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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> June 18, 2018	<b>Reg. Meas. ID:</b> 420914
<b>Program Type:</b> Fill/Excavation	<b>Place ID:</b> 846522
	<b>WDID:</b> 7A333187001
	<b>USACOE#:</b> SPL-2013-00691-JEM

**Project Type:** Channel Construction and Maintenance

**Project:** Palm Springs Master Drainage Plan (MDP) Line 41, Stage 3 (Section 29)

**Applicant:** Riverside County Flood Control and Water Conservation District  
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**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 contact 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** 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 by the California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board) at the request of Riverside County Flood Control & Water Conservation District (hereinafter, Permittee) for the Palm Springs Master Drainage Plan (MDP) Line 41, Stage 3 Project – Section 29 (Project). This Order is for the purpose described in application submitted by the Permittee. The application was received on December 26, 2017. The application was deemed complete on April 17, 2018.

## **II. Public Notice**

The Colorado River Basin Water Board provided public notice (04-25-2018) of the application pursuant to California Code of Regulations, title 23, section 3858 from April 25, 2018 to May 15, 2018. The Colorado River Basin Water Board did not receive any comments during the comment period.

## **III. Project Purpose**

The purpose of the Project is to create flood protection for existing structures and developments located within the Palm Springs MDP Line 41 Federal Emergency Management Agency (FEMA) mapped 100-year floodplain. The finished Project will reduce the risk of flooding and flood damage to developments in the floodplain area.

## **IV. Project Description**

The Permittee proposes to construct approximately 7,300 linear feet of underground storm drain (diameter ranging from 48 to 108 inches) with necessary collection and associated structures at the terminus of the previously-constructed Stage 2 storm drain. The Project also includes the construction of a 6.7-acre detention basin to temporarily retain peak flows before being drained further downstream. The Permittee also proposes to construct lateral storm drains along Linden Drive and the southerly extension of Cherokee Way, which will total approximately 1,000 feet in length and range in size from 36 to 48 inches in diameter, and to increase the size of the existing storm drain under Golf Club Drive.

## **V. Project Location**

The Project is located within the City of Palm Springs in Riverside County, California and is generally bounded by East Palm Canyon Drive towards the north, the San Jacinto Mountains towards the south and west, and Golf Club Drive towards the east. (Township/Range: T4S R5E Sections 29-30<sup>1</sup>). Longitude/ Latitude: W 116° 31' 37.94"/ N 33° 46' 55.50". Maps showing the Project location are found in Attachment A of this Order.

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

The portion of the Project located on Section 29 is 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 (Basin Plan) for the

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<sup>1</sup> This Order pertains to the portion of the Project located on Section 29 only. A portion of the Project is also located on Section 30. However, U.S. EPA has issued a separate Section 401 Certification for the portion of the Project on Section 30, which is within the Agua Caliente Band of Cahuilla Indians Reservation.

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 includes water quality standards, which consist of existing and potential beneficial uses of waters of the state/U.S., 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. The Whitewater River is the receiving water through its tributary – Palm Canyon Wash.

Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the United States 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.**

The Project will be constructed primarily along or under established roadways near existing residential, commercial, and industrial developments. However, sections of the underground storm drain and the proposed basin will be constructed in areas of undeveloped disturbed and undisturbed Sonoran brush scrub, disturbed wetland, ruderal wash, and non-native grassland.

Runoff from the Project location will drain into the Palm Canyon Wash, which flows directly to the Whitewater River.

Total Project fill/excavation quantities for all impacts located on the Section 29 portion of the Project are summarized in Table 1. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only.

<b>Table 1: Total Project Fill/Excavation Quantity (Section 29)<sup>2</sup></b>									
<b>Aquatic Resource Type</b>	<b>Temporary Impact<sup>3</sup></b>			<b>Permanent Impact</b>					
				<b>Physical Loss of Area</b>			<b>Degradation of Ecological Condition Only</b>		
	Acres	CY <sup>4</sup>	LF	Acres	CY	LF	Acres	CY	LF
Lake									
Ocean/bay/estuary									
Riparian Zone									
Stream Channel				0.13		~875			
Vernal Pool									
Wetland	N/A			0.02					

**VIII. Avoidance and Minimization**

<sup>2</sup> Does not include Project fill/excavation quantities for Project impacts located on Section 30.

