



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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**Effective Date:** January 4, 2017

**Program Type:** Fill/Excavation

**Project Type:** Alternative energy (Solar)

**Project:** Jacumba Solar Energy (Project)

**Applicant:** Jacumba Solar LLC

**Applicant Contact:** Jessie Marshall/Andy Flajole

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Reg. Meas. ID:	401028
Place ID:	815287
WDID:	7A373006001
USACOE#:	SPL-2014-00717

**Water Board Contact Person:**

If you have any questions, please call the 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** CEQA Findings of Facts
- Attachment B** Maps
- Attachment C** Receiving Waters, Impact, and Mitigation Information
- Attachment D** Signatory Requirements

**I. Order**

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Jacumba Solar LLC (herein after Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on April 29, 2015. The application was deemed complete on November 17, 2016. Prior to receiving a complete application, Colorado River Basin Board staff issued a letter of Denial without Prejudice of the Application and the Permittee responded to the request for application information on the following dates (Table 1).

<b>Table 1: Record of Notice(s) of Incomplete Application</b>	
Date of Denial without Prejudice of the application	Date all requested information was received.
10/9/2015	11/17/2016

**II. Public Notice**

Public Notice (5-12-2015) was done on May 21, 2015 and completed on June 11, 2015.

**III. Project Description**

The Project is composed of three major components: (1) development of the approximately 108-acre Jacumba Solar Energy site; (2) construction of a new, approximately 1,500-foot-long 138-kilovolt (kV) overhead transmission line (Gen-Ttie Line) required to connect the energy system to the existing East County (ECO) Substation; and (3) an approximately 184-acre Open Space Preserve.

The solar component of the Project would use photovoltaic (PV) fixed-tilt rack electric generation system technology to produce solar energy at the utility scale. The Project will produce up to 20 megawatts (MW) of solar energy and would be located on approximately 108 acres within the project area described in Section IV of this Order.

The Project would consist of approximately 81,108 PV modules fitted on 2,253 fixed-tilt rack panels. In addition to the panels and direct current (DC) to AC conversion equipment (i.e., inverter and transformer units), Jacumba Solar would include the following primary components:

- A 1,000-volt to 1,500-volt DC underground collection system and a 34.5 kV underground AC collection system linking the inverters to the on-site Project substation;
- An on-site collector substation located on an approximately 23,650-square-foot (110-foot by 215-foot) pad;
- A 138 kV Gen-tie line would connect the Project substation to the ECO Substation (approximately 1,500 feet); and
- An approximately 10 MW battery energy storage system that would be located on an approximately 21,600-square-foot (135-foot by 160-foot) pad adjacent to the collector substation.

The proposed duration of the construction phase of the project is 16 weeks.

Primary access to the Jacumba Solar site would be provided via an improved access road from Old Highway 80. The access road was recently constructed as part of the SDG&E ECO Substation project and crosses waters of the U.S.

Power from the on-site collector substation would be delivered to the 138 kV bus at the adjacent SDG&E ECO Substation via an approximately 1,500-foot 138 kV transmission line within a 125-foot private right of way (ROW). The Jacumba Solar gen-tie line would extend overhead directly east from the on-site substation to the ECO Substation. A transition pole would be constructed at the interconnection point at the ECO Substation.

The main objectives of the Project are to develop: (1) an approximately 20 megawatts (MW) of renewable solar energy that can operate during on-peak power periods that indirectly reduce the need to emit greenhouse gases (GHGs) caused by the generation of similar quantities of electricity from either existing or future nonrenewable sources to meet existing and future electricity demand; (2) approximately 20 MW of renewable solar energy that satisfied the terms of the Project's Interconnection Agreement; and (3) an in-basin utility-scale solar energy project that would improve reliability for the San Diego region by providing a source of local generation as near as possible to the ECO Substation and other recent regional transmission improvements.

#### **IV. Project Location**

The Project is located on approximately 304 acres within an unincorporated area of southeast San Diego County (Figure 1 of Attachment B) on private lands owned by Jacumba Solar LLC. The approximately 304-acre site is located in Section 11 of Township 18 South and Range 8 East in the Jacumba Overextended South U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (Figure 2 of Attachment B); and is comprised of the following parcels: Assessor's Parcel Numbers (APNs) 661-080-01, 661-080-04, 661-080-05, 661-080-08, 661-041-02, 661-041-03, and 661-041-04.

The Project site is south of Old Highway 80 and immediately north of the U.S./Mexico border in southeastern San Diego County, California, approximately 3 miles to the east of the community of Jacumba Hot Springs (Figure 2 of Attachment B). The approximately 1,500-foot 138 kV Gen-Tie Line would travel from the Project site to the SDG&E ECO Substation. The Gen-Tie Line would be situated on two to three utility poles between the Jacumba Solar Energy site and the ECO Substation. Regional access to the Project area is provided directly by Old Highway 80 and also by Interstate 8 (I-8), running east and west further to the north.

**V. Project Impact and Receiving Waters Information**

The Project is located within the jurisdiction of Colorado River Basin Regional Water Quality Control 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 California Regional Water Quality Control Board, Colorado River Basin Region, 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 C. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project.

**VI. Description of Direct Impacts to Waters of the U.S.**

Approximately 338 cubic yards of clean fill dirt will be discharged into waters of the United States/state on site. The fill activities associated with the installation of the solar panels would result in direct permanent impacts to a delineated stream channel, totaling 0.20 acre and 4,177 linear feet. The fill activities associated with the construction of the Gen-Tie Line would result in direct permanent impacts to 0.01 acre and 84 linear feet of a delineated stream channel. All delineated stream channels are under the jurisdiction of Army Corps of Engineers (ACOE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB). A Streambed Alteration Agreement for the Project was issued by CDFW on December 1, 2016.

Total Project dredge and fill/excavation quantities for all impacts are summarized in Table 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only. There are no temporary direct impacts to waters of the U.S./state associated with the project.

