Central Valley Regional Water Quality Control Board

WATER QUALITY ORDER NO. R5-2025-XXXX
WASTE DISCHARGE REQUIREMENTS

Effective Date:	XX February 2025
Expiration Date:	XX February 2030

Reg. Meas. ID:	458464
Place ID:	896547
WDID No.:	5A34CR00899

Program Type: Fill/Excavation

Project Type: Residential

Project: Stone Beetland Project (Project)

Applicant: JEN California 26, LLC

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

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FINDINGS

The California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) finds the following:

1. **Application:**

   The Central Valley Water Board received an application from JEN California 26, LLC (Permittee) on 15 August 2024. These Waste Discharge Requirements (Order) are for the purpose described in application and supplemental information submitted by the Permittee. Central Valley Water Board staff requested additional information necessary to supplement the contents of the application, and the Permittee responded to the request for supplemental information on 23 October 2024. The application was deemed complete on 29 October 2024.

2. **Project Description:**

   The 122-acre Project consists of developing the project site for approximately 1,163 residential units spread between four villages: the Transit Village, North Village, Central Village, and West Village. The Transit Village will be mixed-use, with both high-density residential and commercial uses. The remaining villages will include primarily residential land uses. Each of the four villages are designed with a park or open space as a central focal element. The Project includes constructing parks, landscape corridors, open spaces, landscape lots, drainage basins, and an internal roadway system with primary site access provided by Cosumnes River Boulevard. The Project is a Transit Priority Project, incorporating a Sacramento Regional Transit light-rail station in the Project's design.

3. **Project Location:**

   County: Sacramento

   Assessor's Parcel Numbers: 053-0010-048, 053-0010-049, 053-0010-076, 119-0090-014, 119-0080-001, 119-0080-029

   Nearest City: Sacramento

   Section 7, 8, 17, Township 7 North, Range 5 East, MDB&M.

   Latitude: 38.46586° and Longitude: -121.46945°

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

4. **Project Impact, Receiving Water and Beneficial Uses:**

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

5. Description of Direct Impacts to Waters of the State:

Construction of the Project will result in the placement of fill material into 0.32 acre/2,598 linear feet of Waters of the State, consisting of 0.032-acre of ephemeral ditch (148 linear feet), and 0.290 acre of intermittent ditch (2,450 linear feet).

Total Project fill/excavation quantities for all impacts are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area.

Table 1: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.32	1,549	2,598

6. Description of Indirect Impacts to Waters of the State:

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. The Project will minimize impacts to water quality through the implementation of appropriate Best Management Practices (BMPs) during construction and postconstruction. The Project will comply with the NPDES Construction General Permit and will utilize appropriate scheduling, erosion control, sediment control, and non-visible pollutant BMPs during construction. A Storm Water Pollution Prevention Plan (SWPPP) will be prepared prior to initiation of grading activities and will provide site specific measures for the Project. Initial measures typically include stabilized construction entrances, tackified mulch, 3-step hydroseeding, spray-on soil stabilizers, and anchored blankets. Sediment controls may include rock bags to protect storm drain inlets, staked or weighted straw wattles/fiber rolls, and silt fences. BMPs may also include filtering water from dewatering operations, providing proper washout areas for concrete trucks and stucco/paint contractors, containing wastes, managing portable toilets properly, and dry sweeping instead of washing down dirty pavement.

7. Fees Received:

An application fee of $8,515.00 was received on 15 August 2024. The fee amount was determined as required by California Code of Regulations, title 23, section 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84).

8. Avoidance and Minimization:

The project qualified as a Tier 2 project under the State Water Resource Control Board's Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures). The purpose of the Project is to provide a transit-oriented development adjacent to the existing Regional Transit (RT) Station, and therefore does not allow for offsite alternatives.

According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- The project will comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit and will utilize appropriate scheduling, erosion control, and sediment control during construction.
- Prior to construction, temporary orange fencing shall be installed at the edge of the project footprint. The location of the fencing shall be determined by the contractor and the qualified biologist prior to the start of staging or ground disturbing activities. The fencing shall remain in place throughout the duration of the project and shall be regularly inspected and fully maintained. Repairs to the fencing shall be made within 24 hours of discovery. Upon project completion, the fencing shall be completely removed, the area cleaned of debris and trash and returned to natural conditions. An exception to the foregoing fencing measures is that for work sites where the duration of work activities is very short (e.g., 3 days or less) and that occur during the dry season, and the installation of fencing will result in more ground disturbance than from project activities, then the boundaries and access areas and sensitive habitats may be staked and flagged (as opposed to fenced) by a biologist prior to disturbance.
- During construction all appropriate erosion control best management practices will be utilized, consistent with the Project's SWPPP.

9. Compensatory Mitigation:

The Permittee is required to provide compensatory mitigation for direct impacts, described in section J for permanent impacts.

10. Basin Plan:

Receiving waters potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, rev. February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's (State Water Board) Plans and Policies Web page (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.