<sup>3</sup> Includes only temporary direct impacts to waters of the U.S. and does not include upland areas of temporary disturbance which could result in a discharge to waters of the U.S.

<sup>4</sup> Cubic Yards (CY); Linear Feet (LF).

The storm drain alignment has been situated mostly within paved areas in order to minimize disturbance of the undeveloped areas adjacent to the roadway.

#### **IX. Compensatory Mitigation**

The Permittee has agreed to provide compensatory mitigation for the authorized permanent loss of 0.15 acres of streambed and wetlands. The Permittee will set aside a 26.6-acre parcel of jurisdictional dry wash (APN 510-290-005), which is also critical habitat for the Casey's June Beetle (*Dinacoma caseyi*), to be protected from disturbance by District ownership, a permanent deed restriction, and a Habitat Monitoring and Management Plan (HMMP).

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

On April 25, 2006, Riverside County Flood Control and Water Conservation District, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2006021010) for the Project and filed a Notice of Determination (NOD) at the SCH on April 28, 2006. On September 16, 2008, the Permittee adopted a Subsequent MND for the Project and filed a NOD at the SCH on September 19, 2008.

The Colorado River Basin Water Board has determined that the Project will not result in any significant adverse water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd (h).) 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 C.

#### **XI. Petitions for Reconsideration**

Any person aggrieved by this action may petition the State Water Resources Control Board (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**

A portion of the application/Project fee of \$720 was received on December 26, 2017. The total fee amount of \$1,990 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 \$1,270 was received on May 31, 2018

#### **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 U.S. shall not exceed quantities shown in Table 1.

2. Work shall only be performed under “no flow” conditions in the washes to preclude potential impacts to water quality.

## **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> day of each month for duration of the construction phase (approximately 150 working days). 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 must submit an Annual Report including activities conducted for the previous fiscal year (July 1 – June 30) to the Colorado River Basin Water Board on the 1<sup>st</sup> of September. Annual Reports must be submitted even if Project construction has not begun. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee by the Colorado River Basin Water Board.
- c. Other Reporting:** If pollutants are observed in surface water, the Permittee 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 has 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>5</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>6</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

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<sup>5</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.

<sup>6</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.)

- 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).
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 2 sampling parameters.<sup>7</sup>

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<sup>7</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 Basin 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.

<b>Table 2: Sample Type and Frequency Requirements</b>			
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; there is a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; 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 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). The Permittee must file a Notice of Intent with the State Water Board to obtain coverage under the Construction General Permit.
7. The Permittee shall submit to the Colorado River Basin Water Board a signed copy of the California Department of Fish and Wildlife'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**

### **Good Site Management “Housekeeping”**

1. Permittee shall follow good site management “housekeeping” and implement erosion control, sediment control, and other construction-related best management practices depicted in the Table 3 below.
2. A qualified biological monitor shall be on site during all ground-disturbing activities (work area preparation, 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. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.

4. After completing the activities, the disturbed area shall be restored to pre-existing contours and conditions to the extent feasible.

**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.
	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.

**Table 3 BMPs**

Type of BMP	BMP	Application
	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.

**Hazardous Materials**

5. 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.
6. 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.
7. No fueling or maintenance of equipment or vehicles shall occur adjacent to or within the wash/drainage areas.

**Storm Water**

8. Work shall not be conducted during rain events.
9. Permittee shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP) that complies with the requirements of the State Water Board’s Construction General Permit.

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

The Permittee shall restore all areas of temporary impacts to waters of the U.S. and all Project site upland areas of temporary disturbance which could result in a discharge of waters of the U.S.

