESIGN-4: To minimize impact of new construction, existing access routes and levee roads shall be used.

DESIGN-5: Removal of riparian vegetation shall be minimized so the amount cleared will only be the amount necessary to accomplish the required activity and comply with public health and safety directives. Where riparian vegetation requires removal, removal will first be targeted in areas dominated by invasive vegetation.

DESIGN-6: Maintenance of natural stream characteristics, such as riffle-pool sequences, riparian canopy, sinuosity, floodplain, woody debris, and a natural channel bed, will be incorporated into the project design.

DESIGN-7: Stream bank repair design will first consider only use of compacted soil, and will be re-seeded with native grasses or sterile non-native hybrids and stabilized with natural erosion control fabric. If compacted soil is not sufficient to stabilize the slope, bioengineering techniques must be used. No hardscape (e.g., concrete or any sort of bare riprap) or rock gabions may be utilized in streams not managed for flood control (i.e., streams where channel clearing, vegetation and debris removal, and conveyance maintenance activities are conducted) except in cases where infrastructure or human safety is threatened (e.g., undercutting of existing roads).

DESIGN-8: Rock riprap may only be used to stabilize channels experiencing extreme erosion or posing a threat to public safety. When used, rock riprap must be large enough and installed to withstand a 100-

year flow event and planted with native riparian species suitable for planting in such a manner.

DESIGN-9: Limit removal of instream woody material (IWM) and vegetation in channels, on stream banks, and along levees and maintenance roads to only that necessary to meet the objective of the Covered Activity, or to meet regulatory requirements or guidelines.

DESIGN-10: In streams not managed for flood control purposes (i.e., streams where channel clearing, vegetation and debris removal, and conveyance maintenance activities are conducted) woody material (including live leaning trees, dead trees, tree trunks, large limbs, and stumps) will be retained unless it is threatening a structure, impedes reasonable access, or is causing bank failure and sediment loading to the stream

DESIGN-11: If debris blockages threaten bank stability and may increase sedimentation of downstream reaches, debris will be removed. When clearing natural debris blockages (e.g., branches, fallen trees, soil from landslides) from the channel, only remove the minimum amount of debris necessary to maintain flow conveyance (i.e., prevent significant backwatering or pooling). Non-natural debris (e.g., trash, shopping carts) will be fully removed from the channel

DESIGN-12: To minimize the effect of increased local erosion due to in-channel vegetation removal, the top of the bank shall be protected by leaving vegetation in place to the maximum extent possible.

DESIGN-13: Avoid access routes on slopes of greater than 20 percent used to access upland areas adjacent to streams and riparian areas. Any upland access across sloped areas shall be examined for evidence of instability and either revegetated or filled to prevent future landslide or erosion

DESIGN-14: Avoid activities in the active (i.e., flowing) channel to the maximum extent practicable, especially during the migration, spawning, and egg incubation season for listed fish species, or before amphibians have undergone metamorphosis. If activities must be conducted in the active channel, limit the use of equipment for in-water work to hand tools to the extent practicable

DESIGN-15: Bank stabilization site design shall evaluate hydraulic effects immediately upstream and downstream of the work area to minimize downstream erosion caused by changes in water velocity. Design of bank stabilization projects shall incorporate similar roughness and characteristics of the bank surrounding the project area.

DESIGN-16: Trails will be sited and designed with the smallest footprint necessary to cross through the Stream System. Trail crossings of streams will be aligned perpendicular to the channel and be designed to avoid any potential for future erosion.

DESIGN-17: Trail crossings of freshwater streams and drainages will adhere to the BMP above regarding the preference of bridges, or other over water structures, to minimize disturbance. Culverts may also be used if that is the least environmentally damaging design.

DESIGN-18: Trail design shall minimize need for drainage structures. At the outfalls of drainage structures, erosion control measures shall be taken to prevent erosion.

DESIGN-19: Whenever possible, the span of bridges will also allow for upland habitat beneath the bridge to provide undercrossing areas for wildlife species that will not enter the creek. Native plantings, natural debris, or scattered rocks will be installed under bridges to provide wildlife cover and encourage the use of crossings.

Dewatering BMPs

DEWATER-1: While in-stream work is performed, the entire streamflow shall be diverted around the work area by a barrier, except where it has been determined by a qualified biologist that the least environmentally disruptive approach is to work in a flowing stream and fish and amphibian passage is not a concern at that time. Where feasible, water diversion techniques shall allow stream flows to gravity flow around or through the work site.

DEWATER-2: Cofferdams for isolating in-channel activities shall be installed both upstream and downstream not more than 100 feet from the extent of the work areas to prevent seepage into or from the work area when dewatering of the entire channel is necessary; otherwise, cofferdams shall affect no more of the stream channel than is necessary to support completion of the work. All water shall be discharged in a non-erosive manner (e.g., through gravel or vegetated bars, on hay bales, on plastic, on concrete, or in storm drains when equipped with filtering devices) provided that it first has been properly treated to eliminate contaminants, including raw concrete. Treated water discharged to the channel shall be consistent with ambient conditions, including temperature and pH. Turbid water or water contaminated with other pollutants pumped out of cofferdams shall be discharged to upland areas (e.g., grassy field) providing overland flow and infiltration and not allowed to re-enter the channel, or pumped to containers (e.g., baker tanks) for disposal.

DEWATER-3: In channels with low flows, small in-channel berms constructed of imported, non-erosive materials (e.g., washed, rounded, spawning-sized gravel between 0.4 and 4.0 inches [10 to 100 millimeters] in diameter) or other temporary structures (gravel-filled sandbags, inflatable rubber cofferdams) that deflect water to one side of the channel during project implementation may be built. Following berm removal, the channel shall be restored to its original condition; gravel in

contact with flowing water shall be left in place and allowed to disperse naturally by high winter flows.

DEWATER-4: Sumps or basins may be used to collect water, where appropriate (e.g., in channels with low flows). If pumps are used, a fish screen must be installed to prevent entrapment of small fish.

DEWATER-5: To prevent increases in temperature and decreases in dissolved oxygen (DO), properly sized bypass pipes shall be used (i.e., larger diameter pipes to better pass the flows). Creation of a low-flow channel or other methods to isolate the work area may be used to avoid the use of bypass pipes.

DEWATER-6: Diversions shall not diminish quantity or degrade quality of the discharged water and shall maintain ambient stream flows below the diversion. When the work is completed, all de-watering materials placed in the channel shall be removed and normal flows shall be restored to the affected stream as soon as is feasible and safe. To the extent feasible, all temporary diversion structures and the supportive material shall be removed no more than 48 hours after work is completed; clean gravel in contact with flowing water shall be left in place and allowed to disperse naturally by high winter flows.

Construction BMPs

CON-1: The applicant shall maintain a copy of project conditions—as determined by the local jurisdiction and/or PCA—at the site. Site supervisors shall be familiar with all permit conditions.

CON-2: A qualified biologist will train all personnel working within or adjacent to the Stream System (i.e., those people operating ground-disturbing equipment) regarding these avoidance and minimization measures and the permit obligations of project applicants working under this Plan.

CON-3: Personnel shall utilize equipment that minimizes the area and degree of disturbance, such as appropriately tired vehicles (either tracked or wheeled, depending on the situation), or avoidance of vehicles if possible.

CON-4: No vehicles other than necessary construction equipment shall be allowed within the Stream System.

CON-5: All wetlands, other waters, and Stream Systems that are adjacent to a Covered Activity project site and that will be avoided shall be marked with bright construction fencing. Temporary fencing shall be removed upon completion of the project.

CON-6: Deep pools located outside and adjacent to the construction footprint shall be fenced or blocked with barriers to prevent encroachment of equipment and personnel from affecting deep-pool habitats, which are used as refuge for fish and wildlife.

CON-8: When practicable, avoid maintenance and construction activities at night. When night work cannot be avoided:

- Minimize use of temporary lighting.
- Shield and focus lights on work areas.
- Use the lowest intensity lighting necessary to complete the work.

CON-9: Wildlife entering the construction site shall be allowed to leave the area unharmed or shall be flushed or herded humanely in a safe direction from the site.

CON-10: All utility pipe sections shall be capped or inspected for wildlife before being placed in a trench. Pipes within a trench shall be capped at the end of each day to prevent entry by wildlife.

CON-11: At the end of each workday all open trenches will be provided with a ramp of dirt or wood to allow trapped animals to escape.

CON-12: Staging and storage areas for equipment, stockpiled materials, fuels, lubricants, and solvents shall be located outside of the Stream System. If site conditions prevent locating staging areas outside the Stream System, at a minimum they shall be located outside the top of the bank, ideally on an existing disturbed area (e.g., access road) or other area that can be readily returned to pre-project conditions at the conclusion of the activity.

CON-13: Handle and dispose of invasive plant species removed during Covered Activity implementation in such a manner as to prevent further spread of the invasive species.

CON-14: To minimize the spread of pathogens all staff working in aquatic systems (i.e., streams, ponds, and wetlands), including site monitors, construction crews, and surveyors, will adhere to the most current guidance for equipment decontamination provided by the Wildlife Agencies at the time of activity implementation

CON-15: Only herbicides registered with the California Department of Pesticide Regulation shall be used in streams, ponds, and lakes, and shall be applied in accordance with label instructions. A list of all pesticides that may be used in the project area shall be submitted to the PCA before use. The USFWS and NMFS do not issue incidental take permits for pesticide and rodenticide use; pesticide and rodenticide use, and resultant "take" of ESA-listed species, are not covered under this Plan for the federal permits.

CON-16: Avoid or minimize the amount of fertilizer used during hydro seeding to minimize introducing these materials into waterways.

Post Construction BMPs

POST-CON-1: Temporary fills, such as for access ramps, diversion structures, or cofferdams, shall be completely removed upon finishing

the work.

POST-CON-2: The stream bed will be returned to as close to pre-project condition— considering such characteristics as elevations, profile, and gradient—as appropriate. Ecologically improved conditions shall be incorporated into project design when appropriate.

POST-CON-3: Any disturbed soils will be revegetated with native plants; non-invasive species; or non-reproductive (i.e., sterile hybrids) plants suitable for the altered soil conditions.

POST-CON-4: Projects that cross beneath streams must provide a post-construction summary of any unanticipated effects (e.g., stream channel disturbance due to a frac-out) resulting from implementation of the project. Additional fees may be owed (as required by General Conditions 3 and 4, *Land Conversion and Temporary Effects*, respectively), based on the actual effects of the project.

Operations and Maintenance BMPs

OPS-1: For stream maintenance activities, only in-stream work that is necessary to maintain the channel consistent with designated management purposes (e.g., flood control, groundwater recharge) will be conducted.

OPS-2: When conducting vegetation management, retain as much understory brush and as many trees as feasible, emphasizing shade producing and bank stabilizing vegetation.

OPS-3: Vegetation thinning and removal in streams managed for flood control will be phased to ensure that some riparian habitat remains at all times. Projects will be planned so that the least amount of riparian vegetation will be removed while still meeting the desired flood control needs.

OPS-4: If a project alters the stream bed during stream maintenance, the stream low flow channel shall be returned to its approximate prior location with appropriate depth for fish passage without creating a potential future bank erosion problem.

OPS-5: Sediment removal in the stream channel shall use the approach with the least impact, such as phasing of removal activities or only removing sediment along one half of the channel bed, allowing the other half to remain relatively undisturbed.

OPS-6: Maintenance and operation of pumps and generators placed in stream will minimize impacts to water quality and aquatic species.

OPS-7: Temporary crossings shall be installed no earlier than April 15 and shall be removed no later than October 15. This work window could be modified at the discretion of the County, City, and Wildlife Agencies.

OPS-8: Work in Stream Systems shall not disturb active bird nests until

young birds have fledged. To avoid effects to nesting birds in Stream Systems, trees and shrubs shall be removed outside of the nesting season approximately between August 15 and February 1. Tree and shrub removal at other times is at the PCA's discretion and will require surveys by a qualified biologist to determine the absence of nesting birds.

OPS-9: The following will be implemented to minimize noise effects on fish and wildlife during pile driving:

- Vibratory pile drivers, or other Wildlife Agency-approved methods, shall be used to drive piles, to the maximum extent practicable.
- Where feasible, the use of impact hammers to drive piles will be limited to areas outside of the stream channel or in dry cofferdams.
- Bubble curtains will be used to attenuate sound when it is necessary to drive piles with an impact hammer in water.
- Where feasible, metal-to-metal contact of the driver hammer and metal piles will be avoided.
- The smallest pile driver and the minimum force necessary to complete the work will be used.
- All types of pile driving will be limited to daylight hours only to provide fish and wildlife with extended quiet periods.
- Prior to initiating pile driving with an impact hammer, an acoustic analysis using the most recent interagency standards and guidelines will be conducted to predict impacts of pile driving noise on listed fish species.

A hydroacoustic monitoring plan will be developed and implemented and underwater noise levels will be monitored during all impact pile driving on land, in dry cofferdams and in water (using bubble curtains) to ensure that the peak and cumulative sound exposure levels do not exceed predicted values.

OPS-10: Wood treated with oil-type preservatives (e.g., creosote, pentachlorophenol) shall not be used in waterways. Wood treated with waterborne preservative chemicals shall be used instead, provided that the preservative being used has been approved by the Western Wood Preservers Institute (WWPI), and [WWPI guidelines and BMPs to minimize effects on aquatic environments during implementation](http://www.wwpinstitute.org) are followed (www.wwpinstitute.org).

Utility Line Installation BMPs

UTIL-1: Utility lines that cross waterways shall be attached to bridges, when feasible

UTIL-2: When it is necessary to bury utility lines beneath stream channels, a frac-out plan will be prepared, and will include a plan for response and containment. In addition, the following factors shall be considered as part of project design:

- Utility lines shall be buried below the maximum extent of channel bed scour and aligned as perpendicular as possible to the stream channel.
- Avoid siting crossings at meander bends, braided stream segments, alluvial fans, active floodplains, or other inherently unstable reaches, areas of groundwater upwelling or locations with documented spawning habitat.
- Trenching through stream banks and channels shall be avoided in favor of trenchless construction methods (e.g., jack and bore, directional drilling), to the maximum extent practicable.
- If trenching is required:
 - o Trench widths should be as narrow as feasible to accommodate the pipeline/utility line
 - o Trench excavation shall be conducted in the dry or in areas isolated from flowing water (e.g., cofferdams, stream diversions) and other Avoidance and Minimization Measures associated with cofferdams and water diversions described in this table shall be implemented.
- The amount of disturbance shall be kept to the minimum necessary to complete the work.
- Disturbed areas shall be returned to pre-project conditions prior to returning flow to the stream.
- If directional drilling is required:
 - o Drill paths shall be designed at an appropriate depth below the stream channel to minimize the risk of frac-out where drilling mud is released through fractured bedrock.
 - o Drill entry and exit points shall be located away from channel banks to minimize impact on the Stream System and channel.

UTIL-3: Overland trenches shall be required to be backfilled with the native soils originally excavated from that area (as opposed to imported engineered fills) to the maximum extent feasible. Additionally, where technically feasible, topsoil shall be required to be stripped, stockpiled, and reapplied to original depth in all areas disturbed by construction over and adjacent to overland trenches.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, title 14, section 15091, subd.(a)(2).)

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

a.i. Potential Significant Impact: The Project may result in potentially significant impacts to biological resources.

a.ii. Facts in Support of Finding: In addition to the Avoidance and Minimization Measures listed below, from Appendix C of the CARP and chapter

6 of the HCP/NCCP document.

BIOLOGICAL RESOURCES BMPs

Species Conditions BMPs

SWAINSON'S HAWK-1: Swainson's hawk surveys and CNDDDB record searches are required well in advance of project construction to determine whether Swainson's hawk is nesting on or within 1,320 feet of the project site. If the project cannot be designed to avoid active Swainson's hawk nest trees and the construction must occur during the nesting season (approximately February 1 to September 15), a preconstruction survey must be conducted no more than 15 days prior to ground disturbance. Surveys will be conducted consistent with current guidelines (Swainson's Hawk Technical Advisory Committee 2000), with the following exceptions:

- Surveys will be required within a 1,320-foot radius around the project site. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist will scan all potential nest tree(s) from the adjacent property, road sides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for Swainson's hawk nesting activity;
- Surveys will be required from February 1 to September 15 (or sooner if it is found that birds are nesting earlier in the year); and
- If a Swainson's hawk nest is located and presence confirmed, only one follow-up visit is required (to avoid disturbance of the nest due to repeated visits).

SWAINSON'S HAWK-2: During the nesting season (approximately February 1 to September 15 or sooner if it is found that birds are nesting earlier in the year), ground-disturbing activities within 1,320 feet of occupied nests or nests under construction will be prohibited to minimize the potential for nest abandonment. While the nest is occupied, activities outside the buffer can take place, provided that they do not stress the breeding pair. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the PCA for a reduction in the buffer distance or waiver of this avoidance measure. A qualified biologist would be required to monitor the nest and determine that the reduced buffer does not cause nest abandonment. If a qualified biologist determines nestlings have fledged, Covered Activities can proceed normally.

SWAINSON'S HAWK-3: Active (within the last 5 years) nest trees on a project site will not be removed during the nesting season. If a nest tree must be removed (as determined by the PCA), tree removal shall occur only between September 15 and February 1, after any young have fledged and are no longer dependent on the nest and before breeding

activity begins.

SWAINSON'S HAWK-4: Construction monitoring will be conducted by a qualified biologist and will focus on ensuring that activities do not occur within the buffer zone. The qualified biologist performing the construction monitoring will ensure that effects on Swainson's hawks are minimized. If monitoring indicates that construction outside of the buffer is affecting nesting, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the young have fledged from the nest (as confirmed by a qualified biologist). The frequency of monitoring will be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of the active nest. In most cases, monitoring will occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that direct effects on Swainson's hawks are minimized. The qualified biologist will train construction personnel on the avoidance procedures and buffer zones.

CALIFORNIA BLACK RAIL-1: Surveys will be initiated sometime between March 15 and May 31, preferably before May 15. A minimum of four surveys will be conducted. The survey dates will be spaced at least 10 days apart and will cover the time period from the date of the first survey through the end of June to early July. This will allow the surveys to encompass the time period when the highest frequency of calls is likely to occur. Projects must conduct surveys during this time period, regardless of when the project is scheduled to begin, and shall be conducted the year in which ground disturbance activities commence. This survey requirement also applies to Covered Activities that will alter the supply of water feeding potential breeding habitat for California black rails (e.g., fixing a leak in an irrigation canal). Some wetlands supported by leaks from water conveyance structures such as irrigation canals may also be supported hydrologically by other sources of water. Fixing a leak in an irrigation canal may therefore not substantially alter the extent and/or quality of the wetland habitat for California black rail. In such cases, the project proponent may provide the results of a hydrological study of the affected wetland to the PCA and Wildlife Agencies to determine whether altering the source of water would result in take of a wetland occupied by California black rail. Surveys must be conducted using survey protocol based on the methods used in Richmond et al. (2008) or guidance agreed upon by the Permittees and Wildlife Agencies. Surveys will be conducted if a fresh emergent wetland greater than 0.2 acre in size occurs on an adjacent parcel that is within 500 feet of the project site (as determined by aerial photographs), using survey methods that rely on call playback to elicit response from California black rails (e.g., those used by Richmond et al. 2008). Calls will be played from edge of the adjacent parcel, or where most appropriate to elicit a response, without trespassing. If a California black rail is determined to

be present, no project activities are permitted within 500 feet of the outside perimeter of the occupied wetland. Project proponents may conduct activities within 500 feet of an occupied wetland based on site-specific conditions (e.g., noise barriers) and if approved by the PCA and the Wildlife Agencies and a qualified biologist monitors construction activities within 500 feet to ensure that California black rail nests are not disturbed.

CALIFORNIA BLACK RAIL-2: If the PCA does not grant take coverage, a buffer around the avoided wetland will be demarcated 500 feet from the outside perimeter of the occupied wetland with an exclusion fence to prevent construction activities from encroaching into the buffer zone and to identify the occupied wetland and buffer zone as a no-work area within the covered project. If the work would dewater occupied habitat and the PCA does not grant coverage, the activity could not take place under the Plan.

CALIFORNIA BLACK RAIL-3: If the PCA grants take coverage, clearing of the habitat (or dewatering) will occur between September 15 and February 1 (outside the breeding season). For ground disturbing activities, if the project will not convert all of the wetland habitat present, a buffer around the avoided wetland will be demarcated with exclusion fencing to prevent construction activities from encroaching into California black rail habitat and to identify the occupied wetland and buffer zone as a no-work area.

CALIFORNIA BLACK RAIL-4: A qualified biologist will monitor on-site during construction to ensure that no Covered Activities occur within the buffer zone established around the occupied wetland, or if take allowance is granted outside of the breeding season, to ensure that adverse effects are minimized. The frequency of monitoring will be approved by the PCA based on the frequency and intensity of construction activities and the likelihood of disturbance of the active nest. In most cases, monitoring will occur at least every other day, but in some cases daily monitoring may be appropriate to ensure that direct effects on California black rail are minimized. The qualified biologist may increase the buffer size if s/he determines that activities are particularly disruptive (e.g., use of dynamite, or other explosives). Prior to the start of construction, the qualified biologist will train construction personnel on the avoidance procedures and buffer zones.

WESTERN BURROWING OWL-1: Two surveys will be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys will be conducted at least 7 days apart (if burrowing owls are detected on the first survey, a second survey is not needed) for both breeding and non-breeding season surveys. All burrowing owls observed will be counted and mapped. During the breeding season (February 1 to August 31), surveys will

document whether burrowing owls are nesting in or within 250 feet of the project area. During the non-breeding season (September 1 to January 31), surveys will document whether burrowing owls are using habitat in or directly adjacent to any area to be disturbed. Survey results will be valid only for the season (breeding or non-breeding) during which the survey was conducted. The Qualified Biologist will survey the proposed footprint of disturbance and a 250-foot radius from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site will be surveyed by walking line transects, spaced 20 to 60 feet apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 300 feet, the surveyor, with use of binoculars, shall scan the entire visible project area for burrowing owls. During walking surveys, the surveyor will record all potential burrows used by burrowing owls, as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls; therefore, observers will also listen for burrowing owls while conducting the survey. Adjacent parcels under different land ownership will be surveyed only if access is granted. If portions of the survey area are on adjacent sites for which access has not been granted, the qualified biologist will get as close to the non-accessible area as possible and use binoculars to look for burrowing owls. The presence of burrowing owl or their sign anywhere on the site or within the 250-foot accessible radius around the site will be recorded and mapped. Surveys will map all burrows and occurrence of sign of burrowing owl on the project site. Surveys must begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total) or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large project sites.

WESTERN BURROWING OWL-2: If burrowing owls are found during the breeding season (approximately February 1 to August 31), the project applicant will:

- Avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging).
- Establish a 250-foot non-disturbance buffer zone around nests. The buffer zone will be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer will be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. Construction may only occur within the 250-foot buffer zone during the breeding season only if a qualified raptor biologist monitors the nest and determines that the

activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Measures such as visual screens may be used to further reduce the buffer with Wildlife Agency approval and provided a biological monitor confirms that such measures do not cause agitated behavior.

WESTERN BURROWING OWL-3: If burrowing owls are found during the non-breeding season (approximately September 1 to January 31), the project applicant will establish a 160-foot buffer zone around active burrows. The buffer zone will be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with Wildlife Agency approval and provided a biological monitor confirms that such measures do not cause agitated behavior.

WESTERN BURROWING OWL-4: During the non-breeding season only, if a project cannot avoid occupied burrows after all alternative avoidance and minimization measures are exhausted, as confirmed by the Wildlife Agencies, a qualified biologist may passively exclude birds from those burrows. A burrowing owl exclusion plan must be developed by a qualified biologist consistent with the most recent guidelines from the Wildlife Agencies (e.g., California Department of Fish and Game 2012) and submitted to and approved by the PCA and the Wildlife Agencies. Burrow exclusion will be conducted for burrows located in the project footprint and within a 160-foot buffer zone as necessary.

WESTERN BURROWING OWL-5: A biological monitor will be present on site daily to ensure that no Covered Activities occur within the buffer zone. The qualified biologist performing the construction monitoring will ensure that effects on burrowing owls are minimized. If monitoring indicates that construction outside of the buffer is affecting nesting, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the young have fledged from all the nests in the colony (as confirmed by a qualified biologist) or until the end of the breeding season, whichever occurs first.

TRICOLORED BLACKBIRD-1: *Preconstruction Surveys – Nest Colony Sites.* Prior to initiation of Covered Activities in all project work areas and within 1,300 feet of project work areas, the qualified biologist(s) shall conduct preconstruction surveys to evaluate the presence of tricolored blackbird nesting colonies. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist will scan all potential nest colony site(s) from the adjacent property, road sides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for tricolored blackbird nesting activity. Surveys should be conducted at least twice with at least one month between surveys during the nesting season 1 year prior to initial ground

disturbing for the Covered Activity if feasible, and the year of ground disturbing for the Covered Activity (required). If Covered Activities will occur in the project work area during the nesting season, three surveys shall be conducted within 15 days prior to the Covered Activity, with one of the surveys occurring within 5 days prior to the start of the Covered Activity. The survey methods will be based on Kelsey (2008) or a similar protocol approved by the PCA and the Wildlife Agencies based on site-specific conditions. If the first survey indicates that suitable nesting habitat is not present on the project site or within 1,300 feet of the project work area, additional surveys for nest colonies are not required. Preconstruction surveys are still required, however, as described below in Tricolored Blackbird 2.

TRICOLORED BLACKBIRD-2: *Preconstruction Surveys – Foraging Habitat.* If an active colony is known to occur within 3 miles of the project site, a qualified biologist will conduct two surveys of foraging habitat within the project site and within a 1,300-foot radius around the project site to determine whether foraging habitat is being actively used by foraging tricolored blackbirds. The qualified biologist will map foraging habitat, as defined by the land cover types listed above, within a 1,300-foot radius around the project site to delineate foraging habitat that will be surveyed. The surveys will be conducted approximately one week apart, with the second survey occurring no more than 5 calendar days prior to ground-disturbing activities. Two surveys are required because tricolored blackbirds may not visit a site during a single survey period, as they may be foraging elsewhere. Each survey shall last 4 hours, and begin no later than 8:00 a.m. The qualified biologist will survey the entire project site and a 1,300-foot radius around the project site by observing and listening from accessible vantage points that provide views of the entire survey area. If such vantage points are not available, the qualified biologist will survey from multiple vantage points to ensure that the entire survey area is surveyed. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist will scan all foraging habitat from the adjacent property, road sides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for tricolored blackbird foraging activity. The qualified biologist will map the locations on the site and within a 1,300-foot radius around the project site where tricolored blackbirds are observed and record an estimate of the numbers of tricolored blackbirds observed (estimated by 10s, 100s, or 1,000s), the frequency of visits (e.g., if individuals or a flock makes repeated foraging visits to the site during the survey period), whether tricolored blackbirds are leaving the site with food in their bills, and the direction they fly to/from.

TRICOLORED BLACKBIRD-3: *Nesting Colony – Avoidance and Minimization.* Construction activity or other covered activities that may

disturb an occupied nest colony site, as determined by a qualified biologist, will be prohibited during the nesting season (March 15 through July 31 or until the chicks have fledged or the colony has been abandoned on its own) within a 1,300-foot buffer zone around the nest colony, to the extent practicable. The intent of this condition is to prevent disturbance to occupied nest colony sites on or near project sites so they can complete their nesting cycle. This condition is not intended to preserve suitable breeding habitat on project sites but to ensure impacts to active colony sites only take place once the site is no longer occupied by the nesting colony. The buffer will be applied to extend beyond the nest colony site as follows.

- If the colony is nesting in a wetland, the buffer must be established from the outer edge of all hydric vegetation associated with the colony.
- If the colony is nesting in non-wetland vegetation (e.g., Himalayan blackberry), the buffer must be established from the edge of the colony substrate.

This buffer may be modified to a minimum of 300 feet, with written approval from the Wildlife Agencies, in areas with dense forest, buildings, or other features between the Covered Activities and the occupied active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; where sound curtains have been installed; or other methods developed in consultation with the Wildlife Agencies where conditions warrant reduction of the buffer distance. If tricolored blackbirds colonize habitat adjacent to Covered Activities after the activities have been initiated, the project applicant shall reduce disturbance through establishment of buffers or noise reduction techniques or visual screens, as determined in consultation with the Wildlife Agencies and PCA. The buffer must be clearly marked to prevent project-related activities from occurring within the buffer zone.

TRICOLORED BLACKBIRD-4: *Actively used Foraging Habitat – Avoidance and Minimization.* Construction activity or other covered activities that may disturb foraging tricolored blackbirds, as determined by a qualified biologist, will be prohibited within 1,300-feet of the foraging site to the extent feasible during the nesting season (March 15 through July 31 or until the chicks have fledged or the colony has been abandoned on its own) if the foraging habitat was found to be actively used by foraging tricolored blackbirds during at least one of the two foraging habitat surveys conducted under Tricolored Blackbird 2. If survey results indicate that the area provides marginal foraging habitat (e.g., tricolored blackbirds were observed foraging, but only briefly, and most were not successfully capturing prey), or site specific conditions may warrant a reduced buffer, the PCA technical staff will consult with the Wildlife Agencies to evaluate whether the project needs to avoid the

foraging habitat or whether a reduced buffer may be appropriate. In such cases, additional surveys may be needed to assess site conditions and the value of the foraging habitat. The buffer must be clearly marked to prevent project-related activities from occurring within the buffer zone. This buffer may be modified to a minimum of 300 feet, with written approval from the Wildlife Agencies, in areas with dense forest, buildings, or other features between the Covered Activities and the actively used foraging habitat; where there is sufficient topographic relief to protect foraging birds from excessive noise or visual disturbance; or in consultation with the Wildlife Agencies if other conditions warrant reduction of the buffer distance. If tricolored blackbird begins using foraging habitat adjacent to Covered Activities after the activities have been initiated, the project applicant shall reduce disturbance through establishment of buffers or noise reduction techniques or visual screens, as determined in consultation with the Wildlife Agencies and PCA. Similar to Tricolored Blackbird 3, the intent of this condition is to allow actively nesting colonies on or near project sites to complete their nesting cycle prior to the loss of the foraging habitat on site. Protecting actively used-foraging habitat during the nesting season will help to enable the tricolored blackbird nesting colony to complete its nesting cycle, as loss of valuable foraging habitat could cause the nesting colony to fail. This condition is not intended to preserve suitable foraging habitat on project sites in the long term.)

TRICOLORED BLACKBIRD-5: *Nesting Colony – Construction Monitoring.* Active nesting colonies that occur within the no-disturbance buffer shall be monitored by the qualified biologist(s) to verify the Covered Activity is not disrupting the nesting behavior of the colony. The frequency of monitoring will be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of the active nest. In most cases, monitoring will occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that direct effects on tricolored blackbird are minimized. The biologist will train construction personnel on the avoidance procedures and buffer zones. If the qualified biologist(s) determines that the Covered Activity is disrupting nesting and/or foraging behavior, the qualified biologist(s) shall notify the project applicant immediately, and the project applicant shall notify the PCA within 24 hours to determine additional protective measures that can be implemented. The qualified biologist(s) shall have the authority to stop Covered Activities until additional protective measures are implemented. Additional protective measures shall remain in place until the qualified biologist(s) determine(s) tricolored blackbird behavior has normalized. If additional protective measures are ineffective, the qualified biologist(s) shall have the authority to stop Covered Activities as needed until the additional protective measures are modified and nesting behavior of tricolored blackbird returns to normal. Additional protective measures

may include increasing the size of the buffer (within the constraints of the project site), delaying Covered Activities (or the portion of Covered Activities causing the disruption) until the colony is finished breeding and chicks have left the nest site, temporarily relocating staging areas, or temporarily rerouting access to the project work area. The project proponent shall notify the PCA and Wildlife Agencies within 24 hours if nests or nestlings are abandoned. If the nestlings are still alive, the qualified biologist(s) shall work with the Wildlife Agencies to determine appropriate actions for salvaging the eggs or nestlings. Notification to PCA and Wildlife Agencies shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.

TRICOLORED BLACKBIRD-6: *Actively used Foraging Habitat – Construction Monitoring.* Foraging habitat within the buffer shall be monitored by the qualified biologist(s) to verify that the Covered Activity is not disrupting tricolored blackbird foraging behavior. The frequency of monitoring will be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of foraging tricolored blackbirds. In most cases, monitoring will occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that effects on tricolored blackbird are minimized. The biologist will train construction personnel on the avoidance procedures and buffer zones. If the qualified biologist(s) determines that the Covered Activity is disrupting foraging behavior, the qualified biologist(s) shall notify project applicant immediately, and the project applicant shall notify the PCA within 24 hours to determine additional protective measures that can be implemented. The qualified biologist(s) shall have the authority to stop Covered Activities until additional protective measures are implemented. Additional protective measures shall remain in place until the qualified biologist(s) determine(s) tricolored blackbird behavior has normalized. If additional protective measures are ineffective, the qualified biologist(s) shall have the authority to stop Covered Activities as needed until the additional protective measures are modified and foraging behavior of tricolored blackbird returns to normal. Additional protective measures may include increasing the size of the buffer (within the constraints of the project site), temporarily relocating staging areas, or temporarily rerouting access to the project work area.

GIANT GARTER SNAKE-1: To avoid effects on giant garter snake aquatic habitat, the project proponent will conduct no in-water/in-channel activity and will maintain a permanent 200-foot non-disturbance buffer from the outer edge of suitable habitat. If the project proponent cannot avoid effects of construction activities, the project proponent will implement the following measures to minimize effects of construction projects.

- Conduct preconstruction clearance surveys using United States Fish and Wildlife Service (USFS) and California Department of Fish and Wildlife (CDFW)-approved methods within 24 hours prior to construction activities within identified giant garter snake aquatic and adjacent upland habitat. If construction activities stop for a period of 2 weeks or more, conduct another preconstruction clearance survey within 24 hours of resuming construction activity.
- Restrict all construction activity involving disturbance of giant garter snake habitat to the snake's active season, May 1 through October 1. During this period, the potential for direct mortality is reduced, because snakes are expected to actively move and avoid danger.
- In areas where construction is to take place, encourage giant garter snakes to leave the site on their own by dewatering all irrigation ditches, canals, or other aquatic habitat (i.e., removing giant garter snake aquatic habitat) between April 15 and September 30. Dewatered habitat must remain dry, with no water puddles remaining, for at least 15 consecutive days prior to excavating or filling of the habitat. If a site cannot be completely dewatered, netting and salvage of giant garter snake prey items may be necessary to discourage use by snakes.
- Provide environmental awareness training for construction personnel. Training may be implemented through the distribution of approved brochures and other materials that describe resources protected under the Plan and methods for avoiding effects. If a live giant garter snake is encountered during construction activities, immediately notify the project's biological monitor and USFWS and CDFW. The monitor will stop construction in the vicinity of the snake, monitor the snake, and allow the snake to leave on its own. The monitor will remain in the area for the remainder of the workday to ensure the snake is not harmed or, if it leaves the site, does not return. The qualified biologist will work with the PCA, USFWS, and CDFW to redirect the snake away from the disturbance area within 3 days of reporting the snake's presence at the construction site to USFWS and CDFW.
- Employ the following management practices to minimize disturbances to habitat.
 - o Install temporary fencing to identify and protect adjacent marshes, wetlands, and ditches from encroachment from construction equipment and personnel.
 - o Maintain water quality and limit construction runoff into wetland areas using hay bales, filter fences, vegetative buffer strips, or other accepted practices. No plastic,

monofilament, jute, or similar erosion control matting that could entangle snakes or other wildlife will be permitted.

CALIFORNIA RED-LEGGED FROG, FOOTHILL YELLOW-LEGGED FROG AND WESTERN POND TURTLE-1:

California red-legged frog, foothill yellow-legged frog, and western pond turtle are all species that rely on aquatic habitats for a portion of their life cycles. Many of the avoidance measures in this chapter focus on the avoidance and minimization of impacts on these aquatic habitats, addressing minimizing converted land as well as degradation of habitat (water quality and other indirect effects). Conditions on Covered Activities that provide avoidance and minimization for California red-legged frog, foothill yellow-legged frog, and western pond turtle include:

- General Condition 1, Watershed Hydrology and Water Quality
- Community Condition 1.1, Avoidance of Vernal Pool Complex Constituent Habitat
- Community Condition 1.2, Avoidance of Aquatic/Wetland Complex Constituent Habitat
- Community Condition 2, Riverine and Riparian Avoidance and Minimization
- Community Condition 3, Valley Oak Woodland Avoidance, Minimization, and Mitigation
- Stream System Condition 1, Stream System Avoidance and Minimization
- Regional Public Projects Condition 1, Transportation and Other Infrastructure Projects Design Requirements
- Regional Public Projects Condition 2, Transportation and Other Infrastructure Projects Construction BMPs
- Regional Public Projects Condition 3, Operation and Maintenance BMPs
- Species Condition 4, Tricolored Blackbird
- Species Condition 7, Central Valley Steelhead and Central Valley Fall/Late Fall-Run Chinook Salmon (Salmonids)

In addition to these avoidance and minimization measures, General Condition 3, Land Conversion, provides a process for accounting for loss of natural and semi-natural that is more encompassing than standard practice. This approach better addresses the piecemeal loss of high-quality, contiguous habitat that would occur without a plan such as that HCP/NCCP. Finally, Chapter 5, *Conservation Strategy*, provides guidance on how impacts that cannot be avoided and minimized are mitigated. Mitigation not only includes addressing loss of aquatic resources, but surrounding uplands and loss of habitat connectivity as well. Because the effects on California red-legged frog, foothill yellow-legged frog, and western pond turtle are addressed through the approach to assessing impact and applying extensive avoidance and minimization measures, no additional avoidance and minimization measures specific to these species are required.

**CENTRAL VALLEY STEELHEAD AND CENTRAL VALLEY FALL-
/LATE FALL-RUN CHINOOK SALMOND-1:** Streamflow through new and replacement culverts, bridges, and over stream gradient control structures must meet the velocity, depth, and other passage criteria for salmonid streams as described by NMFS and CDFW guidelines or as developed in cooperation with NMFS and CDFW to accommodate site-specific conditions (*Guidelines for Salmonid Passage at Stream Crossings* [National Marine Fisheries Service 2001]).

**CENTRAL VALLEY STEELHEAD AND CENTRAL VALLEY FALL-
/LATE FALL-RUN CHINOOK SALMOND-2:** Fish passage through dewatered channel sections shall be maintained at all times during the adult and juvenile migration season on streams with Covered Species to allow for unimpeded passage of migrating adults and juveniles (smolts). In addition, fish passage shall be maintained during summer on streams supporting summer rearing of Covered Species to allow for seasonal movement of resident (over-summering) fish when the natural channel segment within the vicinity of work areas also supports the movement of resident fish.

To allow for fish passage, the diversion shall:

- Maintain continuous flows through a low flow channel in the channel bed or an adjacent artificial open channel
- Present no vertical drops exceeding six inches and follow the natural grade of the site
- Maintain water velocities that shall not exceed 1.5 feet per second and provide velocity refugia, as necessary
- Maintain adequate water depths consistent with normal conditions in the project reach
- Be lined with cobble/gravel to simulate stream bottom conditions
- Be checked daily to prevent accumulation of debris at diversion inlet and outlet

A closed conduit pipe shall not be used for fish passage. Pipes may be used to divert flow through dewatered channel segments on streams that do not support migratory species, or during low flow conditions when the channel segment within the vicinity of work areas at the time of construction does not support movement of fish.

**CENTRAL VALLEY STEELHEAD AND CENTRAL VALLEY FALL-
/LATE FALL-RUN CHINOOK SALMOND-3:** Prior to the start of work or during the installation of water diversion structures, if fish Covered Species are present and it is determined that they could be injured or killed by construction activities, a qualified biologist will first attempt to gently herd fish Covered Species away from work areas and exclude them from work areas with nets, if practicable. If herding is not practicable or ineffective, a qualified biologist shall capture fish Covered Species and transfer them to another appropriate reach. In considering the relocation, the qualified biologist will determine whether relocation is

ecologically appropriate using a number of factors, including site conditions, system carrying capacity for potential relocated fish, and flow regimes (e.g., if flows are managed). If fish Covered Species are to be relocated, the following factors will be considered when selecting release site(s):

- Similar (within 3.6°F [2 degrees Celsius (°C)]) water temperature as capture location. In addition, fish must be held in water that is at the same temperature as release sites at time of release. If raising or lowering of water temperature in holding apparatus is required, water temperatures in holding apparatus containing fish should not be changed at a rate that exceeds 1.8°F (1°C) every 2 minutes, and should not exceed 41°F (5°C) per hour.
- Ample habitat availability prior to release of captured individuals.
- Presence of others of the same species so that relocation of new individuals will not upset the existing prey/predation function.
- Carrying capacity of the relocation location.
- Potential for relocated individual to transport disease.
- Low likelihood of fish reentering work site or becoming impinged on exclusion net or screen.

Capture and relocation of fish Covered Species is not required at individual project sites when site conditions preclude reasonably effective operation of capture gear and equipment, or when the safety of the biologist conducting the capture may be compromised.

CENTRAL VALLEY STEELHEAD AND CENTRAL VALLEY FALL-/LATE FALL-RUN CHINOOK SALMOND-4: Spawning gravel cleaning and replacement activities should be timed to occur during the dry season and after fry have emerged from the gravel (generally July 1 through October 1). Applicants may submit requests for extension of this work window to the PCA for review by CDFW and NMFS. In streams that receive summer irrigation flows, spawning gravel cleaning and replacement activities should be timed to occur after the irrigation season has ended and stream flows are at a minimum to minimize the need for site dewatering (if needed) and to minimize the potential for downstream turbidity and sedimentation effects. If dewatering is needed, other applicable Avoidance and Minimization Measures shall be implemented prior to commencing spawning gravel cleaning and replacement activities. Gravel to be placed in streams shall be washed (to remove fines), rounded (i.e., non-angular) and spawning-sized (between 0.4 and 4.0 inches [10 to 100 millimeters] in diameter). For gravel augmentation projects, gravels should be placed such that high flows naturally sort and distribute the material.

CENTRAL VALLEY STEELHEAD AND CENTRAL VALLEY FALL-/LATE FALL-RUN CHINOOK SALMOND-5: When riprap is required to be placed below the OHWM, it shall have a cleanliness value of no less than 85 percent and shall be covered with clean, uncrushed rock

consistent with NMFS spawning gravel size requirements (currently 98 to 100 percent of the clean, uncrushed rock must pass through a 4-inch sieve, and 60 to 80 percent must pass through a 2-inch sieve). Of the total volume of rock placed, 50 percent shall consist of clean, uncrushed rock. This measure may be updated with more current standards.

VALLEY ELDERBERRY LONGHORN BEETLE-1: Surveys for valley elderberry longhorn beetle are required for Covered Activities within the following habitat features when below 650 feet elevation (above mean sea level):

- a. Riparian constituent habitat
- b. Valley oak woodland community
- c. Stream System (excluding frequently disked or flooded agricultural lands such as rice that would not likely support elderberry shrubs)

The project applicant will apply avoidance and minimization measures as specified in the USFWS's Conservation Guidelines for the Valley Elderberry Longhorn Beetle (U.S. Fish and Wildlife Service 1999b) or the current Wildlife Agency-approved avoidance and minimization protocol. When take is authorized the project applicant must coordinate with the PCA to provide transplants and seedlings/cuttings for planting in suitable habitat on the Reserve System consistent with the USFWS Guidelines/Framework. Project-by-project mitigation requirements for valley elderberry longhorn beetle cannot be applied to the restoration requirements of 6.3.2.2.3 (Community Condition 2.3, Riverine and Riparian Restoration) for a project's associated riparian native trees/shrubs impacts to be planted as replacement habitat (i.e., mitigation for impacts to valley elderberry longhorn beetle [transplants and plantings of seedlings/cuttings] does not count as mitigation for impacts to riverine and riparian [restoration of riverine and riparian]). The distinction between valley elderberry longhorn beetle impacts and riverine/riparian impacts will be addressed through project-specific mitigation requirements that provide for restoration of natural communities, including riverine/riparian complex (i.e., restoration dependent on effects; see Table 5-4).

CONSERVANCY FAIRY SHRIMP-1: Surveys will be conducted for Conservancy fairy shrimp in vernal pools, vernal swales, and other seasonal wetlands. The qualified biologist will conduct protocol-level surveys using the Survey Guidelines for the Listed Large Branchiopods (Guidelines) (U.S. Fish and Wildlife Service 2015). Among other requirements, this protocol states that a complete survey consists of one wet season survey and one dry season survey within a 3-year period. As such, applicants must plan to allow sufficient time to complete these surveys. The results of the protocol-level survey will be valid for 5 years after completion, which means no more than 5 years may lapse between the survey and PCA approval of the Covered Activity. If another occurrence is found in the Plan Area but outside of the survey

requirement area, a similar requirement will be established in consultation with the Wildlife Agencies.

CONSERVANCY FAIRY SHRIMP-2: Maintain a 250-foot upland buffer from the outer edge of all hydric vegetation associated with occupied wetlands. At the request of the project applicant, representatives of the PCA and the Wildlife Agencies may conduct site visits to inspect the characteristics of specific project sites and may approve reductions of the buffer. Buffer reductions may be approved for all or portions of the site whenever reduced buffers will maintain the hydrology of the seasonal wetland and achieve the same or greater habitat values as would be achieved by the original buffer. Avoidance and minimization measures will be incorporated into the project design and other portions of the application package prior to submission for coverage under the Plan. An avoided occurrence can count toward the project's mitigation requirements if it is incorporated into the Reserve System and managed according to the Plan's conservation strategy. In the event that complying with this condition to avoid an occurrence of Conservancy fairy shrimp would severely affect a property owner's use or economic interest in private property, the PCA and the Wildlife Agencies shall promptly consult with the property owner to consider whether any modifications to this condition are appropriate to reduce the impact on the property owner or whether the PCA may instead purchase the property as part of the Reserve System.

CONSERVANCY FAIRY SHRIMP-3: Activities inconsistent with the maintenance of seasonal wetlands within the buffers and disturbance of the on-site watershed will be prohibited, including:

- Altering existing topography
- Placing new structures within the buffers
- Dumping, burning, and/or burying garbage or any other wastes or fill materials
- Building new roads or trails
- Removing or disturbing existing native vegetation
- Installing storm drains
- Using pesticides or other toxic chemicals

CONSERVANCY FAIRY SHRIMP-4: To avoid or minimize effects on Conservancy fairy shrimp being retained on site, the 250-foot upland buffer will be marked by brightly colored fencing throughout the construction process. Activities will be prohibited within this buffer.

CONSERVANCY FAIRY SHRIMP-5: If occupied habitat is retained on site, a qualified biological monitor will be present to ensure compliance with the buffer zone restrictions. A qualified biologist will inform all construction personnel about the life history of Conservancy fairy shrimp, the importance of avoiding its habitat, and the terms and conditions of the Plan related to avoiding and minimizing effects on Conservancy fairy

shrimp. The frequency of monitoring will be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of the occupied pool(s). In most cases, monitoring will occur at least every third day.

VERNAL POOL FAIRY SHRIMP AND VERNAL POOL TADPOLE

SHRIMP-1: Wet season surveys will be conducted for vernal pool fairy shrimp and vernal pool tadpole shrimp in vernal pools, as determined by wetland delineation (See Section 6.2.4.4, *Item 4: Mapping HCP/NCCP Aquatic Features* for details). The qualified biologist will conduct protocol-level wet season surveys, using modified Guidelines, as approved by USFWS (see below). Modifications include requiring that all vernal pools at a site be surveyed, rather than allowing for the survey to be terminated when presence on a project site is confirmed. This modification is necessary to obtain data on presence and absence in all of the available vernal pools, to facilitate the determination of the Occupancy Rate Standards. This, and other exceptions and additions to the Guidelines, as follows. If presence is confirmed for vernal pool fairy shrimp and vernal pool tadpole shrimp in an individual vernal pool, surveys may be stopped for that vernal pool.

- All vernal pools on the project site must be surveyed. Surveys cannot be suspended prior to completion, as allowed by the Guidelines, if one or more of the six listed large branchiopods, identified in the Guidelines is determined to be present.
- The Guidelines define a complete survey as consisting of one wet-season and one dry-season survey conducted and completed in accordance with the Guidelines within a 3-year period. For the purposes of the Plan, only one wet-season survey is required; dry-season surveys are not required. Applicants must plan to allow sufficient time to complete these surveys.
- Data that will be collected at each vernal pool surveyed during the wet season survey will include the presence or absence of vernal pool fairy shrimp and vernal pool tadpole shrimp, species identity and the estimated abundance (10s, 100s, 1,000s) of immature and mature vernal pool fairy shrimp and vernal pool tadpole shrimp present, and estimated maximum surface area of the vernal pool. Other information on the USFWS data sheet are not required to be collected (i.e., air and water temperature, average and estimated maximum depth of the vernal pool, presence of non-target crustaceans, insects, and platyhelminths, and habitat condition). This will allow surveys to be conducted more efficiently, while providing the essential information necessary to calculate the Pool-based Occupancy Rate Standard⁹ and the Area-based Occupancy Rate Standard¹⁰. Because these vernal pools will be affected by Covered Activities, collection of additional information is not necessary.
- Information will be recorded on the PCA-provided data sheet,

which will be the USFWS data sheet (included as Appendix A to the Guidelines), modified to include the above information.

- Voucher specimens will not be collected during wet season surveys unless the identity of the mature shrimp is uncertain and cannot be identified in the field. The Guidelines allow for a limited number of voucher specimens to be collected for each vernal pool. For the purpose of the Plan, the modified survey protocol further limits the collection of voucher specimens to instances where identity is uncertain.

The biologist conducting a survey for vernal pool fairy shrimp and vernal pool tadpole shrimp should participate in the wetland delineation to map the area of each vernal pool. If the biologist cannot participate in the wetland delineation, and the wetland delineation does not provide area for each vernal pool, the biologist will conduct follow-up surveys to map the perimeter of each vernal pool with a global positioning system (GPS). Each vernal pool will be given a unique identification number that will be used to track survey data collected during wet- season surveys.

D. Determination

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

Copies of this Form

In order to identify your individual project, it is necessary to include a copy of the individual 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:

1. Go to: (http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml)
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - Part A (Project Reporting):** Used to notify the Central Valley Water Board of the status of the individual project schedule from both Enrollee and the PCA. Enrollees will submit Monthly and Annual Reports, if applicable, to the Central Valley Water Board and the PCA will submit Annual Impact Reports to the Central Valley Water Board.
 - Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the individual Project schedule that may affect individual 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.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Greg.Hendricks@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Greg Hendricks; Reg. Measure ID: 438169_Report

Definition of Reporting Terms

- 1. Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Enrollee 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 individual project including site construction and restoration.
- 2. Request for Notice of Completion of Discharges Letter:** This request by the Enrollee to the Central Valley Water Board staff pertains to individual 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 Enrollee upon approval. This letter will initiate the post-discharge monitoring period and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.
- 3. Request for Notice of Project Complete Letter:** This request by the Enrollee to the Central Valley Water Board staff pertains to individual projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further individual project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Enrollee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.
- 4. 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.

Effective Date: XX XXXXXXXX XXXX

Map/Photo Documentation Information

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

1. 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 individual 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 (NAD38) 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 individual 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 individual 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 individual 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.

2. 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.

REPORT AND NOTIFICATION COVER SHEET

Project:	TBD		
Enrollee:	TBD		
Reg. Meas. ID:	TBD	Place ID:	TBD
WDID:	5A31CR00539-XXX		
Order Effective Date:	XX XXXXXXXX XXXX		
Order Expiration Date:	XX XXXXXXXX XXXX		

Report Type Submitted	
Part A - Project Reporting	
Report Type 1	<input type="checkbox"/> Quarterly Report # _____
Report Type 2	<input type="checkbox"/> PCA Annual Impact Report # _____
Part B - Project Status Notifications	
Report Type 3	<input type="checkbox"/> Commencement of Construction
Report Type 4	<input type="checkbox"/> Request for Notice of Completion of Discharges Letter
Report Type 5	<input type="checkbox"/> Request for Notice of Project Complete Letter
Part C - Conditional Notifications and Reports	
Report Type 6	<input type="checkbox"/> Accidental Discharge of Hazardous Material Report
Report Type 7	<input type="checkbox"/> Violation of Compliance with Water Quality Standards Report
Report Type 8	<input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9	<input type="checkbox"/> Modifications to Project Report
Report Type 10	<input type="checkbox"/> Transfer of Property Ownership Report
Report Type 11	<input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name ¹

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.**

Part A – Project Reporting

Report Type 1	Quarterly Report
Report Purpose	Notifies Central Valley Water Board staff of the individual project status and environmental compliance activities on a quarterly basis.
When to Submit	On the 1st day of each quarter, beginning the month after the submittal of the Commencement of Construction Notification, and until a Notice of Project Complete Letter is issued to the Enrollee.
Report Contents	<ol style="list-style-type: none"> 1. Construction Summary Describe individual project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water BMPs⁶. If construction has not started, provide estimated start date. 2. Event Summary Describe distinct individual project activities and occurrences, including environmental monitoring, surveys, and inspections. 3. Photo Summary Provide photos of individual project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions. 4. Compliance Summary <ol style="list-style-type: none"> a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period. b) List associated monitoring reports for the reporting period. Include sampling reports. If no sampling was required, a monitoring report must be submitted stated, “No sampling was required”.

⁶ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

	<p>c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</p> <p>d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</p>
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Report Type 2	PCA Annual Impact Report
Report Purpose	Notify the Central Valley Water Board staff of individual project permanent impact statuses.
When to Submit	Annual impact reports shall be submitted each year starting on the 1st day of the month one year after the effective date of this Order. Annual reports shall continue until the Order expiration date.
Report Contents	The contents of the annual impact report shall include the annual and total permanent impact statuses of HCP/NCCP individual projects covered under the USACE PGP, LOP, ASP, and RGP. Permanent impacts shall be quantified in acreage, cubic yards, and linear feet as applicable, to aquatic resource types: lake, riparian zone, stream channel, wetland, vernal pool, and bay/estuary. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Part B – Project Status Notifications
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Report Type 3	Commencement of Construction
Report Purpose	Notify Central Valley Water Board staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	<ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Individual project schedule milestones including a schedule for on-site compensatory mitigation, if applicable. 4. Construction Storm Water General Permit WDID No.

Report Type 4	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Central Valley Water Board staff that post-construction monitoring is required and that active individual project construction, including any mitigation is complete.

When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all individual project construction activities.
Report Contents	<ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all individual project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. An updated monitoring schedule for mitigation for temporary impacts to waters of the state during the post-discharge monitoring period, if applicable.

Report Type 5	Request for Notice of Project Complete Letter
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 individual project activity is planned.
When to Submit	Must be received by Central Valley Water Board staff within thirty (30) days following completion of all individual project activities.
Report Contents	<p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 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. <p>Part B: Post-Construction Storm Water BMPs</p> <ol style="list-style-type: none"> 3. Date of storm water Notice of Termination(s), if applicable. 4. Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 6	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

Report Contents	<ol style="list-style-type: none"> 1. 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. 2. 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. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.
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Report Type 7	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Enrollee 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.
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.

Report Type 8	In-Water Work and Diversions Water Quality Monitoring Report
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.
When to Submit	Forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
Report Contents	As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

Report Type 9	Modifications to Project Report
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.
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.
Report Contents	A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Enrollee's compliance with the Order.

Report Type 10	Transfer of Property Ownership Report
Report Purpose	Notifies Central Valley Water Board staff of change in ownership of the Project.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	<ol style="list-style-type: none"> 1. A statement that the Enrollee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. 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 b. responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. 2. A statement that the Enrollee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the enrollee in a revised order.

Report Type 11	Transfer of Long-Term BMP Maintenance Report
Report Purpose	Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

Attachment D
Signatory Requirements

SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Water Board must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the Regional Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. 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.”



Central Valley Water Board
Western Placer County Habitat Conservation
Program/Natural Community Conservation Plan RGP –
Notice of Intent

Section 1: Enrollee and Agent Information				
		Enrollee:	Agent:	
Company/ Agency Name:				
Name of Contact:				
Title:				
Address:				
City, State, Zip:				
Phone Number:				
Email Address:				
Section 2: Other Agency Permits/ Licenses/ Agreements/ Plans/ Email correspondence (attach application if final action not yet taken):				
Agency:	Have you applied?:	If yes, have you received the permit?:	Permit type:	ID number:
<input type="checkbox"/> HCP/NCCP	Y <input type="checkbox"/> N <input type="checkbox"/>	N/A		
<input type="checkbox"/> CDFW	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>		
<input type="checkbox"/> Other Permits	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>		
<input type="checkbox"/> SWPPP	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>		
Section 3: Project Information				
Project Name:				
Latitude:	Longitude:	Section(s):	Township(s):	Range(s):
Project Address: Street:				
City:	Zip Code:	County:	APN:	
Construction Timeframe (Provide approximate start and end dates):				

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

Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type ¹	Receiving Waters	Beneficial Uses	303d Listing Pollutant(s)

¹ List impacted aquatic resource type as either wetland, vernal pool, lake, bay/estuary, stream channel, or riparian zone if possible.

Table 2: Individual Direct Impact Information									
Impact Site ID	Latitude	Longitude	Direct Impact	Fill			Excavation		
				Acres	Cubic	Linear	Acres	Cubic	Linear
			Temporary						
			Permanent						
			Temporary						
			Permanent						
			Temporary						
			Permanent						
			Temporary						
			Permanent						
			Temporary						
			Permanent						
			Total						
			Total Temporary						
			Total Permanent						

Table 3: Fill and Excavation Quantities

Fill: Indicate the amount (cubic yards) and type of fill material to be discharged/installed in waters of the state:			Excavation: Indicate the amount (cubic yards) and type of fill material to be removed from waters of the state:		
Impact Site ID	Type of Material (soil, concrete, steel, rock,...)	Amount (cubic yards)	Impact Site ID	Type of Material (soil, concrete, steel, rock, etc)	Amount (cubic yards)

Section 6: Documentation		
Check any of the following documents that are applicable to your Project and attach copies to your NOI:		
<input type="checkbox"/> Pre-project photographs	<input type="checkbox"/> Other agency applications and correspondence listed	<input type="checkbox"/> Aquatic Resource Delineation report submitted to the USACE
<input type="checkbox"/> Additional pages and/or supplemental information	<input type="checkbox"/> Temporary impact restoration plan	<input type="checkbox"/> Map of at least 1:24000 (1" = 2000') detail of proposed discharge site

Section 7: Enrollee and Agent Signature	
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I hereby designate and authorize the agent/consultant identified in Section 1 to act on my behalf in the processing of this Notice of Intent, and to furnish, upon request, supplemental information in support of this notice:

Enrollee Name		Enrollee Signature	
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I certify that the information provided on this form and all attachments related to this project are true and accurate to the best of my knowledge:

Enrollee Name		Enrollee Signature	
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Agent Name		Agent Signature	
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Submit the completed Notice of Intent, attachment and fees to the Central Valley Water Quality Control Board, Sacramento Region.

For Internal Water Board Use	
Reviewer	
Date Received	
Reg. Measure	
WDID	
Check #	

Notice of Intent Instructions

The Enrollee seeking authorization under this Order is required to submit a complete Notice of Intent (NOI) form to the Central Valley Water Quality Control Board (Central Valley Water Board), Sacramento Region. A map showing the Western Placer County Habitat Conservation Plan/Natural Communities Conservation Plan jurisdictional boundaries is located in Attachment A of this Order.

To avoid project delays, submit the NOI concurrently with the CARP application. Within 30 days of NOI receipt, the Central Valley Water Board shall determine if the application is complete. If the application is complete, within 45 days of NOI receipt, the Central Valley Water Board will issue a Notice of Applicability (NOA), informing the Permittee that the proposed activity qualifies for authorization. **If an NOA is not issued by Central Valley Water Board staff within 45 days from NOI receipt, the Permittee may proceed with the project according to all applicable Order conditions.**

Definitions

Consider the following definitions while completing the NOI:

Permanent aquatic resource impacts mean permanent loss of aquatic resource area or resource function resulting from a discharge of dredged, excavated, or fill material that changes an aquatic area to dry land or changes the bottom elevation or dimensions of a waterbody, or changes the surface elevation or dimensions of a wetland.

Temporary aquatic resource impacts mean temporary impacts to aquatic resources (e.g., waters temporarily filled, excavated, or drained) where the area, contours, and uses of the impacted aquatic resource is typically restored to pre-project conditions within one year of disturbance. However, the Water Board may determine on a project specific basis that specific time frames for restoration must be imposed to avoid temporal loss which would otherwise be included in permanent loss.

Form Instructions

The Central Valley Water Board requires the information below pursuant to California Water Code section 13260 and California Code of Regulations, title 23, section 3830 et seq.:

Section 1: Enrollee and Agent Information

Enrollee Company, Contact Name and Title: Provide the full, legal company name of the Enrollee or responsible party. Most commonly, the Enrollee is the property and/or facility owner. If the Enrollee is an individual and not a company, indicate that a company name is not applicable. If the Enrollee is an agency, company, corporation or other organization, a contact name (First, Middle Initial, Last) of the main representative of the company and their title must be provided. The Enrollee will be the entity or individual responsible for compliance with the Clean Water Act, California Water Code, applicable Water Quality Control Plans and Order Conditions.

Enrollee Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Consultant/Agent Company, Contact Name and Title: The agent's role is to oversee the processing of the NOI and to make the day-to-day decisions regarding the NOI. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in Section 1 of the form. If you choose to not be represented by an agent leave this Section blank.

Consultant/Agency Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Section 2: Other Agency Permits/ Licenses/ Agreements/ Plans/ Email Correspondence

Agency: Check boxes of other agencies requiring consultation for this project

Have you applied?:

Check Yes (Y): If you have already applied to this agency. If so, include a signed copy of the application with this NOI.

Check No (N): If you have not yet sent in an application to this agency. You must send the Central Valley Water Board the application to the agency for this project within 14 days of applying to this agency.

If yes, have you received the permit?:

Check Yes (Y): If you have received the permit, attached the permit to this NOI.

Check No (N): If you have not yet received the permit, you must send the Central Valley Water Board the permit from the agency for this project within 14 days of issuance.

Permit Type: List which permit applying to.

ID Number: Include any ID Numbers provided by agency or leave blank if the project has not yet been assigned an ID Number.

Section 3: Project Information

Project Name: Give the project a name. The Project Name will be used in all correspondence referencing the project. Be sure this Project Name is consistent with other agency applications for the same project, and is consistent on all maps, drawings and reports. Project Name should be clearly relevant to the Project (e.g., Blue Creek Bridge Project; Jones Subdivision Road Widening Project).

Project Location: List the coordinates (latitude and longitude) for the center point of your project in degrees, minutes, seconds (approximate location is acceptable). Assistance in determining a project's coordinates is widely available through various free online services or your local library. Also include the section(s), township(s), and range(s) that the project is located within.

Project Address: Provide the street address of the project location. If the proposed project does not have a physical street address, be as descriptive as possible in the street address line. For example, "Leisure Town Rd., 5.5 miles south of the intersection of I-80 and Leisure Town Rd".

APN: Provide the Assessor's Parcel Number.

Project Construction Timeframe: Provide the estimated start and end dates for the proposed project.

Project Description/ Purpose: Provide a detailed, technically accurate narrative description of the proposed project purpose, project design, all activities planned to complete the design, and total impacts, including area of ground disturbance and areas of impact to all aquatic resources on the site (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc.). Discuss plans to dewater project areas, pour of wet concrete, hydroseed, remove riparian trees, and disposal methods for excavated material.

Section 4: Avoidance, Minimization and Cumulative Impacts

Avoidance and Minimization: Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the project area. If the effects of impervious surfaces will be minimized through implementation of Low Impact Development treatments, describe those minimization treatments. List the applicable HCP/NCCP avoidance and minimization measures to the project.

Cumulative Impacts: Include a discussion of any potential cumulative impacts. Provide a brief description, including estimated adverse impacts of any projects implemented by the project Enrollee within the last five years or planned for implementation by the Enrollee within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For the purpose of this item, the waterbody extends to a named source or stream segment identified in the relevant Regional Water Quality Control Plan (Basin Plan).

Section 5: Temporary and Permanent Impact Information

Temporary Impacts: Check yes if your project results in temporary impacts to

waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandths of an acre. Also state linear feet of impacts, to the nearest whole foot; this quantity must match the sum of temporary impact quantities listed in Table 2. Attach a restoration plan meeting all Order conditions with your NOI.

Permanent Impacts: Check yes if your project results in permanent impacts and provide the total permanently impacted area in acres, to the nearest thousandths of an acre; and linear feet, to the nearest whole foot; this quantity must match the sum of permanent impact quantities listed in Table 2.

Table 1: Receiving Water(s) Information: List each aquatic resource impact site.

Impact Site ID: Identify the impact site with a Site ID. Site IDs should correspond to those used in project maps and other agency application materials.

Waterbody Name: List the waterbody name found in the basin plan. If the impact Site ID occurs in an unnamed waterbody state “unnamed tributary” to either the next unnamed tributary or the named receiving waters. Contact Central Valley Water Board staff for basin plan maps or general assistance completing this Section, if needed.

Impacted Aquatic Resource Type: For each impact Site ID, identify the impacted aquatic resource type from the following list: Lake, Bay/Estuary, Riparian Zone, Stream Channel, Vernal Pool or Wetland. (More refined or precise resource classifications may be used in Project plans and related documents.)

Receiving waters: List the first downstream waterbody with beneficial use designation in the Water Board basin plan. For more information see the [Central Valley website](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/#basinplans):
(https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/#basinplans).
If unknown, indicate UNK and this information will be completed by Water Board staff.

Receiving Waters Beneficial Uses: List the beneficial use designation. Beneficial uses are listed in the Water Board basin plan. For more information see the [Central Valley website](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/#basinplans):
(https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/#basinplans).
If unknown, indicate UNK and this information will be completed by Water Board staff.

303d Listing Pollutant: List pollutants for receiving waters that have a [303d impairment designation](#), if the water is not listed indicate NA. For more information see the State Water Board website:

(https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml). If unknown, indicate UNK and this information will be completed by Water Board staff.

Table 2: Individual Direct Impact Information: List the following information for each Impact Side ID listed in Table 1.

Impact Site ID: Identify the impact site with a Site ID. Site IDs should correspond to those used in Table 1.

Latitude and Longitude: Provide the center coordinate of the impact site.

Direct Impact Dimensions: Provide the acreage and linear feet of each Impact Site ID impacted by the fill and/or excavation of material, include the volume of material filled and/or excavated to the nearest cubic yard. When the project impacts a shoreline, record the length of shoreline impacted in linear feet. When a project impacts a channel, bed, banks, or adjacent riparian area, record the length of channel impacted in the direction of flow. For polygonal projects that do not have a clear linear aspect (such as transmission line tower foundations), record the distance of the longest line that can be drawn across or through the site. For activities that don't include excavation or filling (such as road grading), enter NA for cubic yards.

Table 3: Fill and Excavation Quantities: List the type and amount of fill and/or excavation material being placed and/or removed from each Impact Site ID.

Section 6: Documentation

Attach the following documents to your NOI: Use this checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project write NA in the corresponding box:

- a. **Pre-project photographs:** 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.
- b. **Other agency correspondence (see NOI Section 3).**
- c. **Aquatic Resource Delineation report submitted to the USACE.**
- d. **Attach additional pages as needed:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested on the NOI.
- e. **Temporary impact restoration and monitoring plan.**

f. Dewatering Plan.

- g. Map(s):** Submit maps of sufficient detail to clearly illustrate all project elements, site characteristics, and impacts, with a scale of at least 1:24000 (1" = 2000'). Acceptable map formats, listed in order of preference, are:
- i. GIS shapefiles:** Shapefiles must depict the boundaries of all project areas, site characteristics, and extent of aquatic resources impacted or avoided. 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 (NAD 83) in the California Teale Albers projection in feet.
 - ii. KML files:** Saved from on-line mapping services. 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.
 - iii. 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 table with the object ID and attributed with the extent/type of aquatic resources impacted.
 - iv. Aquatic resource maps marked on paper USGS 7.5-minute topographic maps or Digital Orthophoto Quarter Quads (DOQQ);** Original or legible copies are acceptable. 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.

Section 7: Agent and Enrollee Signature

Please sign and submit to the Central Valley Water Board. An original signature is required; electronic signatures are not accepted.