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Colorado River Basin Regional Water Quality Control Board

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**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER**

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<b>Effective Date:</b> October 30, 2017	<b>Reg. Meas. ID:</b> 416585
<b>Program Type:</b> Fill/Excavation	<b>Place ID:</b> 840540
<b>Project Type:</b> Channel Construction and Maintenance	<b>WDID:</b> 7B363038001
	<b>USACOE#:</b> NWP#3

**Project:** Moabi Backwater Maintenance Inlet Culvert Replacement Project

**Applicant:** U.S. Bureau of Reclamation (Reclamation)

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**Water Board Contact Person:**

If you have any questions, please call Colorado River Basin Regional Water Quality Control Board (Colorado River Basin Water Board) Staff listed above or (760) 346-7491 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

- Attachment A** Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** California Environmental Quality Act (CEQA) Findings of Facts
- Attachment D** Signatory Requirements
- Attachment E** Reporting Requirements

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the U.S. Bureau of Reclamation (Reclamation) (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on October 3, 2017. The application was deemed complete on October 6, 2017.

**II. Public Notice**

Public Notice (10-6-2017) was issued by the Colorado River Basin Water Board on October 6, 2017 and completed on October 26, 2017.

**III. Project Purpose**

Reclamation proposes to improve flows at the Moabi Backwater's inlet channel. Reclamation has operation and maintenance responsibilities for the levee (training structure) and for ensuring flow through the backwater's inlet culvert crossing. The public heavily uses the surrounding area for camping and accessing the river.

**IV. Project Description**

Existing Facilities

The culvert crossing is not functioning at full potential due to existing culverts are plugged and have deteriorated over time.

Proposed Project

Maintenance activities would consist of removing the existing three culverts (42-inch corrugated metal pipes) and replacing with two new culverts (three 48-inch diameter HDPE pipe) at the inlet.

Replacement of culverts would entail removing a portion of the existing culvert crossing (paved) road. Old rock and fill material will be removed (approximately 1,935 cubic yards), this will allow for the old culvert pipes to be removed. Material removed from the existing culvert crossing will be temporarily placed adjacent to the worksite (upland site) along the levee road. This same material will be used as backfill to reconstruct the culvert road crossing once the new HDPE pipes are placed.

New culverts would be set deeper, and repositioned at a downstream angle to reduce sediment accumulation around the structure and in the backwater. The goal would be to have water circulation within the backwater during all river flow regimes. Gates (which are optional) could also be placed on the river side of the culverts in order to protect the backwater in the event of a hazmat spill on the main stem of the Colorado River. To facilitate culver placement activities, a small portion of the old rock and fill structure will be left in place on the river side. This small section of the structure that will be left in place will act as a retaining wall. This retaining wall will allow the initial placement of the culvert pipes by preventing flows from entering the work area. Culvert pipes are normally placed in sections. Once the first culvert pipe section is placed on the backwater side, the retaining wall will then be removed and the second pipe section would be placed on the river side.

## **V. Project Location**

The project site is located along the Colorado River, approximately 10 miles south of Needles, California at river mile (RM) 235.0, on the California side of the river in Section 6, Township 7 North, Range 24 East, San Bernardino Base and Meridian. (Latitude 34° 44' 8.55" N; Longitude 114° 30' 57.57" W). The project location is shown on the Attachment A

## **VI. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of Colorado River Basin Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plan for Colorado River Basin Regional Water Quality Control Board (Basin Plan) for the region and other plans and policies which may be accessed online at: [http://www.waterboards.ca.gov/plans\\_policies/](http://www.waterboards.ca.gov/plans_policies/).

The Basin Plan was prepared by the Colorado River Basin Water Board, in accordance with criteria contained in the California Porter-Cologne Water Quality Control Act, the Federal Clean Water Act, and other pertinent state and federal rules and regulations. It 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. Colorado River is the receiving water.

Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the U.S. impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

## **VII. Description of Direct Impacts to Waters of the U.S.**

No wetlands are located in the project area. Temporary impacts are anticipated to water of the U.S., however to minimize impacts activities will be conducted when the Colorado River water levels are low and the project area is dry.

Total Project dredge and fill/excavation quantities for all impacts are summarized in Tables 1.

Table 1: Total Project Fill/Excavation Quantity									
Aquatic Resource Type	Temporary Impact <sup>1</sup>			Permanent Impact					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	CY <sup>2</sup>	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel	0.1		200				N/A		
Vernal Pool									
Wetland									

**VIII. Avoidance and Minimization**

To avoid and minimize direct and indirect impacts to Waters of the U.S., Reclamation will implement Project specific stormwater management controls during construction as well as operation and maintenance activities.

Table 2 includes the BMPs developed to address anticipated and potential water quality issues that could arise as a result of the development of the Project.

**Table 2 BMPs**

Type of BMP	BMP	Application
Construction BMPs	Erosion control	Implement erosion control BMPs to mitigate soil erosion, minimize soil loss from wind erosion, and to reduce air pollution during construction activities for all disturbed areas. Examples: mulch, straw, wood chips, soil application, lot perimeter protection per county standards, bonded fiber matrix or stabilized fiber matrix, physical stabilization erosion control blanket.
	Velocity reduction	Implement velocity reduction BMPs to reduce water/runoff velocity. Examples: energy dissipater outlet protection.
	Sediment control	Implement sediment control BMPs to remove sediment loads from runoff generated within the construction site for all disturbed areas. Examples: silt fence, fiber rolls, gravel bags, dewatering filtration.
	Off-site sediment tracking control	Implement off-site sediment tracking control BMPs for reducing the transport of sediment on tires off, and within, construction site. Examples: stabilized construction entrance, construction road stabilization, entrance/exit tire wash, entrance/exit inspection and cleaning facility.