11. Waste Discharge Requirements:

This Order is adopted pursuant to Water Code section 13263, subdivision (a), which provides, in pertinent part, the following:

> *The regional board, after any necessary hearing, shall prescribe requirements as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge…, with relation to the conditions existing in the disposal area or receiving waters upon, or into which, the discharge is made or proposed. The requirements shall implement any relevant water quality control plans that have been adopted, and shall take into consideration the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the provisions of Section 13241.*

Compliance with section 13263, subdivision (a), including implementation of the Basin Plan, is discussed below. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

12. Antidegradation Policy:

State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" (Antidegradation Policy), requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained.

13. No Net Loss Policy:

Executive Order W-59-93, dated 23 August 1993, establishes a California Wetlands Conservation Policy including an objective to ensure no overall net loss of and a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California (No Net Loss Policy). The State Water Resources Control Board and Regional Water Quality Control Boards are committed to increasing the quantity, quality, and diversity of wetlands that qualify as waters of the state.

14. Compliance with Antidegradation and No Net Loss Policies:

Filling wetlands and other waters causes partial or complete loss of the beneficial uses provided by those waters. To reconcile such losses with the State's No Net Loss and Antidegradation Policies, this Order requires adherence to the requirements in the mitigation monitoring and reporting program, including compensatory mitigation for impacts that cannot be feasibly avoided or minimized; implementation of the approved compensatory mitigation plan; and other requirements to minimize the potential effects of construction on water quality and

resources. Regarding compensatory mitigation, this Order requires aquatic resource impacts be mitigated at a 1:1 ratio (credits to impacted aquatic resources) by purchasing 0.32 aquatic resource credits from the National Fish and Wildlife Foundation's Sacramento District in-lieu fee program. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

15. Monitoring and Reporting Requirements:

The monitoring and technical reporting provisions in this Order are adopted pursuant to Water Code section 13267, subdivision (b)(1), which provides, in pertinent part, the following:

> *[T]he regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste … shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.*

The reports required under this Order are necessary to verify and ensure compliance with permitting requirements and protect waters of the state. The burden associated with such reports is reasonable relative to the need for their submission.

16. California Environmental Quality Act (CEQA):

On 10 October 2023, the City of Sacramento, as lead agency, adopted a Sustainable Communities Environmental Assessment (State Clearinghouse (SCH) No. 2023060633) for the Project and filed a Notice of Determination (NOD) at the SCH on 12 October 2023. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

17. Liability for Noncompliance:

Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268 and/or 13350. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

18. Additional Monitoring and Reporting

In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirements of state law.

19. Additional Monitoring and Reporting:

In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirements of state law.

20. Construction General Permit:

This Order does not provide coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2022-0057-DWQ, as amended.

21. Endangered Species Act:

This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangered Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

22. Public Notice:

This Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5.

23. Public Hearing:

At a public meeting, the Central Valley Water Board heard and considered all comments pertaining to the discharges regulated under this Order.

24. Petitions for Reconsideration:

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050 et seq. The State Water Board must receive the petition by 5:00 p.m. on the 30th day after the date of this Order; if the 30th day falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions are available on the Internet (at the address below) and will be provided upon request.

State Water Resources Control Board Law and Regulations for Filing Petitions
(http://www.waterboards.ca.gov/public_notices/petitions/water_quality)

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263 and 13267, that the Permittee shall comply with the following:

A. Scope

Impacts to waters of the state shall not exceed quantities shown in Table 1.

B. Reporting and Notification Requirements

1. Requirements for the content of the below reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project, which is incorporated herein by reference.
2. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative. The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID No. Documents that are 50 MB or larger may be uploaded to an approved database or transferred to a disk and mailed to the Central Valley Water Board Contact.

3. **Project Reporting**

   a. **Monthly Reporting:**

      The Permittee must submit a Monthly Report to the Central Valley Water Board on the 15th day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

   b. **Annual Reporting:** NOT APPLICABLE

4. **Project Status Notifications**

   a. **Commencement of Construction:**

      The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and, if applicable, corresponding Waste Discharge Identification Number (WDID#) issued under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2022-0057-DWQ; NPDES No. CAS000002).

   b. **Request for Notice of Completion of Discharges Letter:**

      The Permittee shall submit a Request for Notice of Completion of Discharges Letter following completion of active Project construction activities, including any required restoration and permittee-responsible mitigation. This request shall be submitted to the Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.

   c. **Request for Notice of Project Complete Letter:**

      The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

5. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials[1]

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, section 13271):

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES, procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards:

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

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

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Central Valley Water Board staff.

d. Project Modifications:

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

e. Transfer of Property Ownership and Long-Term Best Management Practices (BMPs) Maintenance:

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

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

ii. If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the Central Valley Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility. Until such time as this Order has been

modified to name the transferee as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

C. Water Quality Monitoring

1. General

a. If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

b. The Permittee shall perform surface water sampling:

i. when performing any in-water work;

ii. during the entire duration of temporary surface water diversions;

iii. in the event that the Project activities result in any materials reaching surface waters; or

iv. when any activities result in the creation of a visible plume in surface waters.

c. 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.