## **I. Compensatory Mitigation for Permanent Impacts<sup>8</sup>**

### **1. Final Compensatory Mitigation Plan**

- a. The Permittee is required to provide compensatory mitigation for the authorized permanent loss of 0.15 acres of desert dry wash and wetlands.
- b. The Permittee will do permittee-responsible compensatory mitigation for the Project and provide compensatory mitigation for impacts to waters of the U.S. in accordance with the Offsite Conservation Measures document dated December 21, 2017 (Compensatory Mitigation Plan) and incorporated herein by reference.
- c. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Colorado River Basin Water Board staff. The monitoring period shall continue until the Colorado River Basin Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

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

- a. The preservation of 26.6 acres of desert dry wash, as provided for in the Compensatory Mitigation Plan, shall be completed within 90 days of Project completion.
- 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 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.

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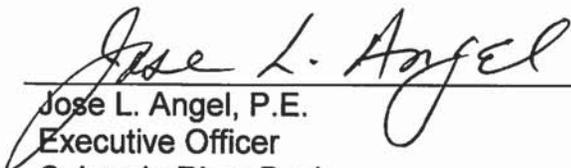
<sup>8</sup> Compensatory mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.



**XIV. Water Quality Certification**

I hereby issue the Order for Riverside County Flood Control & Water Conservation District – Palm Springs Main Drainage Plan (MDP) Line 41, Stage 3, WDID No. 7A333187001, 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 and the Colorado River Basin Water Board's water quality control plan and policies.