<sup>1</sup> Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

<sup>2</sup> Cubic Yards (CY); Linear Feet (LF)

**Table 2 BMPs**

Type of BMP	BMP	Application
	General site and materials management	Implement general site and materials management BMPs for materials and waste management. Examples: material delivery and storage management, spill prevention and control, concrete waste management, solid waste management, sanitary waste management, hazardous waste management.
Post-Construction BMPs	Protection of channel banks/manufactured slopes	Implement channel protection BMPs to protect banks of the channels as well as the slopes.
	Outlet protection	Implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

BMPs will be regularly monitored following installation, and if any BMP is determined to be underperforming, an assessment will be made for correcting performance deficiencies. The property owner or the responsible party is responsible for scheduling and conducting maintenance of BMPs.

In addition, Reclamation will implement the following actions to avoid and/or minimize impacts to Waters of the U.S.:

1. The proposed maintenance will not result in any net loss of wetland vegetation.
2. Construction will occur outside the nesting season for southwestern will flycatcher and Yuma clapper rail in order to avoid impacts.
3. Spill prevention measures will be employed to prevent spills of POL.s, etc., into the water or onto soil.
4. All excavated material will be placed in an upland area, away from the river to prevent discharge of waters of the U.S.
5. Impacts to vegetation are temporary and the site is expected to rapidly revegetate to previous conditions.
6. The proposed project will not destabilized the bed of a receiving water.
7. The proposed project will not contribute to significant cumulative effects.
8. The proposed project will not cause pollution, contamination, or a nuisance.
9. The proposed project will not have adverse effects on endangered, threatened, or candidate species.
10. The proposed project will not degrade water quality of beneficial uses.
11. The proposed project will not discharge any hazardous, designated, or toxic materials.
12. Due to equipment scheduling, work will be occur during the initial razorback sucker spawning season (January and February), to minimize impacts all activities will be limited to no flow areas.

BMPs will be regularly monitored following installation in accordance with the County Standard Urban Stormwater Mitigation Plan (SUSMP) guidelines, and if any BMP is determined to be underperforming, an assessment will be made for correcting performance deficiencies. The property owner or the responsible party is responsible for scheduling and conducting maintenance of BMPs

## **IX. Compensatory Mitigation**

No compensatory mitigation is required as part of this Order for permanent impacts because impacts are minimal. All temporary impacted areas will be returned to pre-existing contour and condition.

## **X. California Environmental Quality Act (CEQA)**

Inlet channel maintenance is a covered activities under the U.S. Bureau of Reclamation's National Environmental Policy Act (NEPA). On August 18, 2017, Reclamation adopted a Categorical Exclusion (CE) for the Project. Project is in accordance with 516 DM 14.6 Paragraph D (1): Maintenance, rehabilitation, and replacement of existing facilities including minor change in size, location, and/or operation.

The Colorado River Basin Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Section 15304(g) (minor alterations to land – Maintenance dredging where spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies). In accordance with CEQA Guidelines Section 15062, the Colorado River Basin Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

## **XI. Petitions for Reconsideration**

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

## **XII. Fees Received**

An application fee of \$1,440.00 was received on September 27, 2017. 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) with the dredge and fill fee calculator.

## **XIII. Conditions**

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

### **A. Authorization**

1. Impacts to waters of the U.S. shall not exceed quantities shown in Table 1.
2. Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the State Water Resources Control Board Construction General Permit (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

3. Permittee shall implement the BMPs described under Section VIII, Avoidance and Minimization.
4. Discharges of pollutants associated with construction-related storm water runoff are subject to National Pollutant Discharge Elimination System permitting under CWA Section 402. The discharger must file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the Construction General Permit.
5. The Order (Certification) for the Moabi Backwater Maintenance Inlet Culvert Replacement Project 7B363038001, shall expire upon a) the expiration or retraction of the CWA section 404 (33 USC Title 33, section 1344) permit issued by the USACE, or b) five (5) years from the date of issuance of this Order, whichever occurs first.

## B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment E, 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 E, which must be signed by the Permittee or an authorized representative.

### 1. Project Reporting

- a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15<sup>th</sup> of each month for duration of the construction phase (approximately 3-4 months). Monthly reporting shall continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** An Annual Report is not required because the work period will be less than a year (3-4 months).

**Other Reporting:** If pollutants are observed in surface water, the Applicant shall submit a report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

If repairs are required, the Permittee shall take pictures of the area where work needs to take place documenting the before and after conditions of the area; and shall maintain a daily log, for each site where work is taking place pursuant to this Order, while the Permittee conducts its repair activities. The log shall:

- Provide a general description of the repair work;
- Specify the date and daily starting and ending time for the repair work;
- Note key weather conditions (e.g., temperature, wind speed and direction, precipitation if any);

- Include notes from visual observations regarding the presence/absence of construction debris/trash (e.g., discarded filter fiber) and used oil (e.g., oil that leaks from construction equipment) in the area where the work is taken place.

**Within 30 days following completion of all repair work**, the Permittee shall submit to the Colorado River Basin Water Board a summary report of the key daily log entries. The summary report shall include the above-mentioned before and after pictures of the conditions of the area and shall be signed by the Permittee's Project Manager.

## 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.
- 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 Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees.
- 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,<sup>3</sup> and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Colorado River Basin Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees.