Table 2: 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				0.21	338	4,261			
Vernal Pool									

<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: Total Project Fill/Excavation Quantity**

Wetland									
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**VII. Description of Indirect Impacts to Waters of the U.S.**

The Colorado River Basin Water Board recognizes the potential for indirect impacts to waters of the U.S. associated with the Project. Altered hydrology, the introduction of non-native invasive species, increased human activity, alteration of the natural fire regime, shading and discharge or use of chemical pollutants could indirectly affect non-wetland waters.

**Chemical Pollutants.** During operation and maintenance, herbicides may be used to prevent vegetation from reoccurring around structures. However, weed control treatments will include all legally permitted chemical, manual, and mechanical methods applied with the authorization of the San Diego County Agriculture Commissioner. Additionally, the herbicides used during operation and maintenance activities will be contained within the Project impact footprint.

**Altered Hydrology.** After the solar panels are installed, water would be used for operational purposes for cleaning the solar panels and for reapplication of the nontoxic permeable soils stabilizers that may alter the on-site hydrologic regime. However, the water, and associated runoff, used during operation and maintenance activities will be contained within the Proposed Project impact footprint, and long-term indirect impacts associated with altered hydrology are not expected. Potential impacts would be reduced by design features that (i) contain operational water use, and associated runoff, within the Project impact footprint (ii) specify installation of drip-irrigated landscaping for the Project, and (iii) ensure that landscape stock has been fumigated against ant infestation prior to transport to the Project site.

**Non-Native, Invasive Plant and Animal Species.** Invasive plant species that thrive in edge habitats are a well-documented problem in Southern California and throughout the United States. Development of the Project could also fragment native plant populations, which may increase the likelihood of invasion by exotic plants due to the increased interface between natural habitats and developed areas. Bossard et al. (2000) list several adverse effects of non-native species in natural open areas, including but not limited to the fact that exotic plants compete for light, water, and nutrients and can create a thatch that blocks sunlight from reaching smaller native plants. When construction vehicles/equipment and/or vehicles from routine maintenance enter the site, seeds from non-native, invasive plant species could inadvertently be introduced into the site. Exotic plant species may alter habitats and displace native species over time, leading to extirpation of native plant species and unique vegetation communities. The introduction of non-native, invasive animal species could negatively affect native species that may be pollinators of or seed dispersal agents for plants within non-wetland waters.

**Increased Human Activity.** Increased human activity could result in the potential for trampling of vegetation outside of the impacts footprint, as well as soil compaction, and could affect the viability of plant communities. Trampling can alter the ecosystem, creating gaps in vegetation and allowing exotic, non-native plant species to become established, leading to soil erosion. Trampling may also affect the rate of rainfall interception and evapotranspiration, soil moisture, water penetration pathways, surface flows, and erosion. An increased human population increases the risk for damage to resources, including non-wetland waters.

**Alteration of the Natural Fire Regime.** The Project could potentially increase the risk of fire, including but not limited to fire associated with electrical shorts or electrical equipment

malfunction. Shorter-than-natural fire return intervals can preclude recovery of the native vegetation between fires, weaken the ecological system, allow for invasion of exotic species, and in some cases, resulted in permanent transition of the vegetation to non-native communities, such as annual grassland and weedy communities (Keeley 1987; Malanson and O’Leary 1982; O’Leary et al. 1992). If the natural fire regime is suppressed, longer-than-natural fire return intervals can result in excessive buildup of fuel loads so that when fires do occur, they are catastrophic. Unnaturally long fire intervals can also result in the deterioration of plant communities that rely on shorter intervals for rejuvenation.

**Shading.** The Project includes construction of individual racks (solar PV support structures) that would be mounted on a steel mast (steel pole or beam foundation). The racking system would maintain orientation toward the sun during the day and at night the racks would be positioned horizontally. Shading can reduce the amount of sunlight available for photosynthesis, eliminating longer wavelengths of the visible light spectrum, and can reduce transpiration due to reduced photosynthetic rates, increasing soil moisture and resulting in changes to soil nutrient availability and microbial communities, potentially favoring non-native species and other shade-tolerant plants. However, shading will be contained within the Project impact footprint, and long-term indirect impacts associated with shading outside of the impact footprint are not expected.

**VIII. Avoidance and Minimization**

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

A Minor SWMP was developed for the Project in accordance with the San Diego County’s Standard Urban Stormwater Mitigation Plan (SUSMP). The SWMP addresses anticipated and potential water quality impacts that are likely to occur as a result of implementation of the Project.

Table 3 includes the BMPs developed to address anticipated and potential water quality issues that could arise as a result of the development of the Project. Additionally, all development projects in San Diego County are required to implement Low Impact Development (LID) BMPs. The goal of the County’s LID program is to protect water quality by preserving and mimicking nature through the use of stormwater planning and management. The development projects with the potential to add pollutants to stormwater or to affect the flow rate and velocity of stormwater runoff after construction is completed are required to employ post-construction (permanent) BMPs, as feasible, to ensure that pollutants and runoff from the development are reduced to the maximum extent possible.

**Table 3  
 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.

**Table 3  
 BMPs**

Type of BMP	BMP	Application
	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.
	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.
Low Impact Development	Conservation of natural drainages	Implement LID BMPs to conserve natural drainages. Examples: minimize disturbances of natural areas, construct in least environmentally sensitive areas.
	Minimize disturbances to natural drainages	Implement LID BMPs to minimize disturbances to natural drainages. Examples: avoid disturbing natural swales and topographic depressions, construction setback from creeks.
	Minimize impervious surfaces	Implement LID BMPs to reduce impervious surfaces through efficient site design. Examples: preserve existing vegetation, permeable roads with minimum widths.
	Minimize soil compaction	Implement LID BMPs to minimize soil compaction. Examples: protect native soil and vegetation from construction equipment.
	Drain runoff from impervious surfaces to pervious areas	Implement LID BMPs to drain runoff from impervious surfaces to pervious areas.
	Hydrologic design	Implement LID BMPs for optimizing hydrologic design. Examples: infiltration tranches or basins, depression areas for infiltration, bio-filters such as vegetated or rock swales.
	Permeable pavement design	Implement LID BMPs using permeable pavement design. Examples: pervious concrete, permeable asphalt concrete/pavers, granular material.
	LID road design	Implement LID BMPs for road design. Examples: permeable roads, reduction of overall road coverage, direct runoff to vegetated swales.
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 in accordance with the County 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**