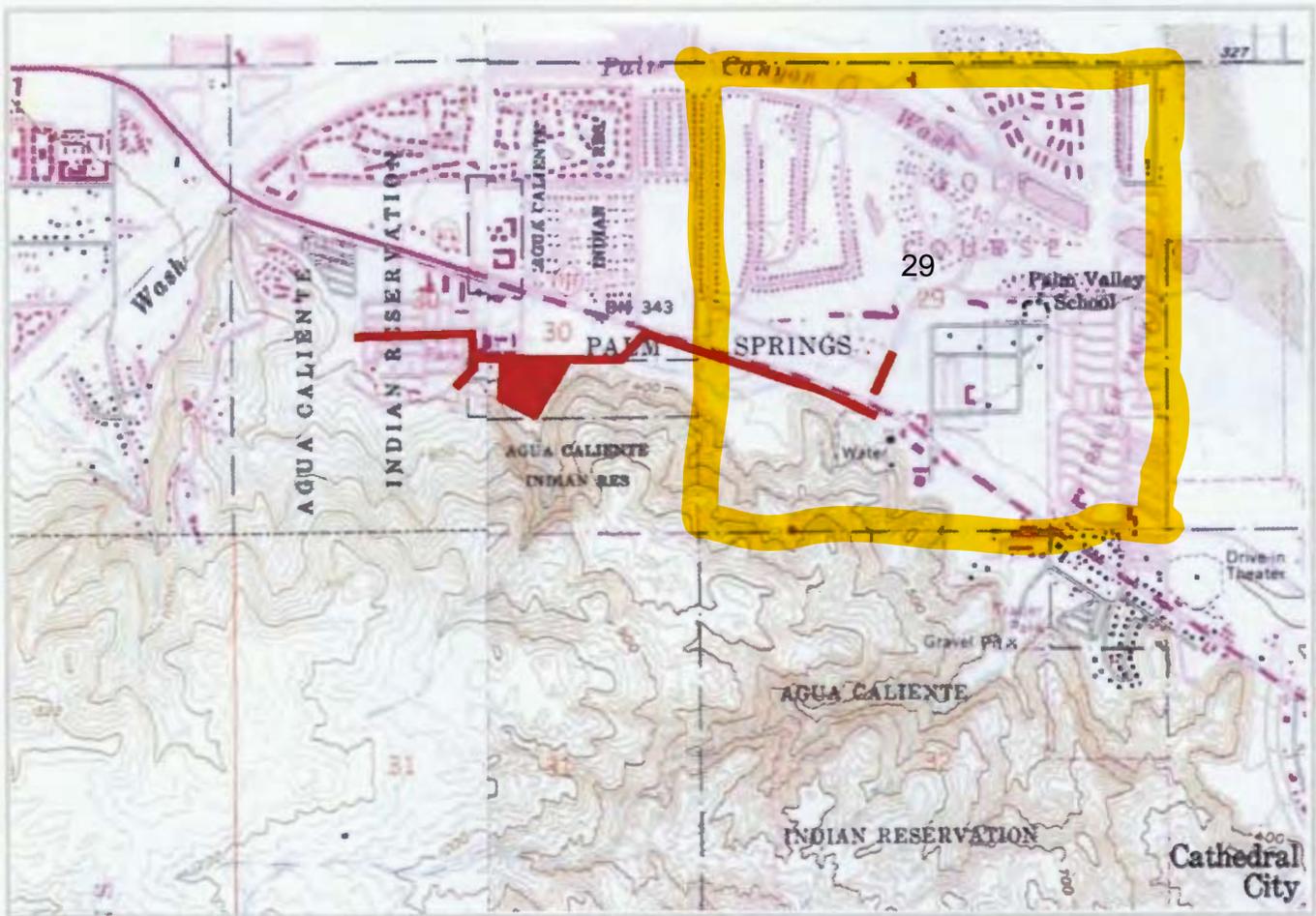
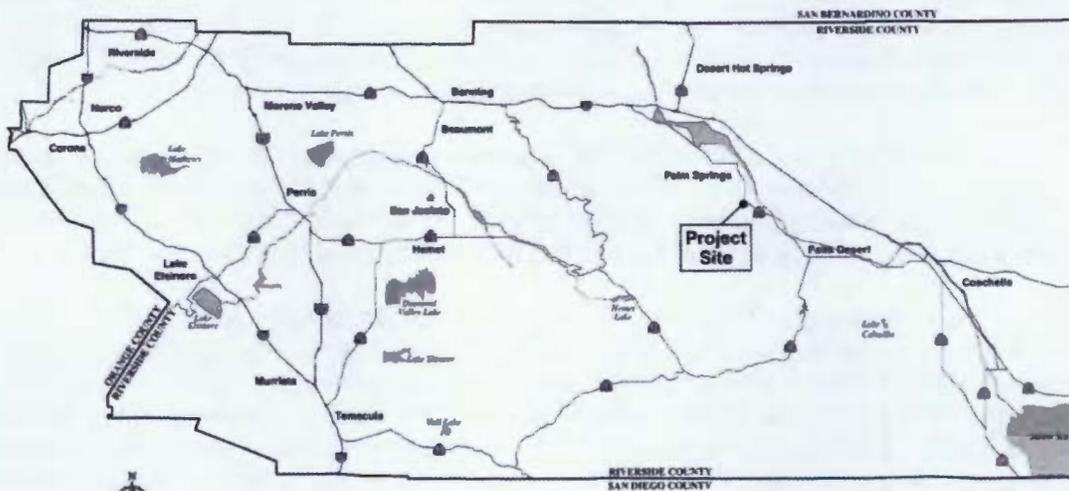
  
\_\_\_\_\_  
Jose L. Angel, P.E.  
Executive Officer  
Colorado River Basin  
Water Quality Control Board

  
\_\_\_\_\_  
Date

- Attachment A** Maps
- Attachment B** Receiving Waters, Impact, and Mitigation Information
- Attachment C** CEQA Findings of Facts
- Attachment D** Signatory Requirements
- Attachment E** Reporting Requirements



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**PALM SPRINGS MDP LINE 41, STAGE 3**  
 Corps File No. SPL-2013-00691-JEM

**REGIONAL LOCATION MAP**  
 Figure 1





- FEMA ZONE AO
- FEMA ZONE A
- EXISTING PS LINE 41, STAGES 1 & 2

CITY OF PALM SPRINGS/CATHEDRAL CITY BOUNDARY



FEMA 100-YR FLOODPLAIN  
Figure 2

PALM SPRINGS MDP LINE 41, STAGE 3  
Corps File No. SPL-2013-00691-JEM



- Corps Jurisdictional Area
  - CDFG Jurisdictional Area
  - Herbaceous Wetland
  - Disturbed Wetland
  - Ruderal Wash
  - Sample Plot
  - Water Flow Path Over Street, Through Culvert, or Swale Lacking OHWM and Bed and Banks
  - Feature Designator
- Note: Subject to verification by Corps, CDFG, and RWOCB