**3. Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.

- a. Accidental Discharges of Hazardous Materials<sup>4</sup>**

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<sup>3</sup> Completion of post-construction monitoring shall be determined by Colorado River Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

<sup>4</sup> "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 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:  
[http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill\\_Booklet\\_Feb2014\\_FINAL\\_BW\\_Acc.pdf](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
  - ii. Following notification to OES, the Permittee shall notify Colorado River Basin Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
  - iii. Within five (5) working days of notification to the Colorado River Basin 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 Colorado River Basin Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
- i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the state, and water contact with uncured concrete.
  - ii. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.
- c. In-Water Work**
- i. The Permittee shall notify the Colorado River Basin Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.
  - ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to Colorado River Basin Water Board staff.
- d. Modifications to Project**  
Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Colorado River Basin 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 Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with 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 Colorado River Basin Water Board in accordance with the following terms:
  - i. The Permittee must notify the Colorado River Basin 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 Colorado River Basin Water Board at least 10 days prior to the transfer of ownership
  - ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.
- f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Colorado River Basin 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 Colorado River Basin Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

### C. Water Quality Monitoring

- 1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

The Applicant shall submit a Report to the Colorado River Basin Water Board within 30-days after encountering the pollutants and describe actions taken to correct the problem and provide photographic documentation that supports the information in the report.

- 2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Colorado River Basin Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.
- 3. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to Colorado River Basin Water Board staff for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

Sampling shall be conducted in accordance with Table 3 sampling parameters.<sup>5</sup>

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Every 4 hours
pH	Standard Units	Grab	Every 4 hours
Turbidity	NTU	Grab	Every 4 hours
Temperature	°F (or as °C)	Grab	Every 4 hours

4. **Post-Construction:** The Permittee shall visually inspect the Project site during the rainy season for five (5) years 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, the Permittee shall contact the Colorado River Basin Water Board staff member overseeing the Project within three (3) working days. The Colorado River Basin Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

**D. Standard**

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313
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.

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<sup>5</sup> 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 Colorado River 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.

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

#### **E. General Compliance**

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Colorado River Basin Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the Colorado River Basin Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.
4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law
6. Construction General Permit Requirement: The Permittee shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).

7. The Permittee shall submit to the Colorado River Basin Water Board a signed copy of the CDFWS's Lake and Streambed Alteration Agreement for the Project prior to any discharge of wastes to waters of the U.S./state.

**F. Administrative**

1. Signatory requirements for all document submittals required by this Order are presented in Attachment D of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Colorado River Basin Water Board staff or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
  - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
  - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
  - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
  - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

**G. Construction**

Work shall only be performed under "low flow" conditions in the washes to preclude potential impacts to water quality.

**Good Site Management "Housekeeping"**

1. Good site management “housekeeping”, erosion control, sediment control, and other construction-related activities are described in Section IX.
2. A monitor shall be on site during grading, clearing, grubbing, trenching, construction, and decommissioning activities to prevent impacts to special-status species and other biological resources, as well as document and report any construction-related incidences.
3. After completing the activities, the disturbed area shall be restored to pre-existing contours and conditions to the extent feasible.

#### **Hazardous Materials**

4. No toxic and/or hazardous materials shall be stored near or within wash/drainage areas. To the extent practicable, these materials shall be stored offsite and placed in appropriate secondary containment.
5. Spoil sites shall not be located where spoil could be washed back into the stream channel or where spoil covers aquatic or riparian vegetation. Any materials placed in seasonally dry portions of the drainage areas that could be washed downstream or could be harmful to aquatic life shall be removed from the streambed prior to inundation by high flows.
6. No fueling or maintenance of equipment or vehicles shall occur adjacent or within the wash/drainage areas.

#### **Post-Construction Storm Water Management**

7. Work shall not be conducted during rain events.
8. Post-construction storm water management shall be protected through channel protection BMPs to protect the banks of the channels and slopes.

#### **Roads**

9. Work and staging areas and temporary access routes shall be sized, located and flagged to limit potential impacts to natural areas. Previous disturbed areas shall be used to the extent feasible.

#### **H. Mitigation for Temporary Impacts**

1. The Permittee shall restore all areas of temporary impacts to waters of the U.S.
2. The Colorado River Basin Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Colorado River Basin Water Board Executive Director that the performance standards have not been met or are not likely to be met within the monitoring period.

If restoration of temporary impacts to waters of the U.S. is not completed within 45 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

**XIV. Water Quality Certification**

I hereby issue the Order for the Moabi Backwater Maintenance Inlet Culvert Replacement Project, 7B363038001 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

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

*For* Frank Cisaj, AEO

Jose L. Angel, P.E.  
Executive Officer  
Colorado River Basin  
Water Quality Control Board