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section VII for permanent impacts, as follows:

Mitigation for impacts to non-wetland waters will be achieved through the preservation of 3.14 acres (20,205 linear feet) of non-wetland waters within an on-site Open Space Preserve area consisting of 184 acres. The Proposed Project will also decommission and rehabilitate 0.91 acres of a channel that is currently used as a road and created an impervious surface<sup>3</sup>. This mitigation is described in the Habitat Mitigation and Monitoring Plan. With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces will be minimized to the following waters of the state: Carrizo Creek and its tributaries and San Felipe Creek.

Site protection and long-term management will be achieved by recording a conservation easement, developing a Resource Management Plan, and providing a non-wasting endowment to fund implementation of the Resource Management Plan. These measures will ensure the protection of jurisdictional waters downstream of the Project site and the immediately adjacent associated watershed area.

Although preservation as a method of compensatory mitigation will result in a net loss of jurisdictional waters, in the case of this Project, this loss is adequately offset by the proposed mitigation, primarily based on the following additional factors:

- The majority of the functions of the impacted waters (i.e., flood flow conveyance) will be maintained so the functional loss due to the Project is minimal; and
- The conservation and long-term management of downstream waters that are of higher quality (based on the width of the channels) and greater area (approximately 20:1), will protect an important watershed resource in perpetuity.

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

On October 19, 2016, the County of San Diego Planning & Development Services, as lead agency, certified an environmental impact report (EIR) (State Clearinghouse (SCH) No. 2014091034) for the Project and filed a Notice of Determination (NOD) at the SCH on October 19, 2016. Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment A.

## **XI. Petitions for Reconsideration**

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<sup>3</sup> Impervious surfaces cause: reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction.

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 \$2,286.00, was received on December 20, 2014. 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. An additional fee of \$55,237.00 based on total Project impacts was received on November 8, 2016.

## **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 watershed 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 state shall not exceed quantities shown in Table 2.
2. Permittee shall develop and implement a SWWPP per the County' Stormwater Ordinance (no. 10385).
3. Permittee shall implement the BMPs and LIDs 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.

### **B. Reporting and Notification Requirements**

#### **1. Project Reporting**

- a. **Monthly Reporting:** The Permittee shall 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 4 months) of the Project. Monthly reporting shall continue until the Colorado River Basin Water Board issues a Notice of Project Complete Letter to the Permittee.
- b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on February 16. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

**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>4</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.

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<sup>4</sup> Completion of post-construction monitoring shall be determined by Colorado River Basin Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

**a. Accidental Discharges of Hazardous Materials<sup>5</sup>**

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://occupainfo.com/civicax/filebank/blobdload.aspx?BlobID=26396>  
[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 shall 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. 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

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<sup>5</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.)

shall inform Colorado River Basin Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order.

- d. 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 shall 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.
- e. Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee shall submit to the Colorado River Basin Water Board a copy of such documentation and shall 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 must 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. **Post-Construction:** The Permittee shall visually inspect the Project site during the rainy season for 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.
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 shall, 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 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 shall 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 filtration may occur as part of a sediment control associated with construction site runoff (see Table 3).
2. All road surfaces would have a permeable nontoxic soil binding agent and/or placement of disintegrated granite (DG) or other base material (good for roads) in order to reduce fugitive dust and erosion in accordance with County Code Section 87.428, Dust Control Measures, and with San Diego Air Pollution Control District Rule 55, which regulates fugitive dust emissions from any commercial construction or demolition activity capable of generating fugitive dust emissions.
3. 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.
4. Invasive Species and Soil Borne Pathogens
5. Work shall only be performed under "no flow" conditions in the washes to preclude potential impacts to water quality.
6. Work shall not be conducted during rain events.
7. Post-construction storm water management shall be protected through channel protection BMPs to protect the banks of the channels and slopes.
8. Work and staging areas and temporary access routes shall be sized, located and flagged so as to limit potential impacts to natural areas. Previous disturbed areas shall be used to the extent feasible.
9. 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.
10. 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.
11. LID BMPs shall be used to drain runoff from impervious surfaces to pervious areas.
12. No fueling or maintenance of equipment or vehicles shall occur adjacent or within the wash/drainage areas.
13. After completing the activities, the disturbed area shall be restored to pre-existing contours and conditions to the extent feasible.

14. Good site management “housekeeping”, erosion control, sediment control, and other construction-related activities are described in Table 3.

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

There are no temporary impacts to waters of the U.S.

#### **I. Compensatory Mitigation for Permanent Impacts<sup>6</sup>**

1. **Final Compensatory Mitigation Plan:** The Permittee provided compensatory mitigation for impacts to waters of the state in accordance with Resource Management Plan, dated August 1, 2016 and incorporated herein by reference. Any deviations from, or revisions to, the Resource Management Plan must be pre-approved by Colorado River Basin Water Board staff. The Resource Management Plan requires management tasks, described in Section 4 of the plan, and includes regular monitoring of the site during site visits.