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 projects involving planned work in 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.

4. Post-Construction:

The Permittee is required to visually inspect the Project site during the rainy season for one year following completion of active Project construction activities to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may

require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 6 commencing with sections 2050-2068, inclusive. Additionally, the Central Valley Water Board may review and revise the requirements in this Order as necessary. (Water Code, section 13263, subdivision (e).)
2. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.
3. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plan of the Central Valley Water Board or any State Water Board water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. **Mitigation Monitoring and Reporting Program (MMRP):**

   The Permittee shall adhere to all requirements in the Mitigation Monitoring and Reporting Program (MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

E. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.

b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.

c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.

d. Sample or monitor for the purposes of assuring Order compliance.

3. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

4. Lake or Streambed Alteration Agreement:

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

F. Construction

1. Dewatering:

a. Surface Water Diversion and/or Dewatering Plan:

The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in an approved Water Quality Monitoring Plan, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate applicable water quality standards.

c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

2. **Directional Drilling:** NOT APPLICABLE
3. **Dredging:** NOT APPLICABLE
4. **Dust Abatement:**

   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. **Spill Prevention, Containment, and Cleanup Plan:**

      The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment, and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

   b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway.

   c. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

   d. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. **Toxic and Hazardous Materials:**

   a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in Sections B.5.a and B.5.b.

b. No wet concrete will be placed into stream channel habitat.

7. Invasive Species and Soil Borne Pathogens:

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

8. Post-Construction Storm Water Management:

a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by the local agency permitting the Project, as appropriate:

i. Minimize the amount of impervious surface;

ii. Reduce peak runoff flows;

iii. Provide treatment BMPs to reduce pollutants in runoff;

iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;

v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;

vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);

vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and

ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:

i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or

iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads:

a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the Permittee shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

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

maintained and kept clean for the life of the temporary stream crossing structure.

10. **Sediment Control:**

    a. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

    b. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. **Stabilization/Erosion Control:**

    a. All areas disturbed by Project activities shall be protected from washout and erosion.

    b. Hydroseeding shall be performed with California native seed mix.

12. **Storm Water:**

    During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include an effective combination of erosion and sediment control BMPs that are implemented and adequately working prior to the rainy season and during all phases of construction.

G. Site Specific: NOT APPLICABLE

H. Total Maximum Daily Load (TMDL): NOT APPLICABLE

I. Mitigation for Temporary Impacts: NOT APPLICABLE

J. Compensatory Mitigation for Permanent Impacts:

1. **Final Compensatory Mitigation Plan:**

   The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the compensatory mitigation plan name dated 3 January 2025 and incorporated herein by reference.

2. **Financial Security**

   a. The Permittee shall establish in favor of the Central Valley Water Board, an irrevocable letter of credit in an amount sufficient to pay for the cost of the Permittee's required compensatory mitigation under this Order within 100 days of issuance of this Order. The Permittee shall prepare a draft letter of credit and submit it to the Central Valley Water Board staff for written acceptance. The letter of credit shall allow the Central Valley Water Board to immediately draw on the letter of credit if the Central Valley Water Board staff

determines in its sole discretion that the Permittee has failed to meet its mitigation obligations.

b. If the Permittee is unable to establish a letter of credit, it shall arrange a different security instrument with Central Valley Water Board staff within 100 days of issuance of this Order.

c. The Permittee shall finalize and execute the security instrument within sixty (60) days after the Central Valley Water Board staff approves the draft security instrument. The Permittee shall have a security instrument in place until the Permittee has completed the required compensatory mitigation and achieved all performance standards.

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

3. **Permittee-Responsible Compensatory Mitigation Responsibility:** NOT APPLICABLE

4. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation**

   a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.

   b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

5. **Total Required Compensatory Mitigation**

   a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.32 acre of stream channel by purchasing 0.32 Freshwater Marsh Complex Credits from the Zacharias Ranch Mitigation Bank.

   b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 2. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 2: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Freshwater Marsh Complex	Mitigation Bank Credits	Acres	0.32					

K. Ecological Restoration and Enhancement: NOT APPLICABLE

L. Project Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Project Deviations as set forth in Attachment F. For purposes of this Order, a “Project Deviation” is a Project locational or impact modification that does not require an amendment of the Order because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order requirements and the CEQA Findings.
2. A Project modification shall not be granted a Project Deviation if it warrants or necessitates changes that are not addressed by this Order or the CEQA environmental document. In this case a supplemental environmental review and/or revised Order will be required.

CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of Waste Discharge Requirements Order R5-2025-XXXX adopted by the Central Valley Water Board on XX February 2025.

PATRICK PULUPA
Executive Officer
Central Valley Regional Water Quality Control Board

Attachment A: Project Maps
Attachment B: Receiving Waters, Impacts, and Mitigation Information
Attachment C: CEQA Findings of Facts
Attachment D: Report and Notification Requirements
Attachment E: Signatory Requirements
Attachment F: Project Deviation Procedures

Attachment A:
Project Map(s)

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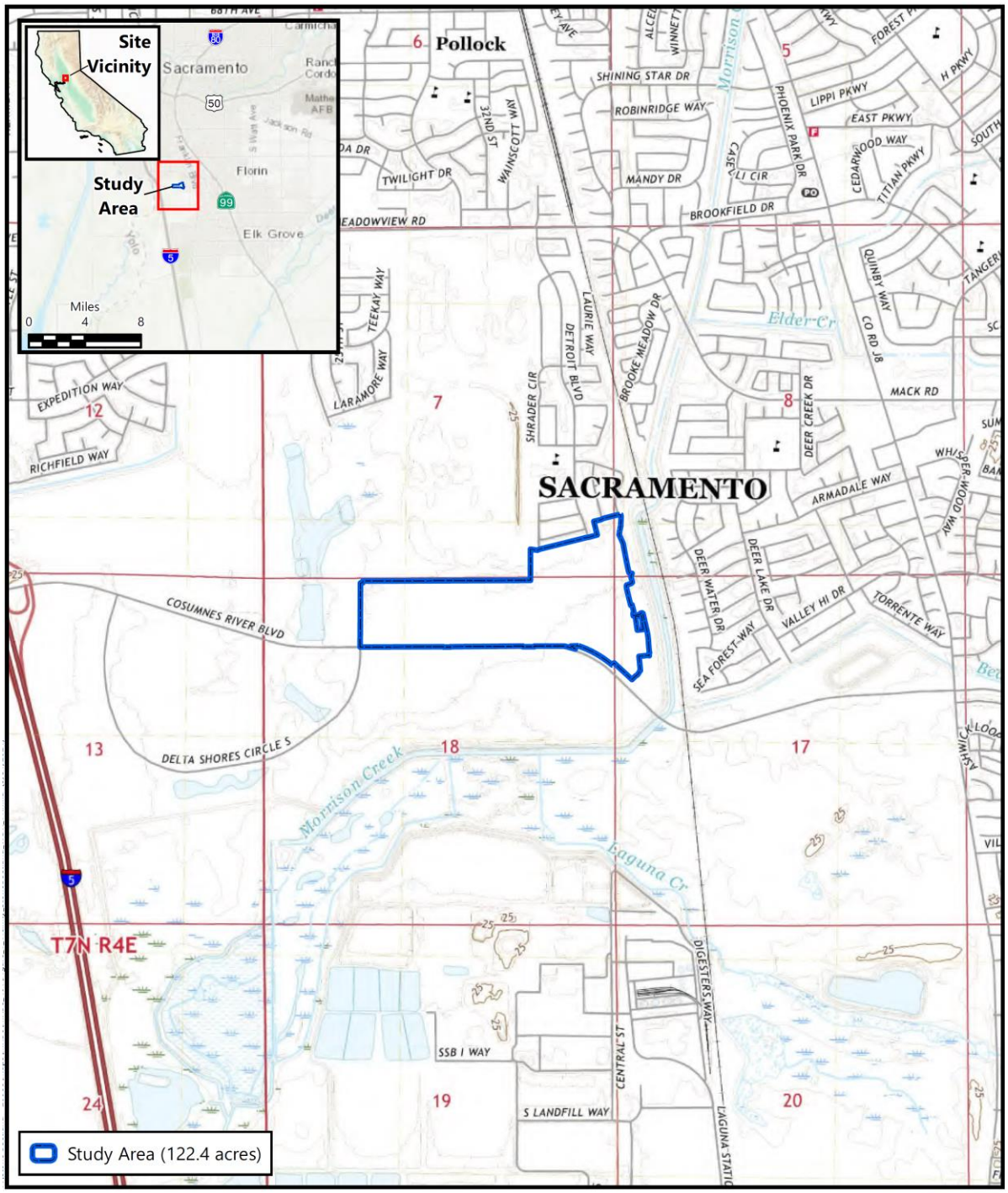
Attachment A: Project Maps

Figure 1: Project Location



Source: United States Geologic Survey, 2021
"Florin, California" 7.5-Minute Topographic Quadrangle
Sections 7-8, 17-18, Township 7 North, Range 5 East, MDBM
Latitude (NAD83): 38.46586°, Longitude (NAD83): -121.46945°

Figure 1
Site and Vicinity

Stone Beetland
Sacramento, Sacramento County, California

MADRONE ECOLOGICAL CONSULTING

Figure 2: Project Impacts

* *Small summation errors may occur due to rounding*
Aerial Source : Maxar, 12 April 2022
Boundary and Design Source : CBG Civil Engineers