10/27/17  
Date



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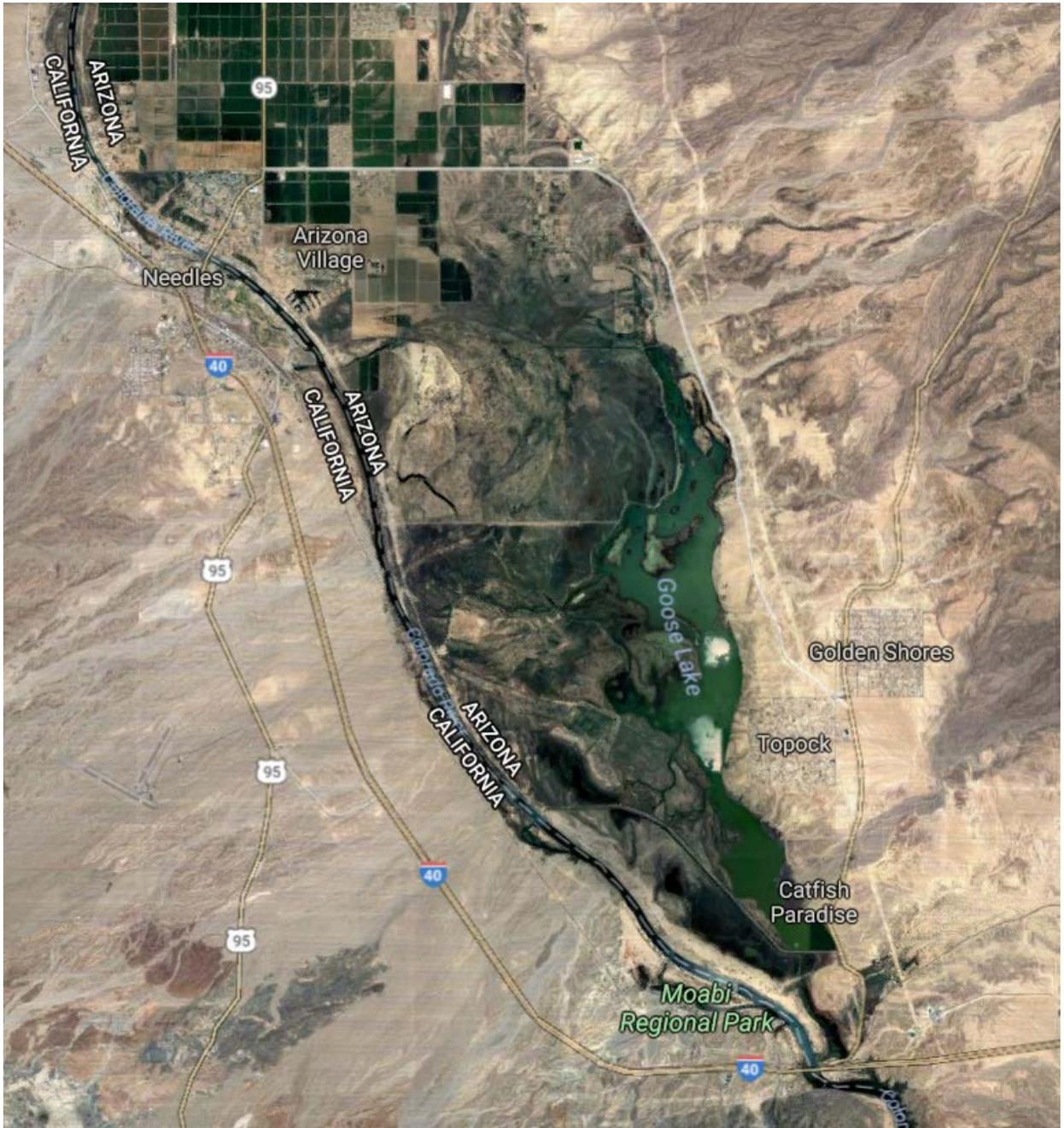


Figure 1



Figure 2

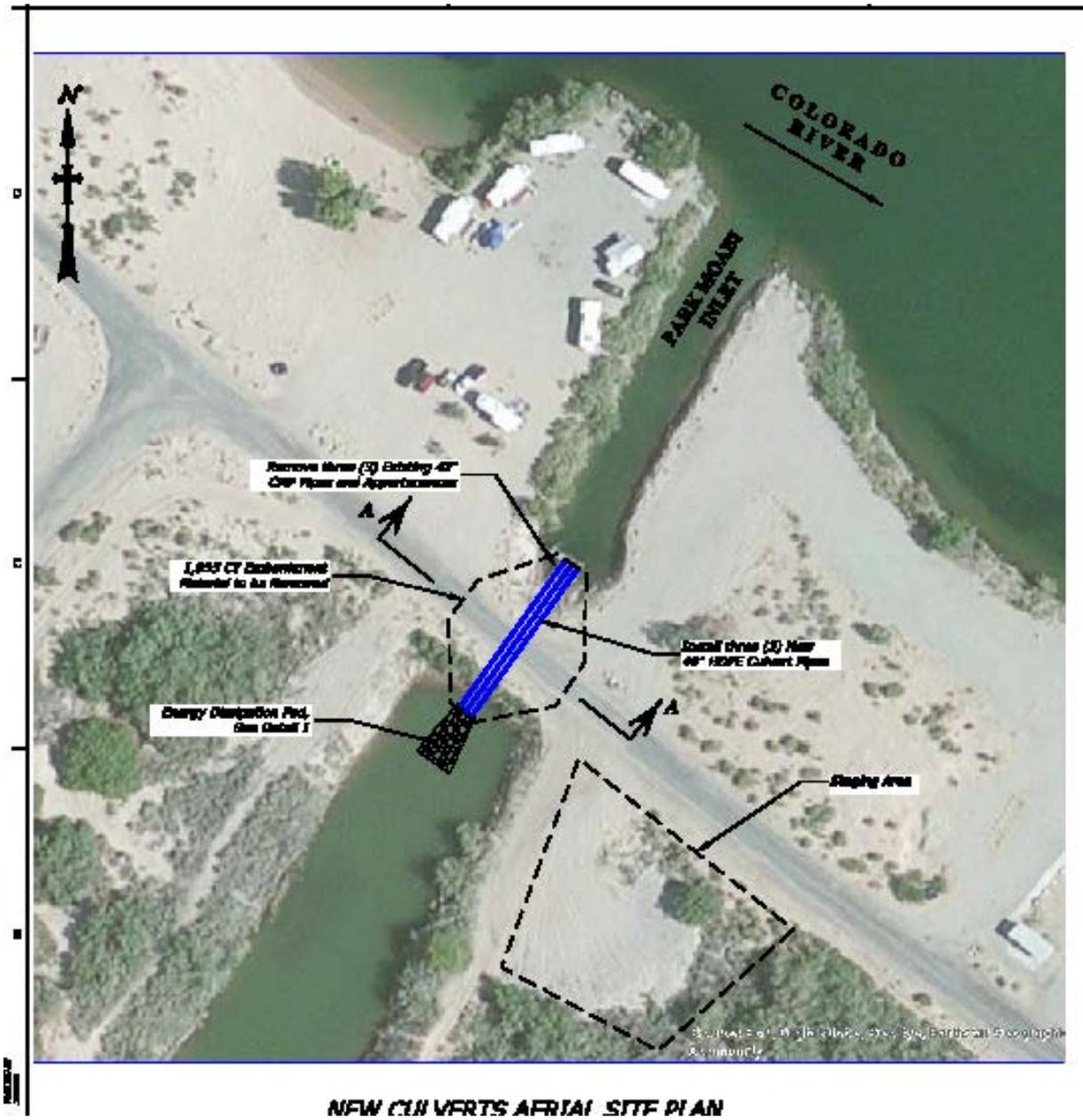
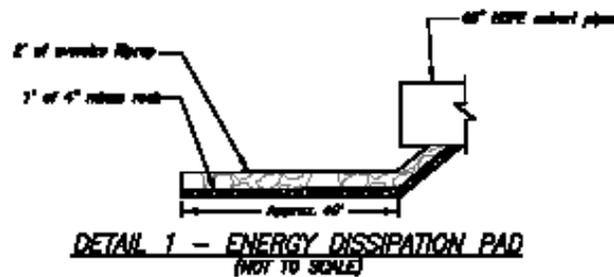
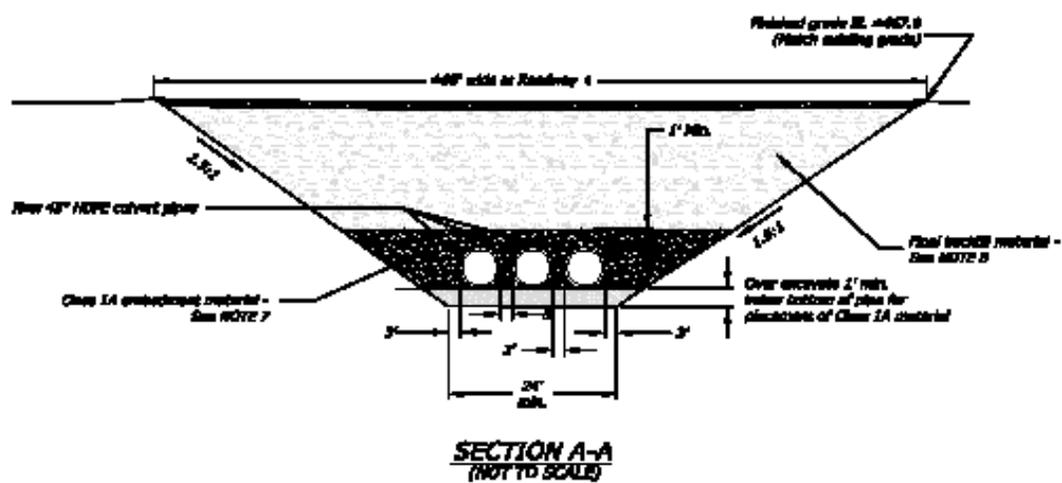