**NOTES:**  
 1. Feature B (0.42 acre) determined to be under Corps jurisdiction per site visit with Corps on 3/9/2014.

**PALM SPRINGS MDP LINE 41, STAGE 3**  
 Corps File No. SPL-2013-00091-JEM



BEGIN PROJECT  
N 33.791, W 116.487

END PROJECT  
N 33.793, W 116.506

PROPOSED  
ALIGNMENT

PROPOSED  
BASIN  
SITE

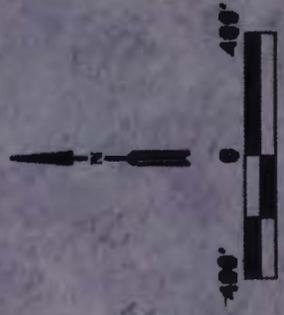
PROPOSED  
ALIGNMENT

EXISTING PS LINE  
41, STAGES 1 & 2



PROJECT LOCATION MAP  
Figure 4

PALM SPRINGS MDP LINE 41, STAGE 3  
Corpus File No. SPL-2013-00881-JEM



Palm Springs Line 41, Stage 3



**LEGEND**

- INDICATES DISTRICT-OWNED PARCEL
- CJB CRITICAL HABITAT

PALM SPRINGS MDP LINE 41, STAGE 3  
Corps File No. SPL-2013-00691-JEM



PALM CANYON WASH DISTRICT-OWNED PARCELS  
Figure 5 Proposed Mitigation Area



Photo 3. Drainage A along East Palm Canyon Drive. View is to northwest.



Photo 4. Herbaceous wetland along Drainage Course A at downstream end of Palm Hills Drive box culvert.

## Site Photos

PALM SPRINGS MDP LINE 41-STAGE 3 FLOOD CONTROL PROJECT

Appendix D



Photo 5. Excavated channel in reach of Drainage Course B at toe of foothills of Santa Rosa Mountains. View is to northeast.



Photo 6. Constructed channel along reach of Drainage Course A adjacent to East Palm Canyon Drive and Rimrock Shopping Center. Note ordinary high water mark at right edge of sidewalk. View is to northwest.

## Site Photos

PALM SPRINGS MDP LINE 41-STAGE 3 FLOOD CONTROL PROJECT

Appendix D



Photo 7. Gene Autrey Trail box culvert outlet into constructed channel reach of Drainage Course A. View is to northwest.

## Site Photos

PALM SPRINGS MDP LINE 41-STAGE 3 FLOOD CONTROL PROJECT

Appendix D



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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>
<input type="checkbox"/>		<i>Unnamed</i>	<i>Unvegetated tributary</i>		<i>Whitewater River</i>	<i>MUN, AGR, GWR, RECI, RECI, WARM, COLD, WILD, POW</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
Whitewater River	33° 44' 58" N	116° 25' 19" W	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Temporary						
					Permanent				0.15	21,847/ 21,688	2,562

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

## **Compensatory Mitigation Information**

Riverside County Flood Control and Water Conservation District (Permittee) will complete Permittee-Responsible Compensatory Mitigation for this Project. Provided below is the acreage and conservation requirements for the required mitigation.

The Permittee will set aside one 26.6-acre parcel of land within critical habitat area for the Casey's June Beetle (CJB) in the Palm Canyon Wash area, which will be protected from disturbance by District ownership, a permanent deed restriction, and a Habitat Monitoring and Management Plan (HMMP). The mitigation requirements will be subject to the conditions included in the Biological Opinion issued by the U.S. Fish and Wildlife Service (U.S. FWS) and the Section 404 permit from the U.S. Army Corps of Engineers. The U.S. FWS will review the deed restriction and the HMMP prior to recordation. The HMMP will specify that non-native vegetation removal from within the deed restriction parcel will occur twice annually for five years following the date of recordation. Notification and planning for vegetation removal will be provided to and coordinated with the U.S. FWS at least 30 days prior to the actual vegetation removal. Vegetation removal will be implemented outside the Casey's June beetle emergence and mating season (March through June). The Section 404 permit will also require the Permittee to establish a Maintenance Avoidance Zone (MAZ) on the 26.6 acres in order to maintain the MAZ as natural open space for CJB habitat in perpetuity.