#### **2. Permittee-Responsible Compensatory Mitigation Responsibility:**

- a. Permittee responsible compensatory mitigation installation described in the Habitat Mitigation and Monitoring Plan shall be completed within 90 days of authorized impacts.
- b. The Permittee is responsible for the required compensatory mitigation in perpetuity. However, the Permittee may transfer the compensatory mitigation requirements associated with long-term management when the following conditions have been met:
  - i. Performance standards described in the Habitat Mitigation and Monitoring Plan are met.
  - ii. A Transfer Agreement to a third party has been approved by Colorado River Basin Water Board staff.
  - iii. An endowment fund has been provided by the Permittee to a third party for management in perpetuity of the mitigation site.
  - iv. A conservation easement for the mitigation site has been recorded and approved by Colorado River Basin Water Board.
- c. **Transfer of Long-Term Permittee-Responsible Compensatory Mitigation and Management Responsibility**
  - i. A transfer agreement shall be submitted from an authorized representative of the new party (transferee) for acceptance by Colorado River Basin Water Board staff. This agreement shall demonstrate acceptance and understanding of the responsibility to comply with and fully satisfy the required compensatory mitigation and long-term management conditions. Failure to comply with the mitigation conditions and associated

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<sup>6</sup> Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

requirements may subject the transferee to enforcement by the Colorado River Basin Water Board under Water Code section 13385, subdivision (a).

- ii. Notification of transfer of responsibilities meeting the above condition must be provided to the Colorado River Basin Water Board staff. A draft transfer agreement is due to Colorado River Basin Water Board staff no less than thirty (30) days prior to the transfer of the mitigation responsibility. A final transfer agreement is due to Colorado River Basin Water Board staff within 30 days of the completion of the transfer.

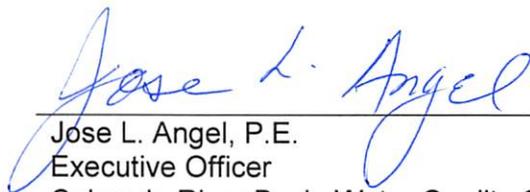
**3. Total Required Compensatory Mitigation:**

The Permittee is required to provide compensatory mitigation for the authorized impact to non-wetland waters by preservation of 3.14 acres of non-wetland waters and rehabilitation of a 0.91-acre portion.

**XIV. Water Quality Certification**

I hereby issue the Order for the Jacumba Solar Energy Project, 7A373006001 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.



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

1/5/2017  
\_\_\_\_\_  
Date

**Attachment A**  
**CEQA Findings of Facts**

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**A. Environmental Review**

On October 19, 2016, the County of San Diego, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2014091034 for the Project and filed a Notice of Determination (NOD) at the SCH on October 19, 2016. The Colorado River Basin Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that County of San Diego's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Colorado River Basin Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by County of San Diego addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by County of San Diego for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

**B. Incorporation by Reference**

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: [http://www.sandiegocounty.gov/content/sdc/pds/Current\\_Projects/jacumba-solar/Final-EIR.html](http://www.sandiegocounty.gov/content/sdc/pds/Current_Projects/jacumba-solar/Final-EIR.html)

Requirements under the purview of the Colorado River Basin Water Board in the MMRP are incorporated herein by reference.

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

**C. Findings**

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

- (1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

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

a.i. Potential Significant Impact: Biological Resources Impact BI-V-2 –Permanent direct impacts to 103.2 acres of special-status upland vegetation communities would occur as

a result of the Proposed Project and would be significant, absent mitigation, as more fully discussed in FEIR, p. 2.2-55.

**a.ii. Facts in Support of Finding: Mitigation measure M-BI-4** requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-2, Mitigation Measure M-BI-4 will reduce potentially significant long term direct impacts to special status upland vegetation communities to a level of less than significant.

**b.i. Potential Significant Impact: Biological Resources Impact BI-V-3** – The Proposed Project has been designed to avoid non-wetland waters to the maximum extent practicable. There will be direct impacts to 0.21 acre (4,261 linear feet) of non-wetland ephemeral waters under the jurisdiction of ACOE/RWQCB/CDFW. Impacts to 0.21 acre of non-wetland waters would be significant, absent mitigation, as discussed in FEIR, p. 2.2-60.

**b.ii. Facts in Support of Finding:** The Proposed Project will implement mitigation measures M-BI-4 and M-BI-14 to reduce the environmental effects of Impact BI-V-3 to a level of less than significant. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-14 requires that the necessary permits for impacting jurisdictional non-wetland waters are obtained.

**c.i. Potential Significant Impact: Biological Resources Impact BI-V-4** – Short-term, construction-related, or temporary indirect impacts to jurisdictional non-wetlands waters would primarily result from construction activities. Indirect impacts could include the generation of fugitive dust; changes in hydrology resulting from construction, including sedimentation and erosion; and the introduction of chemical pollutants (including herbicides). Potential temporary indirect impacts to jurisdictional waters on site would be significant, absent mitigation, as further discussed in FEIR, p. 2.2-60.

**c.ii. Facts in Support of Finding:** The Proposed Project will implement mitigation measures M-BI-1, M-BI-2, and M-BI-3 to reduce the significance of Impact BI-V-4 to a level of less than significant. Mitigation measures M-BI-1, M-BI-2, and M-BI-3 require biological monitoring, measures to prevent inadvertent disturbance to areas outside the limits of grading, including jurisdictional resources; implementation of a SWPPP and BMPs, as appropriate, which will avoid indirect impacts to jurisdictional resources; and preparation of a final biological monitoring report by the Project Biologist to ensure that biological monitoring occurred during the grading phase of the Proposed Project. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-4, implementation of Mitigation Measures M-BI-1, M-BI-2, and M-BI-3 will reduce potentially significant short term indirect impacts to jurisdictional non-wetland waters to a level of less than significant.

**d.i. Potential Significant Impact: Biological Resources Impact BI-V-5** – Potential long-term indirect impacts to jurisdictional non-wetlands waterways primarily result from impacts related to operation and maintenance activities, including chemical pollutants,

altered hydrology, non-native invasive species, increased human activity, and alteration of the natural fire regime. These indirect impacts would be significant, absent mitigation, as discussed at FEIR, p. 2.2-60.