Figure 3



**NOTES**

1. Drawing is not to scale.
2. Field verify all dimensions and elevations.
3. To the extent practicable, avoid wet critical areas for riparian and wetland vegetation.
4. Material excavated during construction shall be placed in an approved area away from shore and backstop or at a nearby borrow of backwater disposal site.
5. Spoils will be disposed until construction is completed.
6. Contact Dig Alert at 811 at least two full working days prior to digging.
7. **Backwater Material**
  - a) Excavated material shall be a Class IA equivalent material compacted to 90% of maximum dry density (Standard Proctor).
  - b) 1/2" thickness shall not exceed 12 inches and shall be placed in horizontal layers.
  - c) Do not use impact type compaction with a thickness of 12 inches of cover has been placed over top of pipe to ensure no local deformation.
8. **Final Backfill Material**
  - a) Final backfill shall be compacted to 90% of maximum dry density (Standard Proctor).
  - b) Material shall not contain particles larger than 5 inches in diameter.
  - c) 12" thickness shall not exceed 12 inches and shall be placed in horizontal layers.
  - d) If necessary, backfill materials so they compacted fill is homogeneous and free from pockets, voids, inclusions, or other irregularities.
  - e) Construction vehicles shall not be driven over the pipe until a minimum of 4 feet of compacted material is placed over the top of the pipe.



Figure 4



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**Receiving Waters**

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

<b>Table 1: Receiving Water(s) Information</b>								
Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resource Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	eCRAM ID <sup>1</sup>
	1	<i>Colorado River</i>	<i>River</i>		<i>Colorado River</i>	<i>MUN,AGR,AQUA,IND,GWR,REC1,REC2,WARM,WILD,POW,RARE</i>		<i>n/a</i>

**Individual Direct Impact Locations**

The following table shows individual impact locations. <b>Table 2: Individual Direct Impact Information</b>											
Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation		Direct Impact Duration	Dredge			Fill/Excavation		
			Yes	No		Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
1 <i>Colorado River</i>			<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary				0.1		200
					Permanent						
				<input type="checkbox"/>	Temporary						
					Permanent						

<sup>1</sup> California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.



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## **FINDINGS FOR CEQA EXEMPT PROJECTS**

U.S. Bureau of Reclamation determined the Project is Categorical Exclusion (CE) under National Environmental Policy Act (NEPA) on August 18, 2017.

The Colorado River Basin Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Section 15304(g) – Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies (California Code of Regulations, title 14, section 15301 and 15304). In accordance with CEQA Guidelines Section 15062, the Colorado River Basin Water Board shall file a Notice of Exemption with the Office of Planning and Research upon approval of the CWA Section 401 WQC.

BUREAU OF RECLAMATION  
LOWER COLORADO REGION—YUMA AREA OFFICE  
Categorical Exclusion Checklist

DATE: August 18, 2017 CATEGORICAL EXCLUSION NO.: YAO-CEC-17-026

PROJECT NAME: Moabi Backwater Maintenance Project

Proposed Action: The Bureau of Reclamation proposes to rehabilitate the Moabi Backwater's inlet crossing. Maintenance activities would consist of removing the existing deteriorated culverts (42-inch corrugated metal pipes) and replace with a new crossing structure consisting of culvert HDPE Pipes. Replacement of culverts would entail removing a portion of the existing culvert crossing road. Old rock and fill material will be removed, this will allow for the old culvert pipes to be removed. Material removed from the existing culvert crossing will be temporarily placed adjacent to the worksite (upland site) along the levee road. This same material will be used as backfill to reconstruct the culvert road crossing once the new HDPE pipes are placed.