In total, the 26.6 acres of jurisdictional area subject to the above protections compensates for the 0.15 acres of permanent jurisdictional impacts outlined in the Section 401 certification. The Palm Canyon Wash is typical of desert washes in that it is an ephemeral stream (typically dry on the surface most of the year) with a steep grade and subject to flash flooding. Casey's June beetle (CJB) has adapted to specialized habitat and soil types found in the Palm Canyon Wash area. CJB habitat likely depends upon natural flood flow regimes to maintain functions in the long-term. Vegetation, soil, climate, and hydrological features contribute to the nutritional and physiological requirements of CJB. The proposed mitigation will contribute to maintaining the hydrological features, ecological function, and conservation value of the critical habitat for CJB.

**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
1	33° 47' 06" N	116° 31' 33" W	Dry Wash	Deed Restriction/ HMMP	26.6	1,700

<sup>2</sup> The mitigation site is analyzed in greater detail in the Project's Subsequent MND.



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Attachment C

**A. Environmental Review**

On April 25, 2006, Riverside County Flood Control and Water Conservation District (Permittee), as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2006021010) for the Project and filed a Notice of Determination (NOD) at the SCH on April 28, 2006. On September 16, 2008, the Permittee adopted a Subsequent MND for the Project and filed a NOD at the SCH on September 19, 2008.

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 the Permittee's adopted environmental documents comport 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 documents and finds that the environmental documents prepared by the Permittee adequately address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental documents include the mitigation monitoring and reporting program (MMRP) developed by the Permittee 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, § 15074, subd. (d).)

**B. Incorporation by Reference**

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

All potentially significant project impacts relating to water resources are analyzed in detail in the Project IS/MND and Subsequent MND, which is incorporated herein by reference. The Project IS/MND is available for review at: 464 West 4<sup>th</sup> Street, San Bernardino, CA 92401-1400.

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**

Having considered the whole of the record, the Colorado River Basin Water Board has determined that there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts to water resources. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

**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 resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The Colorado River Basin Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code Regs., tit. 14, § 15096, subd. (i).)

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.”



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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: 420914\_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

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

**Project:** California Department of Transportation US-95 Shoulder Widening Project  
WDID 7B363041001

**Permittee:** California Department of Transportation

**Reg. Meas. ID:** 420914                      **Place ID:** 846522

**Order Effective Date:** [Click here to enter a date](#)

### Report Type Submitted

#### Part A – Project Reporting

**Report Type 1**                       **Monthly Report**

**Report Type 2**                       **Annual Report**

#### Part B - Project Status Notifications

**Report Type 3**                       **Commencement of Construction**

**Report Type 4**                       **Request for Notice of Completion of Discharges Letter**

**Report Type 5**                       **Request for Notice of Project Complete Letter**

#### Part C - Conditional Notifications and Reports

**Report Type 6**                       **Accidental Discharge of Hazardous Material Report**

**Report Type 7**                       **Violation of Compliance with Water Quality Standards Report**

**Report Type 8**                       **In-Water Work/Diversions Water Quality Monitoring Report**

**Report Type 9**                       **Modifications to Project Report**

**Report Type 10**                       **Transfer of Property Ownership Report**

**Report Type 11**                       **Transfer of Long-Term BMP Maintenance Report**

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

Print Name <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.

Attachment E

<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>

<b>Part B – Project Status Notifications</b>
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<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> <ol 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></ol> <p><b>Part C: Post-Construction Storm Water BMPs</b></p> <ol 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></ol>
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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.
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<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.