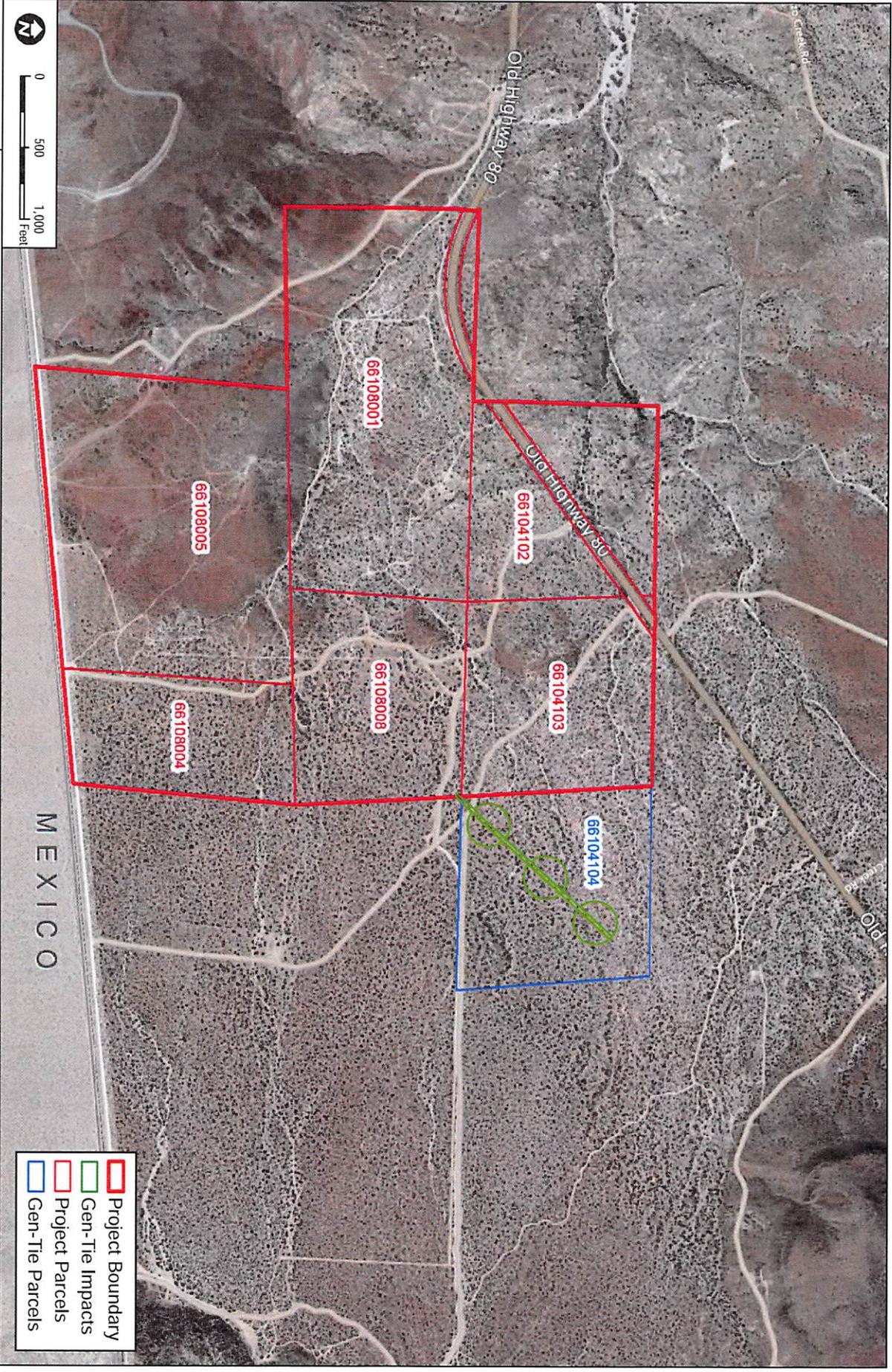
**d.ii. Facts in Support of Finding:** The Proposed Project will be required to implement mitigation measures M-BI-4, M-BI-5, M-BI-8, M-BI-10, M-BI-11, and M-BI-14. Mitigation measure M-BI-4 requires that the proposed 180.4 acre open space preservation area be permanent, clearly marked with signs, and subject to a Resource Management Plan (RMP) prepared and funded to provide for the long-term management of the proposed open space preserve. Mitigation measure M-BI-5 establishes construction practices to avoid harassment of wildlife. Mitigation measure M-BI-8 identifies dust control measures to be included in a fugitive dust control plan to reduce dust reaching habitat areas in the vicinity of construction and decommissioning activities. Mitigation measure M-BI-10 requires compliance with the Projects' Fire Protection Plan and mitigation measure M-BI-11 requires weed control by a licensed pest control advisor. Mitigation measure M-BI-14 requires that the necessary permits for impacting jurisdictional non-wetland waters are obtained. For the reasons described in Section 2.2.7 of the FEIR relating to Impact BI-V-5, implementation of Mitigation Measures M-BI-4, M-BI-5, M-BI-8, M-BI-10, M-BI-11, and M-BI-14 will reduce potentially significant long term indirect impacts to jurisdictional non-wetland waters to a level of less than significant

**D. Determination**

The Colorado River Basin Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)







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SOURCE: SanGIS 2014; Bing Maps

Jacumba Solar Energy Project - Joint Permit Application

**FIGURE 2**  
**Vicinity Map**

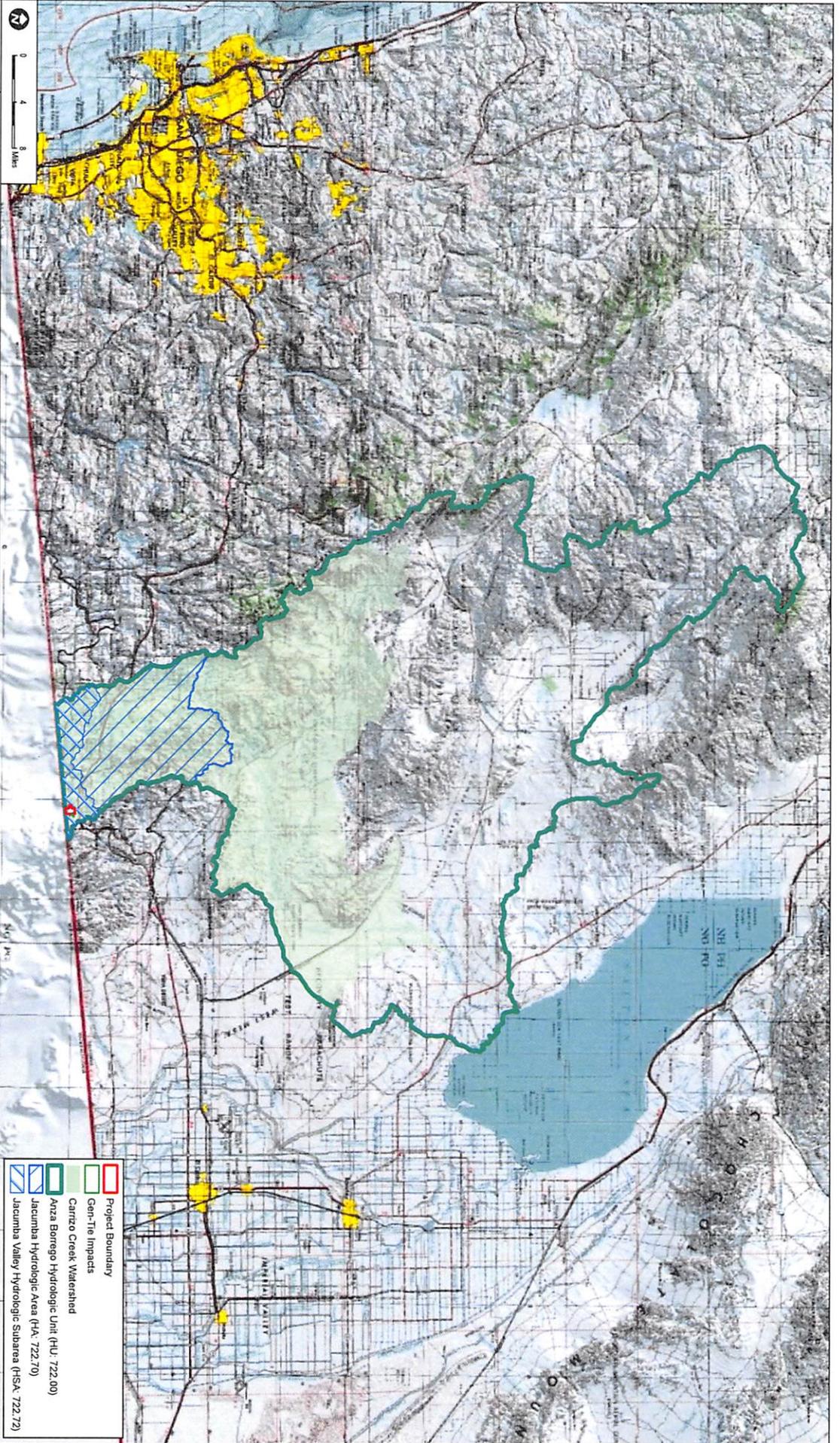


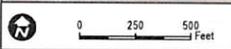
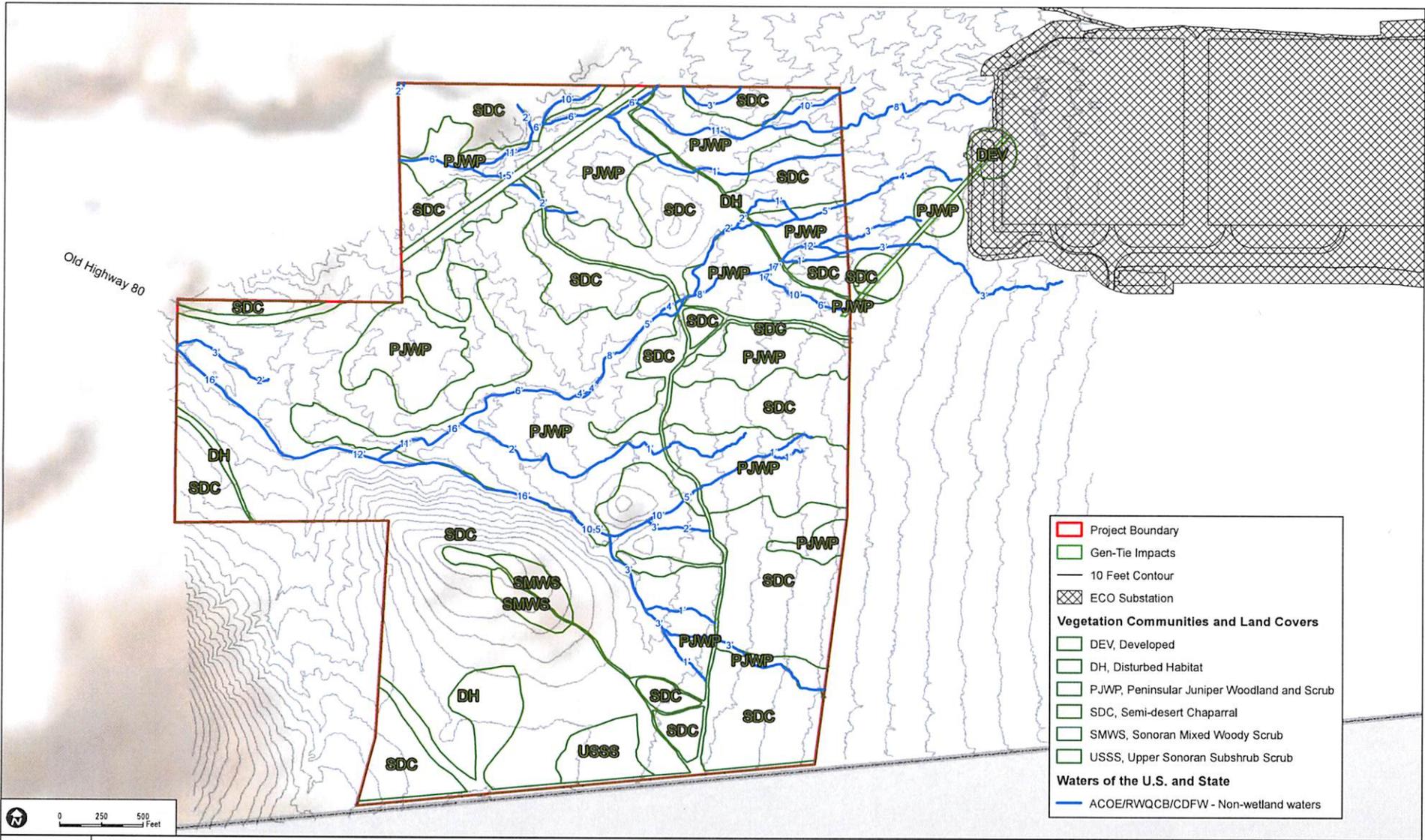
FIGURE 3  
Hydrologic Setting

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SOURCE: U.S. Geological Survey National Hydrography Dataset (NHDSS 2012)

Jacumba Solar Energy Project - Joint Permit Application



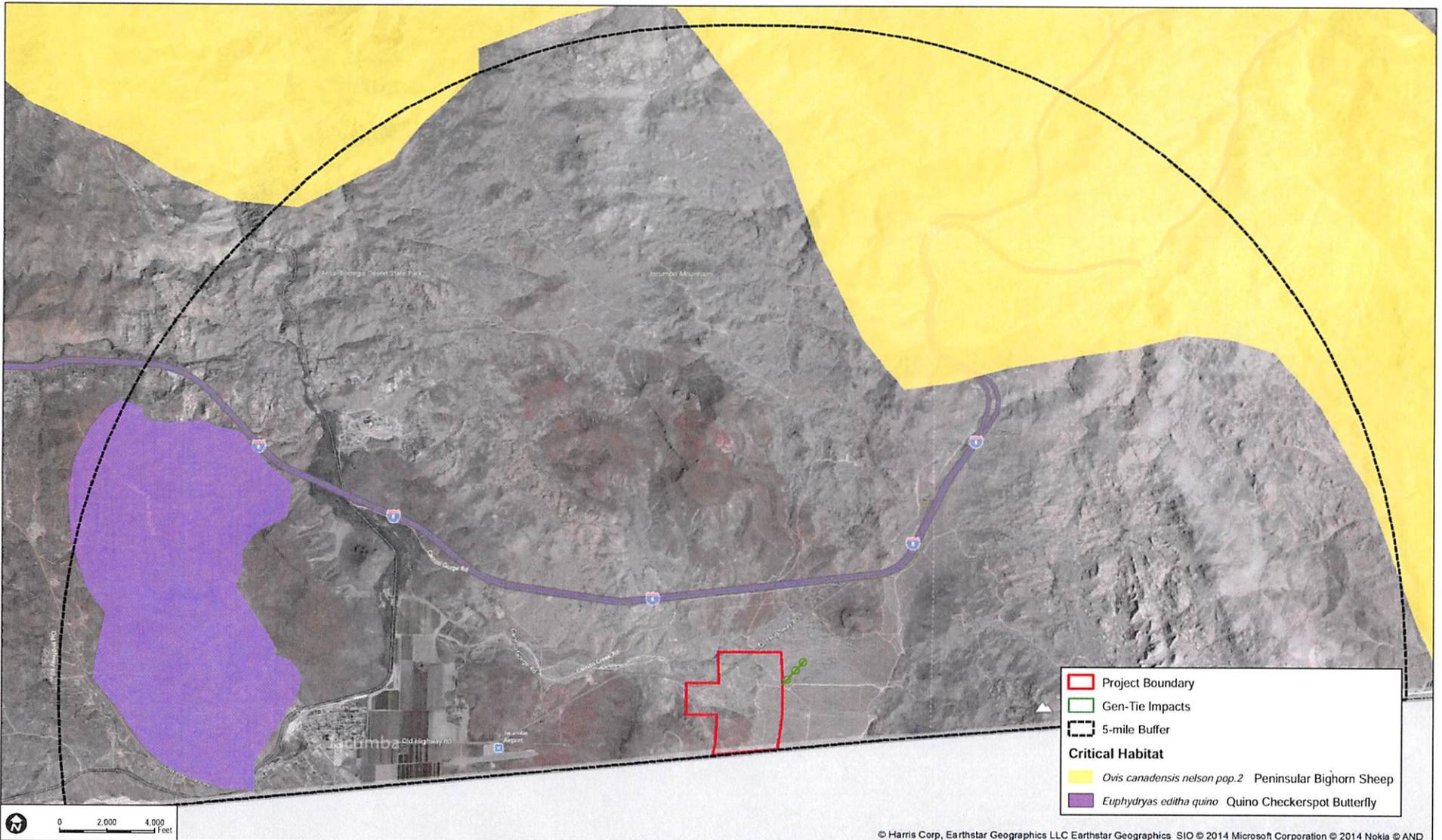
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SOURCE: Bing 2014, SanGIS 2013

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Jacumba Solar Project - Jurisdictional Delineation Report

FIGURE 4  
Jurisdictional Delineation and Vegetation Communities



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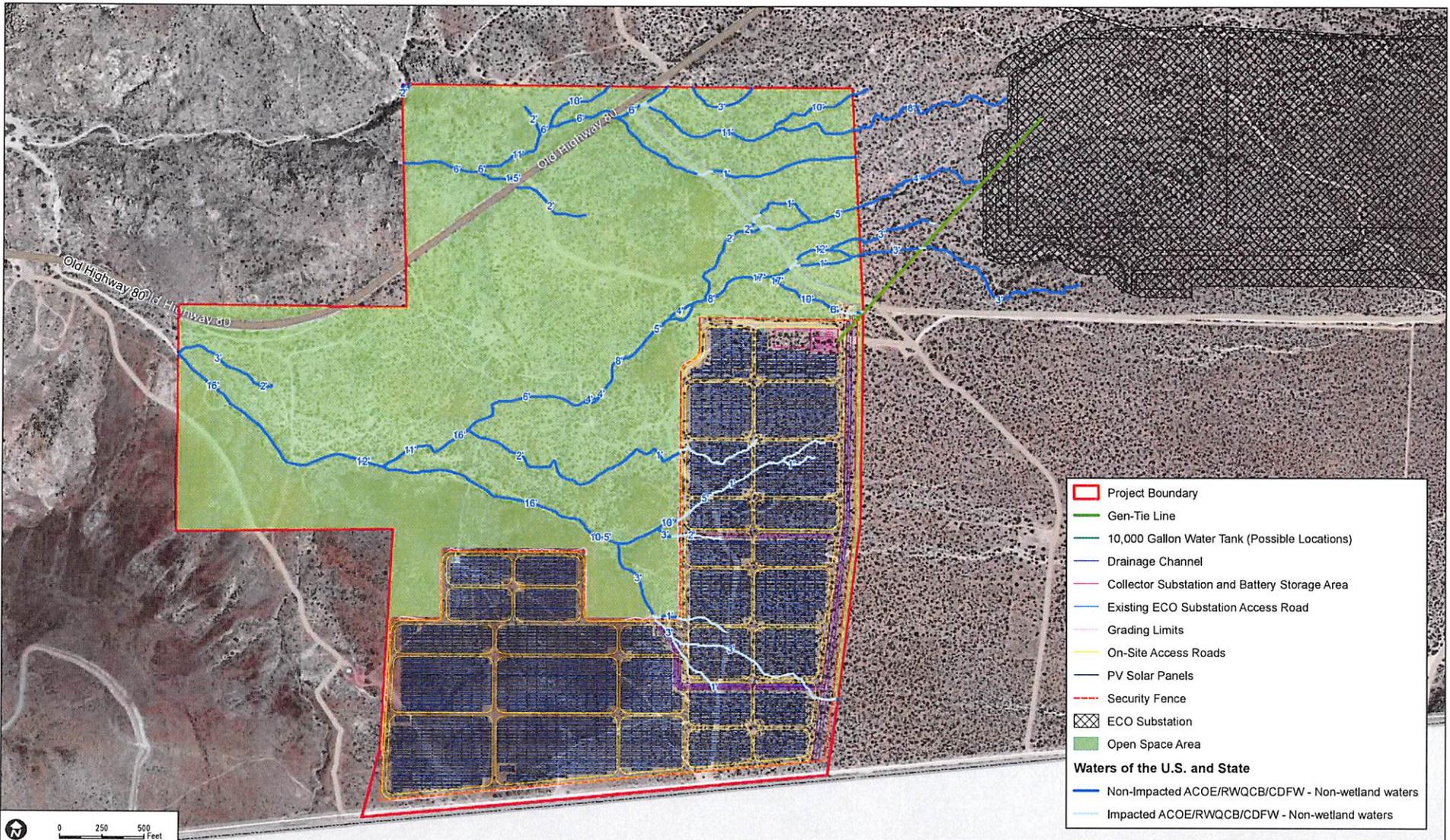
SOURCE: Bing 2014, USFWS 2014

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Jacumba Solar Energy Project - Joint Permit Application

FIGURE 5

USFWS Critical Habitat



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SOURCE: Bing 2014, SanGIS 2013

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Jacumba Solar Energy Project - Joint Permit Application

FIGURE 6

Impacts to Jurisdictional Resources



**Receiving Waters**

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation 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>
<input type="checkbox"/>		<i>Tributary to Carrizo Creek; a tributary to San Felipe Wash, which is a tributary to Salton Sea</i>	<i>Ephemeral drainage</i>	722.72	<i>Carrizo Creek</i>	<i>AGR, AQUA, FRSH, IND, GWR, REC1, REC2, WARM, WILD, RARE</i>	<i>Carrizo Creek: none Salton Sea: Arsenic, Chloropyrifos, DDT, Enterococcus, Nutrients, Salinity, Selenium</i>	<i>0.61 and 0.65</i>
<input type="checkbox"/>								

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

**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	32°37'08.40 " N	116°07'4 4.76" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.21	338	4,261
2			<input type="checkbox"/>	<input type="checkbox"/>	Temporary						
					Permanent						

**Compensatory Mitigation Information**

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

**Permittee Responsible Compensatory Mitigation Site Information**

<b>Table 3: Onsite Permittee Responsible Compensatory Mitigation<sup>2</sup></b>						
Impact Site ID	Lat.	Long.	Aquatic Resource Type	Mitigation Method	Mitigation Quantity	
					Acres	Linear Feet
	32°37'21.8 4" N	116°08'01. 69" W	Stream Channel	Preservation	3.14	20,205

<sup>2</sup> Mitigation site is analyzed in the Project CEQA document.

### Mitigation Bank Compensatory Mitigation Site Information

Table 4 Mitigation Bank				
Mitigation Bank	Name:	N/A		
	Website:			
Contact Information	Name:			
	Phone:			
	Email:			
Mitigation Location	County:			
	Latitude:			
	Longitude:			
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased

### In-Lieu Fee Compensatory Mitigation Information

Table 5 In-Lieu Fee Program				
In-Lieu Fee Program	Name:	N/A		
	Website:			
Contact Information	Name:			
	Phone:			
	Email:			
Mitigation Location	County:			
	Latitude:			
	Longitude:			
Aquatic Resource Credit Type	Mitigation Method	Mitigation Quantity		
		Acres	Linear Feet	Number of Credits Purchased

**Attachment D**  
**Signatory Requirements**

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## SIGNATORY REQUIREMENTS

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

1. All applications, reports, or information submitted to the Colorado River Basin Water Quality Control Board (Colorado River Basin Water Board) must be signed and certified as follows:
  - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
  - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
  - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
  - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
  - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
  - c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

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