Project area: See attached Location Map for project location and Summary of Project Activities.

EXCLUSION CATEGORY: The proposed activity considered under this CEC is in accordance with the following categorical exclusion(s) listed in Departmental Manual 516:

516 DM 14.6 paragraph D (1):

*Maintenance, rehabilitation, and replacement of existing facilities including minor change in size, location, and/or operation.*

EVALUATION OF CRITERIA FOR CATEGORICAL EXCLUSION

1. This action or group of actions would have significant effect on the quality of the human environment. (40 CFR 1502.3) No  Uncertain  Yes
2. This action or group of actions would have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. (NEPA Section 102(2) (E) and 43 CFR 46.215 (c)) No  Uncertain  Yes
3. This action would have significant impacts on public health and safety. (43 CFR 46.215 (a)) No  Uncertain  Yes
4. This action would have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas. (43 CFR 43.215 (b)) No  Uncertain  Yes

Moabi Backwater Maintenance Project

8/17/2017

Page 1 of 5

5. The action would have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. (43 CFR 43.215 (d)) No  Uncertain  Yes
6. This action would establish a precedent for future action or represent a decision in principle about the future actions with potentially significant environmental effects. (43 CFR 46.215 (e)) No  Uncertain  Yes
7. This action would have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. (43 CFR 46.215 (f)) No  Uncertain  Yes
8. This action would have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by Reclamation. (43 CFR 43.215 (g)) No  Uncertain  Yes
9. This action would have significant impacts on species listed or proposed to be listed, on the List of Threatened or Endangered Species or have significant impacts on designated Critical Habitat for these species. (43 CFR 43.215 (h)) No  Uncertain  Yes
10. This action would violate Federal, State, local, or tribal law or requirements imposed for protection of the environment. (43 CFR 46.215 (i)) No  Uncertain  Yes
11. This action will adversely affect Indian Trust Assets (ITA). (S.O. 3175) No  Uncertain  Yes
12. This action would have a disproportionately high and adverse effect on low income or minority populations. (43 CFR 46.215 (j)) No  Uncertain  Yes
13. This action would limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007). (43 CFR 46.215 (k)) No  Uncertain  Yes
14. This action would contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or result in actions that may promote the introduction, growth, or expansion of the range of such species. (Federal Noxious Weed Control Act and EO 13112) (43 CFR 43.215 (l)) No  Uncertain  Yes

NEPA ACTION PROPOSED

Categorical Exclusion   
EA   
EIS

COMMITMENTS, EXPLANATION, REMARKS

Commitments

1. Activities will be conducted during low water when the project area is exposed.
2. Due to equipment scheduling, work may occur during the initial razorback sucker spawning season (January and February), but will be limited to no flow areas.
3. There will be no excavating or other work in cattail and bulrush habitats and native riparian vegetation (cottonwood, willow and mesquite trees) will be avoided.
4. All work will occur in previously disturbed areas. All excavated material will be placed in the adjacent upland area (disturbed cleared area).
5. Existing access roads shall be used to enter and exit the work area.
6. Land based equipment will not operate in water.
7. Excavation activities will not reduce and/or enlarge surface water area.
8. Stringent spill prevention practices will be used during equipment operations to prevent lubricants and other petroleum containing materials or debris from entering the watercourse.

401 Water Quality Certification

A California water quality certification will be performed. Certification will be completed prior to commencement of project activities.

404 Permit

This activity is covered under Nationwide Permit No. 3 (*Maintenance*).

Endangered Species Act

This action is covered under the U.S. Fish and Wildlife Service (USFWS) Biological Opinion for the Bureau of Reclamation's Lower Colorado River MSCP program, dated March 5, 2005.

Migratory Bird Treaty Act

No take of protected species is anticipated; no suitable habitat for protected species will be impacted through implementation of the project.

Cultural Resources

On July 8, 2011, the California Office of Historic Preservation concurred with our determination of no historic properties affected for this action.

In the event of an inadvertent discovery of archaeological or historical cultural resources, all activities must cease in the area of the discovery. Immediate telephone notification of the discovery must be made to Regional Archaeologist James Kangas at (702) 293-8392, or Yuma Area Office Environmental Staff at (928) 343-8100. In addition, all reasonable efforts to protect the cultural resources discovery shall be made. This activity may resume only after Reclamation has authorized a continuance.

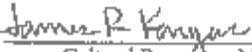
**Indian Trust Assets**

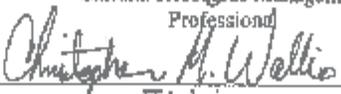
ITAs have not been identified in the project area, thus no impact to ITAs is anticipated.

**Tribal Coordination**

Project is not on Tribal land.

Prepared:  Date: Aug 24 2017  
Sr. Environmental Protection Specialist

Concurrence with Items 8 & 13:  Date: August 24, 2017  
Cultural Resources Management  
Professional

Concurrence with Item 11:  Date: August 24, 2017  
IT/A designee

Recommended:  Date: 8/24/2017  
Environmental Planning & Compliance Group Manager

Approved:  Date: 9/6/17  
Area Manager (Yuma Area Office)



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### Copies of this Form

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

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

### Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
  - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
  - **Part B (Project Status Notifications):** Used to notify the Colorado River Basin 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.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
  - Submit signed Report and Notification Cover Sheet and required information via email to: [RB7-coloradoriver@waterboards.ca.gov](mailto:RB7-coloradoriver@waterboards.ca.gov) and cc: [kai.dunn@waterboards.ca.gov](mailto:kai.dunn@waterboards.ca.gov)
  - Include in the subject line of the email:  
Subject: ATTN: Kai Dunn; Reg. Measure ID: 415782\_Report

### Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the Colorado River Basin Water Board staff pertains to projects that have post construction monitoring requirements, e.g. if site restoration was required to be monitored for 5 years following construction. Colorado River Basin Water Board staff will review the request and send a Completion of Discharges

## Attachment E

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.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the Colorado River Basin Water Board staff pertains to projects that either have completed post-construction monitoring and achieved performance standards or have no post-construction monitoring requirements, and no further Project activities are planned. Colorado River Basin 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.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Colorado River Basin Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

### Map/Photo Documentation Information

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

1. **Map Format Information:**

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

  - **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
  - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all 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.
2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

**REPORT AND NOTIFICATION COVER SHEET**

<b>Project:</b>	Moabi Backwater Maintenance Inlet Culvert Replacement Project WDID 7B363038001		
<b>Permittee:</b>	U.S. Bureau of Reclamation (Reclamation)		
<b>Reg. Meas. ID:</b>	<a href="#">Click here to enter text</a>	<b>Place ID:</b>	<a href="#">Click here to enter text</a>
<b>Order Effective Date:</b>	<a href="#">Click here to enter a date</a>		

**Report Type Submitted**

**Part A – Project Reporting**

- |               |   |
|---------------|---|
| Report Type 1 | <input type="checkbox"/> Monthly Report |
| Report Type 2 | <input type="checkbox"/> Annual Report  |

**Part B - Project Status Notifications**

- |               |  |
|---------------|--|
| Report Type 3 | <input type="checkbox"/> Commencement of Construction                          |
| Report Type 4 | <input type="checkbox"/> Request for Notice of Completion of Discharges Letter |
| Report Type 5 | <input type="checkbox"/> Request for Notice of Project Complete Letter         |

**Part C - Conditional Notifications and Reports**

- |                |  |
|----------------|--|
| Report Type 6  | <input type="checkbox"/> Accidental Discharge of Hazardous Material Report           |
| Report Type 7  | <input type="checkbox"/> Violation of Compliance with Water Quality Standards Report |
| Report Type 8  | <input type="checkbox"/> In-Water Work/Diversions Water Quality Monitoring Report    |
| Report Type 9  | <input type="checkbox"/> Modifications to Project Report                             |
| Report Type 10 | <input type="checkbox"/> Transfer of Property Ownership Report                       |
| Report Type 11 | <input type="checkbox"/> Transfer of Long-Term BMP Maintenance Report                |

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

\_\_\_\_\_  
**Print Name <sup>1</sup>**

\_\_\_\_\_  
**Affiliation and Job Title**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**<sup>1</sup>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.**

**Part A – Project Reporting**

<b>Report Type 1</b>	<b>Monthly Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of the Project status and environmental compliance activities on a monthly basis.
<b>When to Submit</b>	On [Date] until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li><b>1. Construction Summary</b>                      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<sup>1</sup>). If construction has not started, provide estimated start date.</li> <li><b>2. Event Summary</b>                      Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.</li> <li><b>3. Photo Summary</b>                      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.</li> <li><b>4. Compliance Summary</b> <ol style="list-style-type: none"> <li><b>a)</b> List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.</li> <li><b>b)</b> List associated monitoring reports for the reporting period.</li> <li><b>c)</b> Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.</li> <li><b>d)</b> Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.</li> </ol> </li> </ol>

<sup>1</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

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<b>Report Type 2</b>	<b>Annual Report</b>
<b>Report Purpose</b>	Notify the Colorado River Basin Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.
<b>When to Submit</b>	Annual reports shall be submitted each year on [Date]. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.
<b>Report Contents</b>	<p>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.</p> <p><b><u>During the Active Discharge Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 1: Construction Summary</b></li> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul> <p><b><u>During the Post-Discharge Monitoring Period</u></b></p> <ul style="list-style-type: none"> <li>• <b>Topic 2: Mitigation for Temporary Impacts Status</b></li> <li>• <b>Topic 3: Compensatory Mitigation for Permanent Impacts Status</b></li> </ul>
<b>Annual Report Topics (1-3)</b>	
<b>Annual Report Topic 1</b>	<b>Construction Summary</b>
<b>When to Submit</b>	With the annual report during the Active Discharge Period.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Map showing general Project progress.</li> <li>3. If applicable:                         <ol style="list-style-type: none"> <li>a. Summary of Conditional Notification and Report Types 6 and 7 (Part C below).</li> <li>b. Summary of Certification Deviations. See Certification Deviation Attachment for further information.</li> </ol> </li> </ol>
<b>Annual Report Topic 2</b>	<b>Mitigation for Temporary Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.

<b>Report Contents</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.</li> </ol>
<b>Annual Report Topic 3</b>	<b>Compensatory Mitigation for Permanent Impacts Status</b>
<b>When to Submit</b>	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
<b>Report Contents</b>	<p><b>*If not applicable report N/A.</b></p> <p><b>Part A. Permittee Responsible</b></p> <ol style="list-style-type: none"> <li>1. Planned date of initiation of compensatory mitigation site installation.</li> <li>2. If installation is in progress, a map of what has been completed to date.</li> <li>3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan.</li> </ol> <p><b>Part B. Mitigation Bank or In-Lieu Fee</b></p> <ol style="list-style-type: none"> <li>1. Status or proof of purchase of credit types and quantities.</li> <li>2. Include the name of bank/ILF Program and contact information.</li> <li>3. If ILF, location of project and type if known.</li> </ol>

## Part B – Project Status Notifications

<b>Report Type 3</b>	<b>Commencement of Construction</b>
<b>Report Purpose</b>	Notify Colorado River Basin Water Board staff prior to the start of construction.
<b>When to Submit</b>	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Date of commencement of construction.</li> <li>2. Anticipated date when discharges to waters of the state will occur.</li> <li>3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.</li> </ol>