Figure 2
Impacts to Water of the State

Stone Beetland
Sacramento, Sacramento County, California

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Receiving Waters, Impacts and Mitigation Information

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

Table 1: Receiving Water(s) Information

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant
Yes	Ephemeral Ditch	Unnamed Tributary to Cosumnes River	Stream Channel	519.11	Cosumnes River	MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Indicator Bacteria, Invasive Species, Mercury, Dissolved Oxygen, Toxicity
Yes	Intermittent Ditch	Unnamed Tributary to Cosumnes River	Stream Channel	519.11	Cosumnes River	MUN, AGR, PROC, REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD	Indicator Bacteria, Invasive Species, Mercury, Dissolved Oxygen, Toxicity

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
Ephemeral Ditch	38.46586	-121.46945	No	0.032	155	148
Intermittent Ditch	38.46586	-121.46945	No	0.29	1,394	2,450

Compensatory Mitigation Information

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

Mitigation Bank Compensatory Mitigation Information

Table 3: Mitigation Bank

Mitigation Bank Name:	Zacharias Ranch Mitigation Bank
Website:	https://wesmitigation.com/projects/zacharias-ranch/
Mitigation Bank Contact Name:	Lisa Williams
Phone:	(916) 646-3644
Email:	lwilliams@westervelt.com
Mitigation Bank Location	Sacramento County

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Freshwater Marsh Complex	0.32		TBD

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A. Environmental Review

On 10 October 2023, the City of Sacramento, as lead agency, certified a Sustainable Communities Environmental Assessment (SCEA) (State Clearinghouse (SCH) No. 2023060633) for the Project and filed a Notice of Determination (NOD) at the SCH on 12 October 2023. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that City of Sacramento's adopted environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the City of Sacramento addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the City of Sacramento for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15074, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final SCEA which is incorporated herein by reference. The Project SCEA is available at:

City of Sacramento, Office of City Clerk
915 I Street, New City Hall,
Sacramento, California 95814.

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

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

C. Findings

The SCEA describes the potential significant environmental effects to water resources that were mitigated in the SCEA. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

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

a.i. Potential Significant Impact:

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

a.ii. Facts in Support of Finding:

Implementation Mitigation Measures BIO-1b and BIO-1c, which provide avoidance and minimization measures for reducing impacts to special-status plants and wildlife, would ensure that such impacts are less-than-significant with mitigation incorporated.

- MM BIO-1b: Identify Special-Status Plant Species, and Avoid, Minimize, and Mitigate Impacts.

  If the qualified biologist, after implementation of Mitigation Measure BIO-1a, determines that suitable habitat for special-status plants is present within the area of impact and could be adversely affected by construction activities, then the following measures shall be implemented:

  - Eleven special-status plant species are covered under adopted Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans (NCCPs) within the plan area (Yolo HCP/NCCP, South Sacramento HCP, and Natomas Basin HCP). If a project under the proposed Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) is within the plan area of an adopted HCP or NCCP, and the project qualifies as a covered activity under the HCP or NCCP, then the implementing agency may seek coverage under the plan. If permitting through an adopted HCP or NCCP is pursued, the implementing agency would be required to meet the permit conditions and other requirements established in the plan's Implementing Agreement, which often includes (depending on the plan) submitting a complete application package, paying required fees, fulfilling any appropriate survey requirements, and complying with all applicable conservation measures.
  - For projects that are not within the plan area of an adopted HCP or NCCP or if special-status plant species that are not covered

under an adopted HCP or NCCP may be present within the area of impact, the following measures shall apply:

- Prior to project initiation and during the blooming period for special-status plant species with potential to occur in the area of impact, a qualified botanist shall conduct protocol-level surveys for special-status plants in accordance with Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018c).
- If no special-status plants are found during the protocol-level survey, the botanist will document the findings in a letter report to USFWS, CDFW, and the implementing agency and no further mitigation will be required.
- If special-status plant species are found that cannot be avoided during construction, the implementing agency will consult with CDFW or USFWS to determine the appropriate mitigation measures for direct and indirect impacts that could occur as a result of project construction. The implementing agency will implement the agreed-upon mitigation measures to achieve no net loss of occupied habitat or individuals. Mitigation Measures may include preserving and enhancing existing populations, creation of offsite populations on project mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals.

- MM BIO-1c: Identify Special-Status Wildlife, and Avoid, Minimize, and Mitigate Impacts.

  If the qualified biologist, after implementation of Mitigation Measure BIO-1a, determines that suitable habitat for special-status wildlife is present within the area of impact and could be adversely affected by construction activities, then the following measures shall be implemented:

  - Thirty special-status wildlife species are covered under adopted HCPs or NCCPs within the plan area of the proposed MTP/SCS (Yolo HCP/NCCP, South Sacramento HCP, and Natomas Basin HCP). If a project under the proposed MTP/SCS is within the plan area of an adopted HCP or NCCP, and the project qualifies

as a covered activity under the HCP or NCCP, then the implementing agency may seek coverage under the plan. If permitting through an adopted HCP or NCCP is pursued, the implementing agency would be required to meet the permit conditions and other requirements established in the plan's Implementing Agreement, which often includes (depending on the plan) submitting a complete application package, paying required fees, fulfilling any appropriate survey requirements, and complying with all applicable conservation measures.

- For projects that are not within the plan area of an adopted HCP or NCCP [as is the case for the proposed project] or if special-status wildlife species that are not covered under an adopted HCP or NCCP may be present (where applicable), preconstruction surveys, and avoidance and minimization measures are required. Alternatively, if suitable habitat is determined to be present within the area of impact, presence of special-status species may be assumed instead of confirmed with surveys. Consultation with CDFW, USFWS, and/or National Oceanic and Atmospheric Administration (NOAA) Fisheries may also be required, depending on the type of impact and the species involved. Refer to the Avoidance and Minimization Measures for each special-status wildlife species with potential to occur within the plan area of the proposed MTP/SCS [All avoidance and minimization measures are included in the MTP/SCS EIR on pages 6-47 through 6-64].
- Consultation with CDFW or USFWS may include acquiring a CDFW Incidental Take Permit or a take exemption through Section 7, or an Incidental Take Permit through Section 10. Conditions of incidental take authorization may include minimization measures to reduce impacts on individual species, compensation for loss of the species including but not limited to preservation, restoration, or creation of special-status wildlife habitat. Incidental take authorization is not available for species with potential to occur within the plan area of the proposed MTP/SCS that are fully protected under California Fish and Game Code (American peregrine falcon, bald eagle, California black rail, golden eagle, greater sandhill crane, white-tailed kite, California wolverine, salt marsh harvest mouse, and ringtail).
- If habitat compensation is required, mitigation will occur at an agency approved mitigation bank or through individual mitigation locations as approved by USFWS and/or CDFW. A

mitigation and monitoring plan will be developed describing how unavoidable losses of special status wildlife will be compensated. The mitigation and monitoring plan will include how the site will be monitored and the duration of monitoring until the mitigation is considered to be successful. The implementing agency shall comply with all requirements of these Incidental Take Permits.

- Should Section 7 consultation be required, consideration of critical habitat within the area of impact would also be required. Designated critical habitat within the vicinity of the area of impact will be identified. All proposed project actions will be designed to avoid direct and indirect adverse modifications to these areas. Minimization measures, such as establishing and maintaining buffers around areas of designated critical habitat will be implemented in the event that avoidance is not feasible. If critical habitat may be adversely modified by the implementation of the proposed MTP/SCS, the area to be modified will be evaluated by a qualified biologist to determine the potential magnitude of the project effects (e.g., description of primary constituent elements present and quantification of those affected) at a level of detail necessary to satisfy applicable environmental compliance and permitting requirements.

b.i. Potential Significant Impact:

The Project has the potential to have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

b.ii. Facts in Support of Finding:

Implementation Mitigation Measures BIO-3 would ensure that such impacts are less-than-significant with mitigation incorporated.

- MM BIO-3: Avoid, Minimize, and Mitigate Impacts on Sensitive Natural Communities.

  If the qualified biologist, after implementation of Mitigation Measure BIO-2, determines that riparian habitat or other sensitive natural communities are present within the area of impact and could be adversely affected by construction activities, then the following measures shall be implemented:

  - To the extent practicable, and in consideration of other design requirements and constraints (e.g., meeting primary project

objectives and needs, avoidance of other sensitive resources), the implementing agency shall attempt to design the proposed projects in a way that minimizes the removal of native sensitive natural communities, particularly trees that contribute to the overstory canopy of these communities.

- If adverse effects on riparian habitat or other sensitive natural communities associated with the bed, back, or channel of streams or lakes cannot be avoided, the implementing agency shall comply with Section 1602 of the California Fish and Game Code by submitting a Streambed Alteration Notification to CDFW, pursuant to Section 1600 et seq. of the California Fish and Game Code. If the resources are determined to be subject to CDFW jurisdiction, the implementing agency shall abide by the conditions of any executed agreement prior to any initiation of construction activities.
- The implementing agency shall compensate for permanent loss of riparian habitat at a sufficient ratio for no net loss of habitat function or acreage for restoration and preservation, which may be achieved through a combination of onsite restoration/creation, offsite restoration, preservation, or mitigation credits. If mitigation credits are not available, stream and riparian habitat compensation shall include establishment of riparian vegetation on currently unvegetated bank portions of streams affected by the project and enhancement of existing riparian habitat through removal of nonnative species, where appropriate, and planting additional native riparian plants to increase cover, continuity, and width of the existing riparian corridor along streams in the site and surrounding areas. Construction activities and compensatory mitigation shall be conducted in accordance with the terms of a streambed alteration agreement as required under Section 1602 of the California Fish and Game Code and shall include the development of a Compensatory Stream and Riparian Mitigation and Monitoring Plan for creating or restoring in-kind habitat in the surrounding area.
- The Compensatory Stream and Riparian Mitigation and Monitoring Plan shall include the following:
    - identification of compensatory mitigation sites and criteria for selecting these mitigation sites;

- in-kind reference habitats for comparison with compensatory riparian habitats (using performance and success criteria) to document success;
- monitoring protocol, including schedule and annual report requirements (compensatory habitat shall be monitored for a minimum of 5 years from completion of mitigation, or human intervention [including recontouring and grading], or until the success criteria identified in the approved mitigation plan have been met, whichever is longer);
- ecological performance standards, based on the best available science and including specifications for native riparian plant densities, species composition, amount of dead woody vegetation gaps and bare ground, and survivorship; at a minimum, compensatory mitigation planting sites must achieve 80 percent survival of planted riparian trees and shrubs by the end of the 5-year maintenance and monitoring period or dead and dying trees shall be replaced and monitoring continued until 80 percent survivorship is achieved;
- corrective measures if performance standards are not met;
- responsible parties for monitoring and preparing reports; and
- responsible parties for receiving and reviewing reports and for verifying success or prescribing implementation or corrective actions.

- If oak woodland habitat is removed, the county implementing agency shall determine if the loss of oak woodland would have a significant impact on the environment. If so, an oak woodland mitigation plan would be developed that achieves a no-net-loss of habitat acreage and function, which may be achieved through a combination of restoration/creation, preservation, or mitigation credits. At a minimum, the restoration and monitoring plan shall include clear goals and objectives, success criteria, specifics on restoration/creation (e.g., plant palette, soils, irrigation), specific monitoring periods and reporting guidelines, and a maintenance plan. Oak woodland restoration or creation shall be monitored for a minimum of five years and shall be considered successful when at least 75 percent of all plantings have become

successfully established. Such mitigation sites shall be dedicated either in fee or as an easement in perpetuity held by a qualified agency. Guaranteed funding for maintenance of the mitigation sites shall be established.

- If losses of other sensitive natural communities recognized as sensitive by CDFW would be substantial, then additional compensation shall be provided through creating, restoring, or preserving in perpetuity in-kind communities to achieve no net loss of habitat function or acreage.

c.i. Potential Significant Impact:

The Project has the potential to have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

c.ii. Facts in Support of Finding:

The project site includes aquatic resources and/or protected wetlands that would be affected by implementation of the proposed project. Implementation of Mitigation Measures BIO-3 and BIO-5 would reduce all such impacts to a less-than-significant level with mitigation incorporated.

- MM BIO-5: Avoid, Minimize, and Mitigate Impacts on Wetland and Other Waters.

  If the qualified biologist, after implementation of Mitigation Measure BIO-4, determines that wetlands or other waters are present within the area of impact and could be adversely affected by construction activities, then the following measures shall be implemented:

  - The implementing agency shall conduct a delineation of state or federally protected wetlands and submit the delineation to U.S. Army Corps of Engineers (USACE) for verification. The delineation shall be conducted according to methods established in the USACE Wetlands Delineation Manual (Environmental Laboratory 1987), the Arid West Supplement (Environmental Laboratory 2008), and state wetland procedures (California Water Boards 2019 or current procedures).
  - The implementing agencies shall obtain a USACE Section 404 permit, Central Valley Water Board Section 401 certification, and a Streambed Alteration Agreement (1602) from CDFW if required, and the implementing agency shall implement all permit conditions. The acreage, location, and methods for

compensation shall be determined during the Section 404, RWQCB, and Streambed Alternation Agreement (1602) permitting process.

- Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, RWQCB, and CDFW as appropriate, depending on agency jurisdiction. The replacement of waters or wetlands shall be equivalent to the nature of the habitat lost and shall be provided at a suitable ratio to ensure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat shall be set aside in perpetuity for habitat use.

D. Determination

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

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Reports and Notification Requirements

I. Copies of this form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report; please retain for your records. If you need to obtain a copy of the Cover Sheet, you may download a copy of this Order as follows:

A. Central Valley Regional Water Quality Control Board's Adopted Orders Web page (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**

- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
- **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
- **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov
- Include in the subject line of the email:
  ATTN: Nicholas Savino; Project Name; and WDID No. 5A34CR00899

III. Definition of Reporting Terms

A. Active Discharge Period:

The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

B. Request for Notice of Completion of Discharges Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Central Valley Water Board staff will review the request and send a Completion of Discharges Letter to the Permittee upon approval. This letter will initiate the post-discharge monitoring period.

C. Request for Notice of Project Complete Letter:

This request by the Permittee to the Central Valley Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Central Valley Water Board staff will review the request and send a Project Complete Letter to the Permittee upon approval. Termination of annual invoicing of fees will correspond with the date of this letter.

D. Post-Discharge Monitoring Period:

The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

E. Effective Date: XX February 2025

IV. Map/Photo Documentation Information

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

A. Map Format Information:

Preferred map formats of at least 1:24000 (1” = 2000’) detail (listed in order of preference):

- **GIS shapefiles**: The shapefiles must depict the boundaries of all project

areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5-minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

B. Photo-Documentation:

Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

V. Report and Notification Cover Sheet

Project:	Stone Beetland Project
Permittee:	JEN California 26, LLC
WDID:	5A34CR00899
Reg. Meas. ID:	458464
Place ID:	896547
Order Effective Date:	XX February 2025
Order Expiration Date:	XX February 2030

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report
Report Type 2 ☐ Annual Report - NOT APPLICABLE

B. Part B – Project Status Notifications

Report Type 3 ☐ Commencement of Construction
Report Type 4 ☐ Request for Notice of Completion of Discharges Letter
Report Type 5 ☐ Request for Notice of Project Complete Letter

C. Part C – Conditional Notifications and Reports

Report Type 6 ☐ Accidental Discharge of Hazardous Material Report
Report Type 7 ☐ Violation of Compliance with Water Quality Standards Report
Report Type 8 ☐ In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9 ☐ Modifications to Project Report
Report Type 10 ☐ Transfer of Property Ownership Report
Report Type 11 ☐ Transfer of Long-Term BMP Maintenance Report

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

Print Name[1]	**Affiliation and Job Title**

Signature	**Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature	**Date**

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

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

a. Report Purpose - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.

b. When to Submit - On the 15th day of each month until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

Describe Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water Best Management Practices (BMPs). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control If construction has not started, provide estimated start date.

ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

iii. Photo Summary

Provide photos of Project activities. For each photo, include a unique site identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

iv. Compliance Summary

- List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
- List associated monitoring reports for the reporting period.
- Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
- Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

2. Report Type 2 - Annual Report – NOT APPLICABLE

B. Part B – Project Status Notifications

1. Report Type 3 - Commencement of Construction

a. Report Purpose - Notify Central Valley Water Board staff prior to the start of construction.

b. When to Submit - Must be received at least seven (7) days prior to start of initial ground disturbance activities.

c. Report Contents -

i. Date of commencement of construction.

ii. Anticipated date when discharges to waters of the state will occur.

iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

iv. Construction Storm Water General Permit WDID No.

v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

2. Report Type 4 - Request for Notice of Completion of Discharges Letter

a. Report Purpose - Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.

c. Report Contents -

i. Status of storm water Notice of Termination(s), if applicable.

ii. Status of post-construction storm water BMP installation.

iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.

iv. Summary of Project Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

v. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable.

3. Report Type 5 - Request for Notice of Project Complete Letter

a. Report Purpose - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

1) A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance which could result in a discharge to waters of the state.

2) A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to waters of the state. Pre- and post-photo documentation of all restoration sites.

ii. Part B: Permittee Responsible Compensatory Mitigation

1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.

2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.

3) Pre- and post-photo documentation of all compensatory mitigation sites.

4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

1) Date of storm water Notice of Termination(s), if applicable.

2) Report status and functionality of all post-construction BMPs.

3) Dates and report of visual post-construction inspection during the rainy season as indicated in Section C.4.

C. Part C – Conditional Notifications and Reports

1. Report Type 6 - Accidental Discharge of Hazardous Material Report

a. Report Purpose - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

b. When to Submit - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

c. Report Contents -

i. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written

Follow-Up Report may be substituted.

ii. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.

iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

2. Report Type 7 - Violation of Compliance with Water Quality Standards Report

a. Report Purpose - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

b. When to Submit - The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Central Valley Water Board staff.

c. Report Contents - The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Central Valley Water Board staff.

3. Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report

a. Report Purpose - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

b. When to Submit – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in Section C.3.

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

4. Report Type 9 - Modifications to Project Report

a. Report Purpose - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

b. When to Submit - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

c. Report Contents - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

5. Report Type 10 - Transfer of Property Ownership Report

a. Report Purpose - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

b. When to Submit - At least 10 working days prior to the transfer of ownership.

c. Report Contents -

i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:

1) the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and

2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report

a. Report Purpose - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. When to Submit - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. Report Contents - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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SIGNATORY REQUIREMENTS

All documents submitted in compliance with this Order shall meet the following signatory requirements:

A. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.

2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.

3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

B. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

1. The authorization is made in writing by a person described in items 1.a through 1.c above.

2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.

3. The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

C. Any person signing a document under this section shall make the following certification:

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

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PROJECT DEVIATION PROCEDURES

I. Introduction

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

II. Process Steps

A. Who may apply:

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

B. How to Apply:

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

C. Project Deviation Request:

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

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to the waters of the state;
    c. How the Project activity is currently addressed in the Order; and,
    d. Why a Project Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.

6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.).

D. Post-Discharge Project Deviation Reporting:

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

E. Annual Summary Deviation Report:

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