Central Valley Regional Water Quality Control Board

[TENTATIVE] WATER QUALITY ORDER NO. R5-2021-XXXX
WASTE DISCHARGE REQUIREMENTS AND
CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Reg. Meas. ID:	441298
Place ID:	870414
WDID No.:	5A31CR00548
USACE No.:	2002-00685 PCCP PGP

Effective Date: XX December 2021

Expiration Date: XX December 2026

Program Type: Fill/Excavation

Project Type: Residential Development

Project: Placer Ranch Project (Project)

Applicant: JEN CA Placer Ranch LLC

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FINDINGS

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

I. Permit Application

This Order for Water Code section 13263 Waste Discharge Requirements and Clean Water Act section 401 Certification (Order) is issued at the request of JEN CA Placer Ranch LLC (Permittee) for the Project. This Order is for the purpose described in the application and all supplemental materials submitted by the Permittee.

II. Public Notice and Hearing

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 6 November 2020 to 27 November 2020. Additionally, the tentative Order was publicly noticed with an opportunity to submit written comments pursuant to Water Code section 13167.5 from 24 September 2021 to 25 October 2021.

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

III. Project Description

The approximately 1,760-acre Project consists of mass grading for future development, including:

- 707 acres of commercial and office facilities,
- 406 acres of residential housing,
- 113 acres of public facilities and parks
- 265 acres of open space.

Activities associated with the Project include connection and widening of roads through the project site and construction of storm water and utility facilities.

Project development will result in permanently impacting 38.22 acre of aquatic resources (0.99 acre of stream bed habitat, 3.14 acres of vernal pool habitat, 34.09 acres of wetland habitat). Project activities will also temporarily impact 0.1 acre of stream bed habitat and 0.02 acres of wetland habitat.

Approximately 124,011 cubic yards of clean fill will be placed into 38.34 acres of streambed, vernal pool, and wetland habitat.

IV. Project Location

County: Placer

Sections 4-9, 12-13, & 18, Township 11 North, Ranges 5 & 6 East, MDB&M.

Latitude: 38.817427° and Longitude: -121.346415°

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

V. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, May 2018 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). 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.

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.

VI. Description of Direct Impacts to Waters of the State

Dewatering will occur within the Project area. Wet concrete will be placed in the project area when the work area is naturally dry.

The Project will temporarily impact 0.12 acre of streambed and wetland habitat. The Project will permanently impact 38.22 acre of streambed, vernal pool, and wetland habitat.

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

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[1]

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.1	347	356
Wetland	0.02	19	44

[1] Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	0.99	3557	4391
Vernal Pool	3.14	10,127	
Wetland	34.09	109,961	35,025

VII. 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. Indirect impacts to aquatic resources may reduce the functions of remaining wetlands. Additionally, increased impervious surfaces may reduce water quality of receiving waters. Indirect impacts are included in established mitigation ratios and potential adverse effects may be offset by beneficial indirect effects of required mitigation.

VIII. Avoidance and Minimization

The Placer County Habitat Conservation Plan (PCCP) 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 PCCP. Individual project impacts to waters of the state must be avoided and minimized to the greatest practicable extent. The Permittee shall implement the General Avoidance and Minimization Measures listed in Appendix C 1 & 2 of the Western Placer County Aquatic Resources Program (CARP) incorporated herein by reference, and the Best Management Practices (BMPs). Additionally, to minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. The Project is exempt from the alternatives analysis under the State Water Resource Control Board (State Water Board) State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures) because the Project is being conducted in accordance with the PCCP. (Procedures, sections IV.A.1.g.iii.)

IX. Compensatory Mitigation

The Permittee is required to provide compensatory mitigation described in section XIV for permanent direct and indirect impacts.

X. Liability for Noncompliance

Failure to comply with this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and/or Clean Water Act. The Permittee may then be subject to administrative and/or civil liability pursuant to Water Code sections 13268, 13350 and/or 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

XI. Regulatory Considerations

A. **California Environmental Quality Act (CEQA)**. On 10 December 2019, Placer County Board of Supervisors, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2016112012) for the Sunset Area Plan/Placer Ranch Specific Plan (SAP/PRSP) and filed a Notice of Determination (NOD) at the SCH on 12 December 2019. 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.

B. **Waste Discharge Requirements and Water Quality Certification Authority**. This Order is adopted pursuant to Clean Water Act section 401, Water Code section 13160, and applicable regulations for discharges of fill material to waters of the United States and Water Code section 13263 for discharges of waste to waters of the state. Conditions have been added to this Order to ensure that all activities will comply with applicable water quality standards and other appropriate requirements. (Cal. Code Regs., tit. 23, section 3859.) Compliance with section 13263, subdivision (a), including implementation of applicable water quality plans, is discussed in these Findings. The Central Valley Water Board has considered the factors in section 13241 in establishing the requirements in this Order.

C. **Right to Water**. Pursuant to Water Code section 106.3, subdivision (a), 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.

D. **No Vested Right to Discharge**. The ability to discharge waste is a privilege, not a right, and adoption of this Order shall not be construed as creating a vested right to continue discharging waste (Water Code, Section 13263, subdivision (g).)

E. **Construction General Permit Requirement.** This Order does not provide coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ; NPDES No. CAS000002, as amended. The Permittee shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. **Monitoring and Reporting Requirements**. This Order and its associated monitoring and technical reporting provisions are also adopted pursuant to Water Code sections 13267, subdivision (b)(1), and 13383. 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.

In response to a suspected violation of any condition of this Order, the Central Valley Water Board's Executive Officer may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports deemed 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.

G. **No Net Loss and Antidegradation**. 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 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.

State Water 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.

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. This Order requires aquatic resource impacts be mitigated at a 1.5:1 ratio of restored/created to affected resources by purchasing credits through the Western Placer County In-Lieu Fee Program or a similar program. The Western Placer County In-Lieu Fee Program provides for establishment, restoration, and preservation of sites within the Placer County Conservation Program's interconnected preserve system. The Program will enhance the efficiency of mitigation efforts undertaken in Placer County and enable the acquisition of larger and more strategic reserve properties, subject to robust performance standards and preserved in perpetuity, than would be possible if mitigation were done on a

property-by-property basis. These measures ensure impacts are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation. Compliance with this Order's requirements for meeting water quality objectives, implementing best management practices, and 1.5:1 compensatory mitigation constitute BPTC for the discharge. To the extent there is degradation from Project discharges despite avoidance, minimization, and compensatory mitigation measures, such degradation is necessary to accommodate important economic and social development in the area, such as increased housing and employment as documented in the lead agency environmental review documents and supporting materials, and is consistent with the maximum benefit to the people of the state. Accordingly, Order requirements are consistent with the provisions of the No Net Loss and Antidegradation Policies.

H. 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 Endangers Species Act prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

XII. 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. and/or California Code of Regulations, title 23, section 3867 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 Web Page: (https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)

XIII. Fees Received

An application fee of $1,949.00 was received on 3 March 2021. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (Fee Code 84)

An additional fee of $167,150.00 based on total Project impacts was received on XX XXXXX 2021.

REQUIREMENTS

IT IS HEREBY ORDERED, pursuant to Water Code sections 13263, 13267, and 13383 and Clean Water Act section 401, that the Permittee shall comply with the following:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Tables 1 through 2.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals required pursuant to Water Code sections 13267, subdivision (b)(1), and 13383. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov

In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. Project Reporting

a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning one month after the submittal of the Notification of Project Commencement. Monthly reporting shall continue until the Central Valley Water Board Executive Officer issues a Notice of Project Complete Letter to the Permittee.

b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of January. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. Project Status Notifications

a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Report at least seven (7) days prior to start of initial ground disturbance activities and include the corresponding Waste Discharge Identification Number (WDID#) issued under this Order. Additionally, if applicable, the Report shall also include the Enrollee number issued for coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

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

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

3. **Conditional Notifications and Reports:**

The following notifications and reports are required as appropriate.

a. **Accidental Discharges of Hazardous Materials**[2]

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

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.

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

c. In-Water Work and Diversions:

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

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

d. Modifications to Project

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

e. Transfer of Property Ownership:

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

i. The Permittee must notify the Central Valley Water Board of any change in ownership or interest in ownership of the Project area by submitting a Transfer of Property Ownership Report. The Permittee and purchaser must sign and date the notification and provide such notification to the Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

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

f. Transfer of Long-Term BMP Maintenance:

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

If surface water is present continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire

wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

a. when performing any in-water work;

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

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

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

2. Accidental Discharges/Noncompliance:

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

3. In-Water Work or Diversions:

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

a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

b. Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

c. 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.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[3] The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area. Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters. If no sampling is required, the Permittee shall submit a written statement stating, “No sampling was required” within two weeks on initiation of in-water construction, and every two weeks thereafter.

The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3.

[3] Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer’s instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[4]	Observations	Visual Inspections	Continuous throughout the construction period

4. **Post-Construction:**

   Visually inspect the Project site during the rainy season for one year following completion of active Project construction activities to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, sections 2050-2068 and/or California Code of Regulations, title 23, sections 3867-3869. 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 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.

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

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.

E. General Compliance

1. 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. The source of any such discharge must be eliminated as soon as practicable.

2. 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.

3. 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.

F. 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. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

4. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

G. Construction

1. Dewatering

a. Dewatering will occur within the Project area.

b. If water is present, the Permittee shall notify Central Valley Water Board staff and the area must be dewatered prior to start of work.

c. If water is present, the Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

d. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

e. 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.

f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

g. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

h. If dewatering activities result in groundwater discharges into surface water, the Applicant shall work with the Central Valley Water Board to obtain coverage under an NPDES permit.

2. Directional Drilling

If installation or relocation of dry and/or wet utility lines is anticipated, the Permittee shall develop and implement a Dry and Wet Utility Work Plan prior to commencement of dry and wet utility construction. The Dry and Wet Utility

Plan must cover all phases of the certified project that will impact waters of the state and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the state in the Project area.

Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

The Utility Work Plan and Direction Drilling Plan must be submitted to the Central Valley Water Board staff upon request.

3. 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.

4. Good Site Management "Housekeeping"

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

b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be

implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

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

5. Hazardous Materials

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.and XIV.B.3.b.

b. Wet concrete will be placed into stream channel habitat after the area has been completely dewatered or when the work area is naturally dry.

c. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

6. 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.

7. 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, 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.

8. Roads

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

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

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

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

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

9. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

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

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

10. 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.

11. Storm Water

a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Compensatory Mitigation for Permanent Impacts

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

1. Compensatory Mitigation Plan

a. The Permittee submitted a compensatory mitigation plan as part of a complete application that was accepted by Central Valley Water Board staff. The Permittee shall implement the approved plan prior to impacts to waters of the state

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. Copies of fully executed agreements for the purchase of PCCP In Lieu Fee mitigation credits shall be provided to the Central Valley Water Boardprior to the initiation of associated 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.

3. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to 38.22 acres of impacts by purchasing the appropriate Aquatic Resource Credits Aquatic Resource Credits shall be purchasedfrom the Western Placer In-Lieu Fee Program or an approved compensatory mitigation bank. Mitigation ratios shall meet or exceed 1.5:1 for direct impacts.

b. The Permittee shall place the avoided and preserved wetlands, and any vegetative buffers preserved as part of mitigation for impacts into a

separate preserve parcel prior to initiation of construction activities in waters of the State authorized by this permit as outlined below.

c. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown]

Table 4: Total Required Project Compensatory Mitigation Minimum Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Vernal Pool Creation	Vernal Pool Complex	Non-Vernal Pool Seasonal Wetland	Riverine Without Riparian
Streambed	In-Lieu Fee Credits	Acres				1.66
Seasonal Wetlands	In-Lieu Fee Credits	Acres		34.095	17.07	
Vernal Pool	In-Lieu Fee Credits	Acres	4.71			

I. 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 conditions 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 the Order conditions or the CEQA environmental document. In this case a supplemental environmental review and revised Order will be required.

CERTIFICATION

I, Patrick Pulupa, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on XX December 2021.

PATRICK PULUPA,
Executive Officer

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

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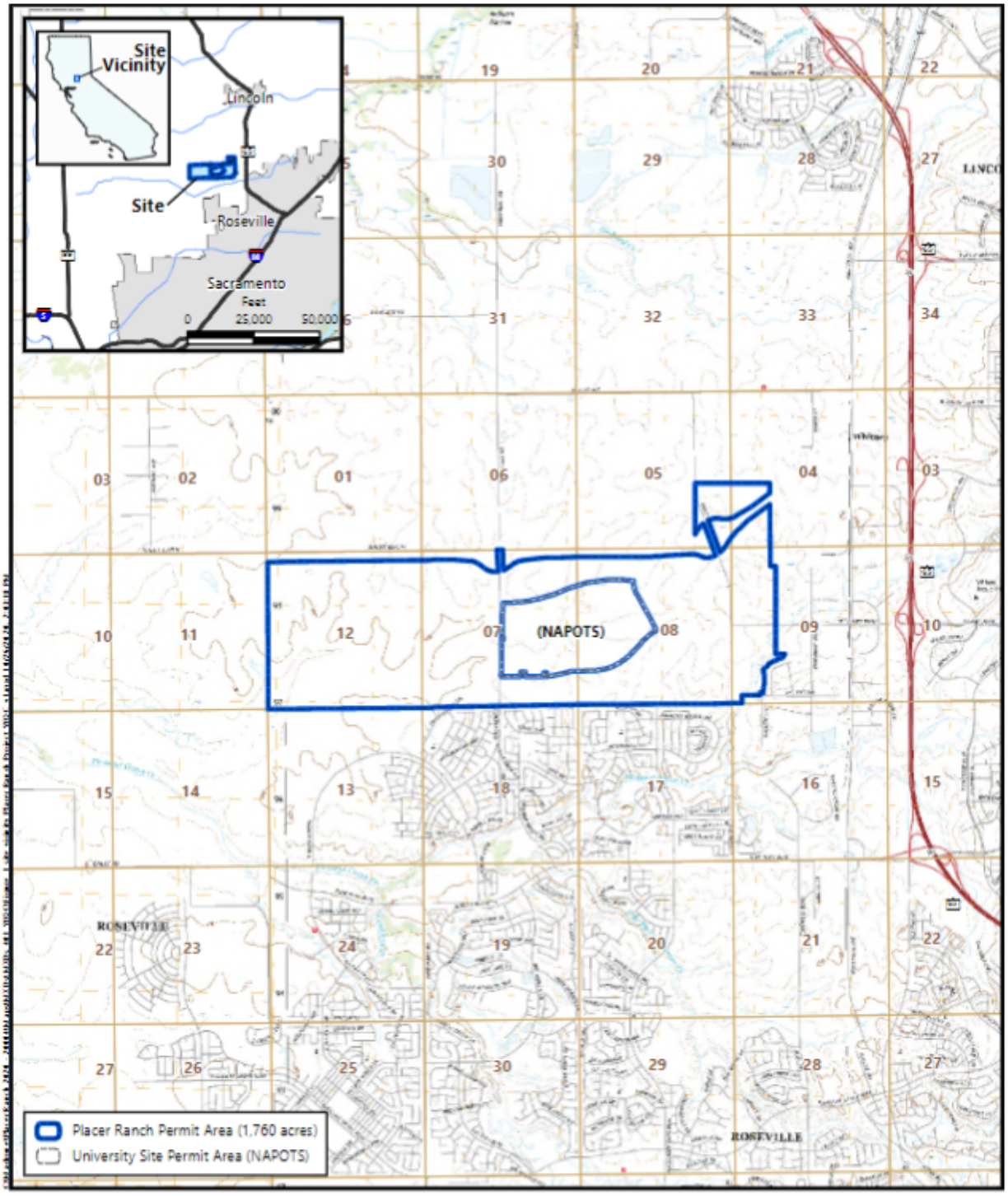
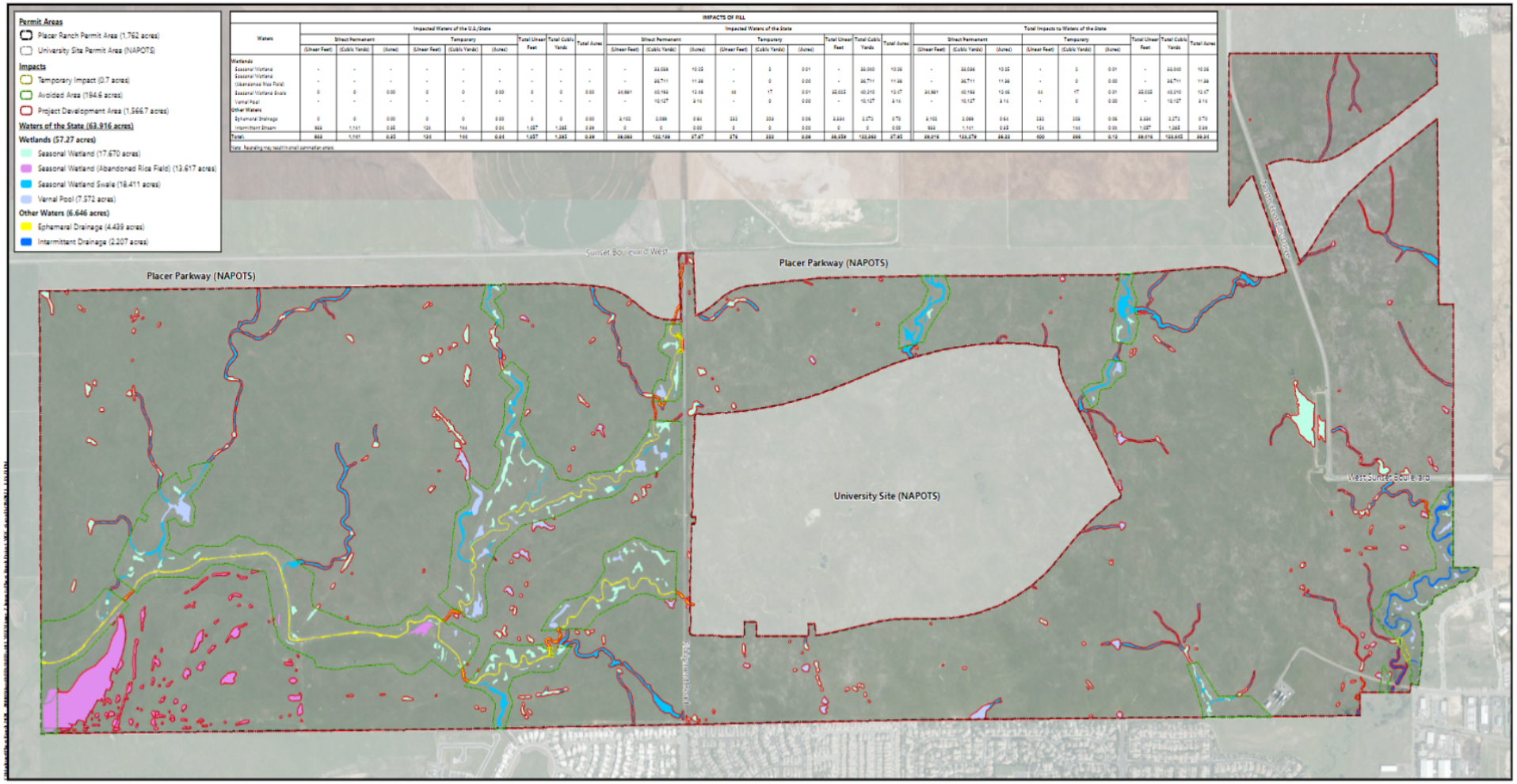


N
Feet
0 2,250 4,500

Source: United States Geologic Survey, 2018.
"Roseville, California" 7.5-Minute Topographic Quadrangle
Sections 12-13, Township 11 North, Range 5 East.
Sections 4-9, and 18, Township 11 North, Range 6 East.
Longitude -121.346415, 38.817427

Placer Ranch Project
Placer County, California

Figure 1 – Project Location Map



IMPACTS OF FILL

Waters	Impacted Waters of the U.S./State									Impacted Waters of the State									Total Impacts to Waters of the State								
	Direct Permanent			Temporary			Total Linear Feet	Total Cubic Yards	Total Acres	Direct Permanent			Temporary			Total Linear Feet	Total Cubic Yards	Total Acres	Direct Permanent			Temporary			Total Linear Feet	Total Cubic Yards	Total Acres
	(Linear Feet)	(Cubic Yards)	(Acres)	(Linear Feet)	(Cubic Yards)	(Acres)				(Linear Feet)	(Cubic Yards)	(Acres)	(Linear Feet)	(Cubic Yards)	(Acres)				(Linear Feet)	(Cubic Yards)	(Acres)	(Linear Feet)	(Cubic Yards)	(Acres)			
Wetlands																											
Seasonal Wetland	-	-	-	-	-	-	-	-	-	-	22,000	10.05	-	2	0.01	-	22,000	10.06	-	22,000	10.05	-	2	0.01	-	22,000	10.06
Seasonal Wetland (Abandoned Rice Field)	-	-	-	-	-	-	-	-	-	-	26,711	11.88	-	0	0.00	-	26,711	11.88	-	26,711	11.88	-	0	0.00	-	26,711	11.88
Seasonal Wetland Swale	0	0	0.00	0	0	0.00	0	0	0.00	44,961	40,193	12.66	44	17	0.01	45,005	40,210	12.67	44,961	40,193	12.66	44	17	0.01	45,005	40,210	12.67
Vernal Pool	-	-	-	-	-	-	-	-	-	-	10,127	4.14	-	0	0.00	-	10,127	4.14	-	10,127	4.14	-	0	0.00	-	10,127	4.14
Other Waters																											
Ephemeral Drainage	0	0	0.00	0	0	0.00	0	0	0.00	2,103	2,099	0.64	233	203	0.06	2,336	2,273	0.70	2,103	2,099	0.64	233	203	0.06	2,336	2,273	0.70
Intermittent Stream	933	1,101	0.05	124	144	0.04	1,057	1,245	0.09	0	0	0.00	0	0	0.00	0	0	0.00	933	1,101	0.05	124	144	0.04	1,057	1,245	0.09
Total:	933	1,101	0.05	124	144	0.04	1,057	1,245	0.09	46,064	122,130	37.47	276	222	0.08	46,340	122,352	37.55	46,016	122,279	36.33	600	366	0.12	46,616	122,645	36.45

Note: Rounding may result in small summation errors.

Figure 2 – Project Site Map

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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	California Rapid Assessment Method ID
Yes	Site 01	Unnamed Tributary	Stream Channel	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A
Yes	Site 02	Unnamed Tributary	Vernal Pool	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A
Yes	Site 03	Unnamed Tributary	Wetland	519.22	Pleasant Grove Creek	MUN, AGR, IND, REC, WARM, COLD, MIGR, SPWN, WILD, NAV	Bifenthrin, Cypermethrin, Dissolved Oxygen, Pyrethroids, Toxicity	N/A

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
Site 01	38.817427°	-121.346415°	Yes	1.09	3,904	4,747
Site 02	38. 817427°	-121.346415°	Yes	3.14	10,127	
Site 03	38. 817427°	-121.346415°	Yes	34.11	109,980	35,069

Compensatory Mitigation Information

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

Compensatory Mitigation Information

Mitigation Bank / In-Lieu Fee Program Name: Western Placer County In-Lieu Fee Program

Placer County Conservation Website: (https://www.placerconservation.com/)

Mitigation Bank / In-Lieu Fee Program Contact Name: Gregg McKenzie

Phone: (530) 745-3074

Email: gamckenz@placer.ca.gov

Mitigation Bank / In-Lieu Fee Program Location - County: Placer

Table 4: Mitigation Type Information

Aquatic Resource Credit Type	Credits
Riverine Without Riparian Credits	1.09
Vernal Pool Creation Credits	3.14
Vernal Pool Complex Credits	22.73
Non-Vernal Pool Seasonal Wetland Credits	11.38

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A. Environmental Review

On 10 December 2019, Placer County Board of Supervisors, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2016112012) for the Sunset Area Plan/Placer Ranch Specific Plan (SAP/PRSP) and filed a Notice of Determination (NOD) at the SCH on 12 December 2019.

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 Placer County's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3; California Code of Regulations, title 14, section 15231.) As a responsible agency, the Central Valley Water Board's CEQA obligations are more limited than those of the lead agency. (Public Resources Code, Section 21002.1, subdivision (d); *RiverWatch v. Olivenhain Municipal Water Dist.* (2009) 170 Cal. App. 4th 1186 1201-1202.)

The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Placer County addresses the Project's impacts within the scope of the Board's jurisdiction and that no additional environmental review is required. (California Code of Regulations, title 14, section 15096, subdivision (f), 15162, 15163.) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Placer County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subdivision (a)(1); California Code of Regulations, title 14, section 15091, subdivision (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the FEIR. The FEIR is available at: Sunset Area Plan - Placer Ranch Specific FEIR (https://www.placer.ca.gov/2702/Sunset-Area-Plan---Placer-Ranch-Specific).

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. The Findings specified below are provided for each of those significant environmental impacts of the Project identified in the FEIR. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

(1) Findings regarding impacts that will be mitigated to a less than significant level. (Public Resources Code, section 21081, subdivision (a)(1); California Code of Regulations, title 14, section 15091, subdivision (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 (Biological Resources section of the FEIR):

Impact 4.4-6: Loss or degradation of riparian habitat

Implementing the project could result in loss or degradation of riparian habitat considered sensitive in the Placer County General Plan and protected under Section 1602 of the Fish and Game Code. Loss and degradation of riparian habitat would be a significant impact.

a.ii. Facts in Support of Finding:

Mitigation Measure 4.4-6a: Avoid, minimize, or compensate for loss of riparian habitat (Net SAP Area and PRSP Area)

The County shall require future project proponents, including for off-site improvements, to retain a qualified botanist to identify, map, and quantify riparian habitat and other sensitive natural communities on the project site before final project design is completed.

If impacts on riparian habitat cannot be avoided as part of future project construction, the project proponent shall compensate for loss of riparian habitat through participation in the PCCP [Placer County Conservation Plan] if it has been adopted and is available for mitigation for project impacts. Per the PCCP, mitigation shall be through offsite restoration at an area ratio of at least 1.5:1 and shall be funded through fees paid in addition to land conversion fees. On-site restoration by the project proponent may serve in lieu of some or all of the Special Habitat fees if it meets all the applicable requirements described in the PCCP conservation measures and implementation plan.

If the PCCP is not adopted, the project proponent shall consult with the County and CDFW to determine appropriate mitigation for removal of riparian habitat resulting from project implementation. Mitigation measures may include restoration of affected habitat on site and in kind, restoration of another section of stream within the project area, habitat restoration off site, or payment of a mitigation fee to a CDFW-approved mitigation bank. The compensation habitat

shall be similar in composition and structure to the habitat/natural community to be removed and shall be at ratios adequate to offset the loss of habitat functions in the affected project area so that there is no-net-loss of riparian habitat functions, consistent with Placer County General Plan policy and CDFW regulations.

If required, the project proponents shall obtain a Section 1602 streambed alteration agreement from CDFW and comply with all conditions of the agreement.

Significance after Mitigation

Successful implementation of Mitigation Measure 4.4-6a would reduce potentially significant impacts related to riparian habitat within the County's jurisdiction to a less-than-significant level because it would require project proponents to avoid these habitats if technically feasible and would require compensation for loss of riparian habitat resulting in no net loss of riparian habitat functions. Because no part of the Project is located within the jurisdiction of the City of Roseville, the uncertainty relating to timing and implementation of mitigation for off-site improvements that was documented in the FEIR is not applicable to this Project. Therefore, the impact is **less than significant after mitigation**.

b.i. Potential Significant Impact (Geology and Soils section of the FEIR):

Impact 4.6-1: Result in substantial soil erosion

Construction associated with the project would involve clearing and grading in areas where new structures or other facilities would be built and trenching for placement of utility connections. This would temporarily expose soils previously protected by vegetation to the effects of wind and water erosion. Proponents of individual development projects within the SAP area would comply with the state CBC [California Building Standards Code] and federal NPDES program and would implement BMPs for stream protection in accordance with Placer County General Plan Policy NR-3.5 and fugitive dust control measures identified by the Placer County Air Pollution Control District. Compliance with the Placer County Grading, Erosion and Sediment Control Ordinance and Placer County Land Development Manual would be required for all projects within the SAP area. Similar City of Roseville protections would be required for other supporting infrastructure improvements outside the SAP area. However, given the size of the project area and the extent of ground-disturbing activities that could occur as a result of the project, substantial on- or offsite soil erosion could occur. This impact would be potentially significant.

b.ii. Facts in Support of Finding:

Mitigation Measure 4.6-1a: Submit improvement plans (Net SAP Area and PRSP Area)

The project proponent shall prepare and submit improvement plans, specifications, and cost estimates (in accordance with the requirements of

Section II of the Land Development Manual that are in effect at the time of submittal) to ESD [Placer County Engineering and Surveying Division] for review and approval. The plans shall show all physical improvements as required by the conditions for the project, as well as pertinent topographical features both on and off site. All existing and proposed utilities and easements, on site and adjacent to the project, that may be affected by planned construction shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the improvement plans. The project proponent shall pay plan check and inspection fees and Placer County Fire Department improvement plan review and inspection fees with the first improvement plan submittal. (NOTE: Before plan approval, all applicable recording and reproduction costs shall be paid.) The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the project proponent's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the design/site review process and/or Development Review Committee (DRC) review is required as a condition of approval for the project, the review process shall be completed before improvement plans are submitted. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the project proponent's expense and shall be submitted to the ESD in both hard copy and electronic versions in a format to be approved by the ESD before site improvements are accepted by the County.

Conceptual landscape plans submitted before project approval may require modification during the improvement plan process to resolve issues of drainage and traffic safety.

Mitigation Measure 4.6-1b: Implement improvement plans (Net SAP Area and PRSP Area)

The improvement plans shall show all proposed grading, drainage improvements, and vegetation and tree removal, and all work shall conform to provisions of the County Grading Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the improvement plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at a maximum of 2:1 (horizontal to vertical) unless a soils report supports a steeper slope and the ESD concurs with this recommendation.

The project proponent shall revegetate all disturbed areas. Revegetation, undertaken from April 1 through October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project improvement plans. It is the project proponent's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Stockpiled soil and borrow areas shall have proper

erosion control measures applied for the duration of the construction as specified in the improvement plans. Erosion control shall be provided where roadside drainage is off the pavement, to the satisfaction of the ESD.

The project proponent shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work before improvement plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of the deposit shall be refunded to the project proponent or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the improvement plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/ESD for a determination of substantial conformance to the project approvals before any further work is performed. Failure of the DRC/ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

Mitigation Measure 4.6-1c: Implement best management practices (Net SAP Area and PRSP Area)

The improvement plans shall show that water quality treatment facilities/BMPs shall be designed according to the guidance of the California Stormwater Quality Association stormwater BMP handbooks for construction, for new development/redevelopment, and for industrial and commercial (or other similar source as approved by the ESD). Construction (temporary) BMPs for the project include, but are not limited to:

- straw mulch,
- velocity dissipation devices,
- silt fencing,
- fiber rolls,
- storm drain inlet protection,
- wind erosion control, and
- stabilized construction entrances.

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, or similar features for entrapment of sediment, debris, and oils/greases or other identified pollutants as approved by the ESD. BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for Sizing of Permanent Post-

Construction Best Management Practices for Stormwater Quality Protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All permanent BMPs shall be maintained as required to ensure effectiveness. The project proponent shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of ongoing maintenance, such as contractual evidence, shall be provided to ESD upon request. Maintenance of these facilities shall be provided by the project owners/permittees and certification of completed maintenance reported annually to the County Department of Public Works and Facilities Stormwater Coordinator unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Contractual evidence of monthly parking lot sweeping and vacuuming, and a catch basin cleaning program shall be provided to the ESD upon request. Failure to do so will be grounds for discretionary permit revocation. Before improvement plan or final subdivision map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

Significance after Mitigation

Implementation of Mitigation Measures 4.6-1a through 4.6-1c would reduce the significant impacts of erosion through minimization of ground disturbance, installation of temporary and permanent erosion control BMPs, revegetation of disturbed areas, and compliance with Placer County construction standards for development within the net SAP area and PRSP area. Therefore, the impact would be **less than significant after mitigation**.

c.i. Potential Significant Impact (Hydrology and Water Quality section of the FEIR):

Impact 4.9-3: Construction-related water quality impacts

Construction activities required to implement the project could degrade the quality of stormwater flows and potentially degrade downstream surface water quality. Grading, excavation, and accidental spills of construction-related hazardous substances could degrade surface water quality downstream of the project area. However, the SAP would protect water quality by establishing preserve and open space areas around streams and sensitive habitats. In addition, all future projects constructed through the project would be required to install erosion and sediment controls; implement and maintain temporary construction BMPs to control and properly manage site runoff; and waste control measures to prevent leakage or spill of hazardous materials into soils and surface waters. If properly implemented, these existing protective policies and regulations would reduce the potential for construction activities to adversely affect water quality. However, at this stage of planning, the detailed site-specific

BMPs have not been developed, and the County conservatively determines this impact to be potentially significant.

c.ii. Facts in Support of Finding:

Mitigation Measure 4.6-1a: Submit improvement plans (Net SAP Area and PRSP Area) (See above)

Mitigation Measure 4.6-1b: Implement improvement plans (Net SAP Area and PRSP Area) (See above)

Mitigation Measure 4.6-1c: Implement best management practices (Net SAP Area and PRSP Area) (See above)

Significance after Mitigation

Implementation of Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c and would minimize the potentially significant impacts of erosion through minimization of ground disturbance, installation of temporary and permanent erosion control BMPs, revegetation of disturbed areas, and compliance with Placer County construction standards for development within the Net SAP and PRSP areas. Therefore, impacts would be reduced to **less than significant after mitigation.**

d.i. Potential Significant Impact (Hydrology and Water Quality section of the FEIR):

Impact 4.9-5: Development within 100-year floodplains

The project area contains low-lying regions that are within the 100-year flood zone of Pleasant Grove, University, Auburn Ravine, and Orchard Creeks. Placer County regulatory protections and proposed SAP policies would effectively prohibit the placement of habitable structures within the 100-year floodplain. However, at this stage of planning, the details of these protections have not been developed, and the County conservatively determines this impact to be **potentially significant**.

d.ii. Facts in Support of Finding:

Mitigation Measure 4.9-1a: Submit final drainage report (Net SAP Area and PRSP Areas)

As part of the improvement plan submittal process, the preliminary drainage report provided during environmental review shall be submitted in final format. The final drainage report may require more detail than that provided in the preliminary report and will be reviewed in concert with the improvement plans to confirm conformity between the two. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, changes in flows and patterns, and proposed on- and off-site improvements and drainage easements to accommodate flows from this project, as well as watershed maps. The report shall identify permanent water quality

protection features and methods to be used during construction as well as long-term post-construction water quality measures. The final drainage report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect when the report is submitted.

Mitigation Measure 4.9-1b: Design, construct, and maintain regional stormwater retention and detention facilities or pay retention mitigation fees (Net SAP Area and PRSP Areas)

The improvement plan submittal and final drainage report shall demonstrate, through the preparation of technical engineering studies, that the increased peak flow and volume of stormwater runoff from the proposed development can be accommodated on-site or in the approved City of Roseville Regional Stormwater Retention Facility and/or other off-site facility. The study shall:

1. Be submitted to the City of Roseville Public Works Department for review and concurrence if the net SAP or PRSP is proposing to utilize the City of Roseville Regional Stormwater Retention facility for stormwater retention;

2. Demonstrate, through the preparation of technical engineering studies, that stormwater run-off peak flows obtain an objective post-project mitigated peak flow that is equal to the estimated pre-project peak flow, less 10 percent of the difference, through the installation of detention facilities; and,

3. Demonstrate through the preparation of technical engineering studies, that stormwater volumetric increases are mitigated to retain the increase for the 100-year, 8-day design storm, depth of 10.75 inches at elevation of 200 feet, unless another methodology has been agreed upon by Placer County. The project proponent shall either provide permanent on-site retention or participate in a regional stormwater retention program, if established by the County, by paying retention mitigation fees including maintenance and operation costs, as deemed appropriate, to mitigate the project's increases to stormwater volume. If interim retention facilities are constructed within the PRSP and net SAP areas on parcels zoned for development, the development project would also be subject to payment of the retention fee, in order to fund construction of the ultimate regional retention facility.

Retention and detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual standards that are in effect at the time of submittal, and to the satisfaction of the Engineering and Surveying Division, and shall be shown in the improvement plans. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

Mitigation Measure 4.9-5a: Delineate 100-year floodplain on subdivision maps (Net SAP Area and PRSP Area)

The improvement plans and informational sheet(s) filed with the appropriate small lot final subdivision map(s) shall show the limits of the future, unmitigated, fully developed 100-year floodplain (after grading) for University Creek and its tributaries and designate the limits as a building setback line.

Mitigation Measure 4.9-5b: Demonstrate that all building pad elevations are a minimum of 2 feet above the 100-year floodplain line (Net SAP Area and PRSP Area)

The improvement plans and informational sheet(s) filed with the appropriate small lot final subdivision map(s) shall show finished building pad elevations to be a minimum of 2 feet above the 100-year floodplain line (or finished floor 3 feet above the 100-year floodplain line). The final pad certification letter shall be certified by a California registered civil engineer or licensed land surveyor and submitted to the Placer County ESD. This certification shall be done before construction of the foundation or at the completion of final grading, whichever comes first. No construction is allowed until the certification has been received by ESD and approved by the floodplain manager. Benchmark elevation and location shall be shown on the improvement plans and informational sheet(s) to the satisfaction of Development Review Committee.

Mitigation Measure 4.9-5c: Prohibit grading within the 100-year floodplain (Net SAP Area and PRSP Area)

No grading activities of any kind may take place within the 100-year floodplain of the stream/drainageway unless approved and analyzed as part of this project. All work shall conform to provisions of the County Flood Damage Prevention Regulations (Section 15.52, Placer County Code). The location of the 100-year floodplain shall be shown on the Improvement Plans.

Prior to Improvement Plan approval and if required by the County Floodplain Administrator, the project proponent shall obtain from FEMA, a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area. A copy of the letter shall be provided to the Engineering and Surveying Division prior to approval of Improvement Plans. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be provided to the Engineering and Surveying Division prior to acceptance of project improvements as complete, or as otherwise approved for the Sac State -Placer Center site.

Significance after Mitigation

Implementation of Mitigation Measures 4.9-1a, 4.9-1b, 4.9-5a, 4.9-5b, and 4.9-5c would require submittal of the final drainage report; design, construction, and maintenance of retention and detention facilities; clear delineation of the 100-year flood floodplain on improvement plan documents; demonstration that all building pad elevations are a minimum of 2 feet above the 100-year floodplain line; and prohibition of grading within the 100-year floodplain. These measures are designed to reduce potential impacts related to development within the 100-

year floodplain and require the direct review and oversight of Placer County ESD staff. This impact is **less than significant with mitigation**.

(2) Findings regarding significant water quality or supply impacts being authorized due to specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers that cannot feasibly be mitigated to a less than significant level. (Public Resources Code, § 21081, subdivision (a)(3); Cal. Code Regs., tit. 14, § 15091, subdivision (a)(3).)

Changes or alterations have been required in, or incorporated into, the project that lessen, though not to a less-than-significant level, the significant environmental effects as identified in the EIR. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. However, as set forth in the Statement of Overriding Considerations below, the project's benefits outweigh the significant and unavoidable effects of the project.

e.i. Potential Significant Impact (Biological Resources section of the FEIR):

Impact 4.4-1: Loss and degradation of state or federally protected waters

Implementation of the project would result in the removal or fill of jurisdictional waters of the United States, including wetlands subject to USACE [United States Army Corps of Engineers] jurisdiction under the federal Clean Water Act and waters of the state. This impact would be significant.

e.ii. Facts in Support of Finding:

Mitigation Measure 4.4-1a: Compensate for loss of aquatic resources (Net SAP Area and PRSP Area)

Consistent with proposed SAP Policy NR-1.2, Stream System Protection, the County shall require the protection and enhancement of the Stream System and other areas capable of meeting the PCCP Reserve Acquisition and avoidance criteria (e.g. Stream System, avoided areas 200 acres or greater, habitat and wetlands adjacent or connected to the Stream System or existing/future Reserves, Valley Oak Woodlands one acre or greater). Consistent with proposed SAP Program NR-4, PCCP and CARP [County Aquatic Resources Program] Program Consistency, the County shall require project applicants to delineate all aquatic resources, implement all feasible avoidance and minimization measures described in the PCCP and CARP, calculate the extent of impacts, and provide compensatory mitigation according to the procedures described in the adopted PCCP and CARP, through payment of applicable mitigation fees to the In-Lieu Fee Program or purchase of mitigation credits at an agency-approved mitigation bank. If adopted, the PCCP may allow for consideration of land dedication in-lieu of PCCP fees, subject to approval by the future Placer Conservation Authority (PCA) and concurrence by the state and federal agencies. The fees collected

through the In-Lieu Fee Program shall be used to fund land acquisition, mitigation projects that protect, enhance, and restore aquatic resources, and long-term management and monitoring within the PCCP Reserve Acquisition Areas.

If the PCCP, including the Western Placer CARP and associated USACE programmatic permits are not adopted, or are not available as a permitting and mitigation strategy for future projects, compensation for loss of aquatic resources shall be implemented as follows:

- As a condition of project approval, the County shall require project proponents to conduct a delineation of waters of the United States according to methods established in the USACE wetlands delineation manual (Environmental Laboratory 1987) and Arid West Supplement (Environmental Laboratory 2008) and to delineate any aquatic resources that may not meet the definition of waters of the United States, but would qualify as waters of the state. The delineation shall map and quantify the acreage of all aquatic resources on the project site and associated off-site improvement areas and shall be submitted to USACE for jurisdictional determination. This requirement applies to project sites for which a current delineation and subsequent verification and concurrence by USACE have not been completed.
- A permit from the USACE will be required for any activity resulting in fill of wetlands and other waters of the United States. Project proponents shall be required to obtain this permit before project initiation. A wetland mitigation plan that satisfies USACE requirements will be needed as part of the permit application. Project proponents that obtain a Section 404 permit will also be required to obtain water quality certification from the Central Valley RWQCB pursuant to Section 401 of the CWA.
- The project proponent for each future project requiring fill of aquatic resources shall replace or restore on a “no-net-loss” basis the function of all wetlands and other waters that would be removed as a result of implementing the respective project. Wetland habitat will be restored or replaced at an acreage and location and by methods agreeable to USACE and the Central Valley RWQCB, depending on agency jurisdiction, and as determined during the Section 401 and Section 404 permitting processes.
- The project proponent shall submit a compensatory mitigation and monitoring plan (MMP) to USACE and the Central Valley RWQCB, for review and approval before USACE making a permit decision for the proposed action. The MMP shall be consistent with the Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for South Pacific Division USACE, or most current guidelines, and shall identify the amount and type of proposed compensatory mitigation to ensure “no net loss” of aquatic resource functions and services that would be removed, lost, and/or substantially degraded as a result of implementing the project. The MMP will describe compensation ratios for acres filled, mitigation sites and work plan, maintenance plan and

long-term management plan, a monitoring protocol, annual performance standards and final success criteria for created or restored habitats, corrective measures to be applied if performance standards are not met, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment).

- Mitigation methods may consist of establishment by a qualified biologist of aquatic resources in upland habitats where they did not exist previously, reestablishment (restoration) of natural historic functions to a former aquatic resource, enhancement of an existing aquatic resource to heighten, intensify, or improve aquatic resource functions, or a combination thereof. The compensatory mitigation may be accomplished through purchase of credits from a USACE-approved mitigation bank, payment into a USACE-approved in-lieu fee fund, or through permittee-responsible on-site or off-site establishment, reestablishment, or enhancement, depending on availability of mitigation credits. To the extent practicable, mitigation shall be carried out within the affected watershed.
- Permittee-responsible mitigation habitat shall be monitored by a qualified biologist 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 MMP have been met, whichever is longer.

Waste Discharge Requirements, Section H: Compensatory Mitigation for Permanent Impacts

The Permittee submitted a compensatory mitigation plan as part of a complete application that was accepted by Central Valley Water Board staff. The Permittee shall implement the approved plan prior to impacts to waters of the state.

Significance after Mitigation

Successful implementation of the SAP policies, Mitigation Measure 4.4-1a, and Order requirements is expected to reduce significant impacts on wetlands and other waters of the state, but not necessarily to a less-than-significant level. After the mitigation plan is implemented as required, the direct impacts resulting from project implementation could be mitigated by providing “no net loss” of overall waters of the state resulting from the project, as required in Central Valley Water Board permit conditions. However, creating compensatory wetlands cannot be guaranteed to fully replace the functions of wetlands lost and temporal losses would occur unless all impacts could be mitigated through fully functioning, established, in-kind wetlands from an approved mitigation bank, in lieu fee program, permittee responsible mitigation or other required comprehensive state and federal regulatory and wildlife agency mitigation. The PCCP In-Lieu Fee Program has been approved and will likely reduce significant impacts to a greater degree than project-by-project mitigation by developing a large, managed and monitored reserve area that will provide wetland and species habitat restoration, open space and agricultural conservation in

perpetuity, rather than smaller, more fragmented and isolated reserves surrounded by urban development. Therefore, while applicable mitigation measures and Order requirements will reduce significant impacts on wetlands and other waters of the state, given any remaining uncertainty, this impact would remain potentially **significant and unavoidable.** A statement of overriding considerations for this impact is presented below.

f.i. Potential Significant Impact (Biological Resources section of the FEIR):

Impact 4.4-3: Loss of federally listed vernal pool branchiopods and western spadefoot

Implementing the project would result in loss and degradation of habitat for special-status wildlife species that rely on vernal pool type wetlands for at least a portion of their life cycle. These three species are federally listed vernal pool fairy shrimp and vernal pool tadpole shrimp, and species of special concern, western spadefoot. Incidental take of these special-status wildlife species would also result. This impact would be significant.

f.ii. Facts in Support of Finding:

Mitigation Measure 4.4-3b: Compensate for take of federally listed vernal pool invertebrates and western spadefoot habitat loss (Net SAP Area and PRSP Area)

Loss of vernal pool habitat and other seasonal wetland habitats that support or potentially support Federally listed vernal pool invertebrates shall be replaced or restored in such a manner that there will be no net loss of habitat (acreage and function) for vernal pool invertebrates and western spadefoot following project implementation. As described under Mitigation Measure 4.4-1a, project proponents shall complete and implement a compensatory habitat MMP describing how loss of vernal pool and other wetland habitats shall be offset, including details for creating habitat; accounting for the temporal loss of habitat, performance standards to ensure success, and remedial actions to be implemented if performance standards are not met. All measures shall meet the approval of Placer County, USACE, and USFWS [U.S. Fish and Wildlife Service].

No project construction shall proceed in areas supporting potential habitat for Federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until a biological opinion (BO) and incidental take authorization has been issued by USFWS and the project proponent has abided by conditions in the BO, including all conservation and minimization measures. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction, a detailed monitoring plan, and reporting requirements.

Western spadefoot also requires the protection of vernal pool habitat for survival; therefore, implementation of Mitigation Measures 4.4-3a and 4.4-3b would also

reduce impacts to western spadefoot. Mitigation shall include preservation of in-kind wetland habitats within the Western Placer County core area at ratios satisfactory to ensure no net loss of habitat acreage, function, and value within the core area. To count toward preservation credits, vernal pool habitats within the open space areas shall be placed under a permanent conservation easement.

Habitat to be protected includes both occupied and unoccupied suitable habitat that serves as corridors for dispersal, opportunities for metapopulation dynamics, reintroduction/introduction sites, and protection of undiscovered populations. Mitigation may include a combination of on-site and off-site preservation, as well as on-site or off-site wetland restoration and creation, purchase of credits at a mitigation bank approved by USFWS and USACE, or in-lieu fee mitigation.

The project proponents shall preserve acreage of vernal pool habitat for each wetted acre of any indirectly affected vernal pool habitat at a ratio approved by USFWS at the conclusion of the Section 7 consultation. This mitigation shall occur before the approval of any grading or improvement plans for any project or phase that would allow work within 250 feet of such habitat, and before any ground-disturbing activity within 250 feet of the habitat. The project proponents will not be required to complete this mitigation measure for direct or indirect impacts that have already been mitigated to the satisfaction of USFWS through another BO or MMP, such as a BO obtained for the Placer Parkway or for Pleasant Grove Retention Facility.

Waste Discharge Requirements, Section H: Compensatory Mitigation for Permanent Impacts

The Permittee submitted a compensatory mitigation plan as part of a complete application that was accepted by Central Valley Water Board staff. The Permittee shall implement the approved plan prior to impacts to waters of the state.

Significance after Mitigation

Implementation of Mitigation Measures 4.4-1a, 4.4-3a, 4.4-3b and Order requirements is expected to reduce significant direct and indirect effects on Federally listed vernal pool branchiopods and western spadefoot, but not necessarily to a less-than-significant level. Removal of approximately 2,865 acres of low density vernal pool complexes from the SAP area, and approximately 2,173 acres of low density vernal pool complexes from the PRSP area is a substantial loss, especially when considered in the context of the rate and acreage of habitat losses in the region, and contributes significantly to the loss of habitat for these species in a core area identified by USFWS as being important to the recovery of these species.

The PCCP In-Lieu Fee Program has been approved and will likely reduce significant impacts on vernal pool branchiopods and western spadefoot to a greater degree than project-by-project mitigation by developing a large, managed and monitored reserve area that will provide vernal pool and associated habitat

restoration, and open space and agricultural conservation in perpetuity, rather than smaller, more fragmented and isolated reserves surrounded by urban development. In addition, its avoidance, minimization and mitigation requirements will also support the reduction of potential indirect significant effects. However, that mitigation will not necessarily occur within the western Placer County core area because there is a limited amount of habitat present within the core area and a large proportion of it has already been developed or is planned for development.

After the mitigation plan (that was submitted to and accepted by the Central Valley Water Board) is implemented as required, the direct impacts resulting from project implementation could be mitigated by providing habitat for vernal pool branchiopods and western spadefoot. However, creating compensatory wetlands cannot be guaranteed to fully replace the loss of these federally listed species that could potentially result from this project.

Therefore, while applicable mitigation measures and Order requirements will reduce the loss and degradation of habitat for federally listed vernal pool branchiopods and western spadefoot, given any remaining uncertainty, this impact would remain potentially **significant and unavoidable.** A statement of overriding considerations for this impact is presented below.

g.i. Potential Significant Impact (Biological Resources section of the FEIR):

Cumulative Impact 4.4-11: Contribution to loss and degradation of state or federally protected waters

The potential loss of habitat functions and values provided by aquatic resources, when combined with anticipated growth in the region, could make a considerable contribution to a significant cumulative impact.

g.ii. Facts in Support of Finding:

The Project would result in loss of waters of the state, including wetlands and vernal pool habitat. This would contribute to the cumulative loss of these and other aquatic resources within the region as discussed in the FEIR. Many projects near the project area have been implemented recently or are in various stages of planning and entitlement. Planned projects in the cities of Lincoln, Roseville, and Rocklin, as listed in FEIR Table 4.0-2, along with major road improvements (e.g., Placer Parkway) and other off-site improvements, would result in development of over 50,000 acres of land and continue to contribute to ongoing loss and degradation of vernal pool type wetlands and other wetlands and waters in the region. Historic losses of vernal pool habitat in combination with projected losses from existing, proposed, planned, and approved projects constitute a cumulatively substantial reduction in vernal pool habitat in the region and in the state. Habitat losses of this magnitude have a substantial adverse effect on species that rely on this habitat type, including Federally listed vernal pool crustaceans, and contribute to the decline of these species. Because of this habitat loss, 33 species of vernal pool-dependent plants and animals have been

listed under the state or federal ESA or are candidates for listing (USFWS 2005). Loss of vernal pool wetlands has also had an adverse effect on general watershed functions in the region, such as flood attenuation and water quality improvement. This represents an existing significant cumulative impact.

Implementing the SAP would result in the conversion of approximately 2,865 acres of vernal pool complex containing an estimated 77 acres of state and federally protected vernal pool wetlands and other waters, and 15 acres of marsh complex to developed land uses. Implementing the PRSP would convert an additional 1,865 acres of low-density vernal pool complex containing approximately 46 acres of state and federally protected vernal pool type wetlands to developed land uses. Based on mapping in support of the PCCP, western Placer County contains approximately 45,065 acres of vernal pool complex and projected development would result in direct conversion of 28 percent, or approximately 12,550 acres of this existing habitat. Implementing the SAP, including PRSP, would result in the loss of approximately 4,730 acres of vernal pool complex habitat, or 38 percent of the projected losses, which is a considerable contribution. In addition to direct loss of habitat, the project, when combined with surrounding planned projects, would result in the conversion of large, open habitat landscapes surrounded by other open space to more fragmented habitat surrounded by urban development with limited connectivity. Given the potential loss of habitat functions and values provided by the existing vernal pool complex habitat in the project area, when combined with anticipated growth in the region, the Project could make a considerable contribution to a significant cumulative impact. Therefore, the project would have a cumulatively significant impact. While applicable mitigation measures and Order requirements will reduce significant impacts on wetlands and other waters of the state, no additional mitigation beyond that already proposed is available to reduce this impact to a less-than-significant level, this impact would be **significant and unavoidable**. A statement of overriding considerations for this impact is presented below.

D. Statement of Overriding Considerations

The Placer County FEIR identifies certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. Because there are significant and unavoidable impacts within the Central Valley Water Board’s jurisdiction, the Central Valley Water Board provides this Statement of Overriding Considerations in compliance with CEQA. (Public Resources Code, section 21081, subdivision (b); California Code of Regulations, title 14, section 15093.)

The significant and unavoidable impacts and the benefits related to implementing the Project are disclosed in the FEIR, CEQA Findings of Fact, and Statement of Overriding Considerations. The unavoidable impacts within the Central Valley Water Board’s jurisdiction are discussed in subsection C above.

The Central Valley Water Board has independently reviewed and considered the Lead Agency's documentation and findings. The Central Valley Water Board has considered the economic, legal, social, technological, and other benefits of the Project against its significant unavoidable impacts to water quality and finds that the specific economic and social benefits of implementing the Project—including employment and housing opportunities—outweigh the significant and unavoidable impacts identified above. The Central Valley Water Board defers to the Lead Agency's land use planning decisions and its vision for continued growth and development in Placer County. Additionally, while the Lead Agency acknowledged some uncertainty attendant with compensatory mitigation for impacts to wetlands and other waters of the state when determining these impacts to be significant and unavoidable, appropriate compensatory mitigation as detailed above and in the Order is intended to adequately offset these impacts.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by Placer County and has reached its own conclusion to approve this Project. 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.)

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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. f 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 & 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: Greg.Hendricks@waterboards.ca.gov
- Include in the subject line of the email:
  ATTN: Greg Hendricks; Project Name; and WDID No. 5A31CR00548

III. Definition of Reporting Terms

A. <u>Active Discharge Period:</u> 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. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.

B. <u>Request for Notice of Completion of Discharges Letter:</u> This request by the Permittee to the Central Valley Water Board staff pertains to the project due to post construction monitoring requirements. 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 and a change in fees from the annual active discharge fee to the annual post-discharge monitoring fee.

C. <u>Request for Notice of Project Complete Letter:</u> This request by the Permittee to the Central Valley Water Board staff pertains to the project once the Permittee has completed post-construction monitoring, achieved performance standards, 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. <u>Post-Discharge Monitoring Period:</u> 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. <u>Effective Date:</u> XX December 2021

IV. Map/Photo Documentation Information

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

A. <u>Map Format Information:</u>

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. <u>Photo-Documentation:</u> 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:	Placer Ranch Project
Permittee:	JEN CA Placer Ranch LLC
WDID:	5A31CR00548
Reg. Meas. ID:	441298
Place ID:	870414
Order Effective Date:	XX December 2021
Order Expiration Date:	XX December 2026

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report
Report Type 2 ☐ Annual Report

B. Part B – Project Status Notifications

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

C. Part C – Conditional Notifications and Reports

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

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

Print 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 1st day of each month beginning one month after the submittal of the Notification of Project Commencement until a Notice of Project Complete Letter is issued to the Permittee.

c. **Report Contents** -

i. Construction Summary

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

ii. Event Summary

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

iii. Photo Summary

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

iv. Compliance Summary

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

2. **Report Type 2 - Annual Report**

   a. **Report Purpose** - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.

   b. **When to Submit** - Annual reports shall be submitted each year on the 1st day of January. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.

   c. **Report Contents** - The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.

      <u>During the Active Discharge Period</u>

      - **Topic 1: Construction Summary**
      - **Topic 2: Mitigation for Temporary Impacts Status**
      - **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

      <u>During the Post-Discharge Monitoring Period</u>

      - **Topic 2: Mitigation for Temporary Impacts Status**
      - **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

      i. Annual Report Topic 1 - Construction Summary

      When to Submit - With the annual report during the Active Discharge Period.

      Report Contents - Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay.

      1) Map showing general Project progress.

      2) If applicable:

         a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).

         b) Summary of Project Deviations. See Project Deviation Attachment for further information.

      ii. Annual Report Topic 2 - Mitigation for Temporary Impacts Status

      When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

Report Contents -

1) Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.**
2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

iii. Annual Report Topic 3 - Compensatory Mitigation for Permanent Impacts Status

When to Submit - With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period**.**

1) Part A. Permittee Responsible – Not Applicable

2) Part B. Mitigation Bank or In-Lieu Fee

a) Status or proof of purchase of credit types and quantities.

b) Include the name of bank/ILF Program and contact information.

c) If ILF, location of project and type if known.

B. <u>Part B – Project Status Notifications</u>

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 and Monitoring

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

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

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

C. <u>Part C – Conditional Notifications and Reports</u>

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

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

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

c. Report Contents -

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

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

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

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

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

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

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

3. **Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.
   b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.
   c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. **Report Type 9 - Modifications to Project Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
   b. **When to Submit** - If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
   c. **Report Contents** - A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee's compliance with the Order.

5. **Report Type 10 - Transfer of Property Ownership Report**
   a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
   b. **When to Submit** - At least 10 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 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 XII of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

A. Who may apply: The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

B. How to apply: By letter or email to the 401 staff designated as the contact for this Order.

C. 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 towaters 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. Provideverification 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. <u>Post-Discharge Project Deviation Reporting:</u>

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. <u>Annual Summary Deviation Report:</u>

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).