<b>Report Type 4</b>	<b>Request for Notice of Completion of Discharges Letter</b>
<b>Report Purpose</b>	Notify Colorado River Basin 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</b>	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. Status of storm water Notice of Termination(s), if applicable.</li> <li>2. Status of post-construction storm water BMP installation.</li> <li>3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.</li> <li>4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.</li> <li>5. 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.</li> </ol>

<b>Report Type 5</b>	<b>Request for Notice of Project Complete Letter</b>
<b>Report Purpose</b>	Notify Colorado River Basin 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</b>	Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities.
<b>Report Contents</b>	<p><b>Part A: Mitigation for Temporary Impacts</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>

	<p><b>Part B: Permittee Responsible Compensatory Mitigation</b></p> <ul style="list-style-type: none"><li>3. A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.</li><li>4. Status on the implementation of the long-term maintenance and management plan and funding of endowment.</li><li>5. Pre- and post-photo documentation of all compensatory mitigation sites.</li><li>6. Final maps of all compensatory mitigation areas (including buffers).</li></ul> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ul style="list-style-type: none"><li>7. Date of storm water Notice of Termination(s), if applicable.</li><li>8. Report status and functionality of all post-construction BMPs.</li></ul>
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**Part C – Conditional Notifications and Reports**

<b>Report Type 6</b>	<b>Accidental Discharge of Hazardous Material Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff that an accidental discharge of hazardous material has occurred.
<b>When to Submit</b>	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Colorado River Basin Water Board staff.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted.</li> <li>2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites.</li> <li>3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.</li> </ol>

<b>Report Type 7</b>	<b>Violation of Compliance with Water Quality Standards Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff that a violation of compliance with water quality standards has occurred.
<b>When to Submit</b>	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 Colorado River Basin Water Board staff.
<b>Report Contents</b>	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 Colorado River Basin Water Board staff.

<b>Report Type 8</b>	<b>Modifications to Project Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin 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</b>	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.
<b>Report Contents</b>	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.

<b>Report Type 9</b>	<b>Transfer of Property Ownership Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
<b>When to Submit</b>	At least 10 working days prior to the transfer of ownership.
<b>Report Contents</b>	<ol style="list-style-type: none"> <li>1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> <li>a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and</li> <li>b. responsibility for compliance with any long-term BMP<sup>2</sup> maintenance plan requirements in this Order.</li> </ol> </li> <li>2. A statement that the Permittee has informed the purchaser to submit a written request to the Colorado River Basin Water Board to be named as the permittee in a revised order.</li> </ol>

<b>Report Type 10</b>	<b>Transfer of Long-Term BMP Maintenance Report</b>
<b>Report Purpose</b>	Notifies Colorado River Basin Water Board staff of transfer of long-term BMP maintenance responsibility.
<b>When to Submit</b>	At least 10 working days prior to the transfer of BMP maintenance responsibility.
<b>Report Contents</b>	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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<sup>2</sup> Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

# Notice of Exemption

Attachment F

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: Colorado River Basin Regional Water Quality Control Board  
73-720 Fred Waring Drive, Suite 100  
Palm Desert, CA 92260

**Project Title:** U.S. Bureau of Reclamation (Reclamation) - Moabi Backwater Maintenance Inlet Culvert Replacement Project (WDID: 7B363038001)

**Project Location – Specific:** The Project is located in San Bernardino County, California, approximately 10 miles south of Needles. The longitude/latitude is (Latitude 34° 44' 8.55" N; Longitude 114° 30' 57.57" W).

**Project Location - City:** The project site is located along the Colorado River within the Colorado River Basin Regional Water Quality Control Board-jurisdictional boundaries, approximately 10 miles south of Needles, California at river mile (RM) 235.0, on the California side of the river in Section 6, Township 7 North, Range 24 East, San Bernardino Base and Meridian.

**Project Location – County:** San Bernardino County.

**Description of Nature, Purpose, and Beneficiaries of Project:** Replacement of culverts would entail removing a portion of the existing culvert crossing (paved) road. Old rock and fill material will be removed (approximately 1,935 cubic yards), this will allow for the old culvert pipes to be removed. Material removed from the existing culvert crossing will be temporarily placed adjacent to the worksite (upland site) along the levee road. This same material will be used as backfill to reconstruct the culvert road crossing once the new HDPE pipes are placed.

New culverts would be set deeper, and repositioned at a downstream angle to reduce sediment accumulation around the structure and in the backwater. The goal would be to have water circulation within the backwater during all river flow regimes. Gates (which are optional) could also be placed on the river side of the culverts in order to protect the backwater in the event of a hazmat spill on the main stem of the Colorado River. To facilitate culver placement activities, a small portion of the old rock and fill structure will be left in place on the river side. This small section of the structure that will be left in place will act as a retaining wall. This retaining wall will allow the initial placement of the culvert pipes by preventing flows from entering the work area. Culvert pipes are normally placed in sections. Once the first culvert pipe section is placed on the backwater side, the retaining wall will then be removed and the second pipe section would be placed on the river side.

**Name of Public Agency Approving Project:** Colorado River Basin Regional Water Quality Control Board

**Name of Person or Agency Carrying Out Project:** U.S. Bureau of Reclamation (Reclamation)

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269 (a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: CEQA Guidelines Section 15304(g), the basis for CEQA exemption for the dredging operation is "minor alterations to land."
- Statutory Exemptions. State code number:

**Reasons why project is exempt:** The Colorado River Basin Water Board determined that the proposed project is categorically exempt from CEQA per CEQA Guidelines Section 15304(g), the basis for CEQA exemption for the dredging operation is "minor alterations to land."

**Lead Agency:**

**Contact Person:** Kai Dunn Area Code/Telephone/Extension: (760) 776-8986

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature:  Date: 10/27/2017 Title: Senior WRCE

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: