

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION**

In the Matter of:

ORDER R5-2016-0528

**Stamas Corporation  
Gold Country Village  
465 Bennett Street, Grass Valley  
Nevada County**

**SETTLEMENT AGREEMENT AND  
STIPULATION FOR ENTRY OF  
ADMINISTRATIVE CIVIL LIABILITY  
ORDER**

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**INTRODUCTION**

1. This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order or Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board or Board), on behalf of the Central Valley Water Board Prosecution Team (Prosecution Team), and the Stamas Corporation (Stamas)(collectively known as the Parties) and is presented to the Central Valley Water Board, or its delegee, for adoption as an order by settlement, pursuant to Government Code section 11415.60.

**RECITALS**

2. On 10 February 2014, the Stamas Corporation applied for coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002) (Construction General Permit) for the Gold Country Village Project (Project) in Grass Valley. The Project entails the construction of an 80-unit senior apartment complex on a previously undeveloped 5.39 acre parcel
3. Central Valley Water Board staff conducted two inspections during the spring of 2014 which led to the issuance of a 2 May 2014 Notice of Violation (NOV) for inadequate erosion control Best Management Practices (BMPs) installed on the Project. Board and City of Grass Valley (City) staff conducted several additional inspections during the fall of 2014 which resulted in the issuance of a Notice to Comply and a Stop Work Order by the City for failure to maintain perimeter and

- sediment control BMPs. These alleged violations are detailed in Exhibit A of this Stipulated Order.
4. The Prosecution Team alleges that Stamas violated provisions of the Construction General Permit. The alleged violations are associated with Stamas' Gold Country Village Project. Specifically, the Prosecution Team alleges the following:
    - 4.1 **Violation 1:** The Regional Board alleges that Stamas violated Construction General Permit Attachment D, Provision E.3 by not installing erosion control Best Management Practices (BMPs) in active construction areas during rain events. The violations occurred over a period of 8 days during rain events between 25 March 2014 and 25 April 2014.
    - 4.2 **Violation 2:** The Regional Board alleges that Stamas violated Construction General Permit Attachment D, Provision E.6 by not properly maintaining storm water BMPs for a period of twelve days in September and October 2014.
  5. The Parties have engaged in settlement negotiations and agree to settle the matter without administrative or civil litigation by presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption as an order by settlement pursuant to Government Code section 11415.60. The discussion in Attachment A to this Stipulated Order assigned a factor of 1.3 to culpability for Violations 1 and 2 and alleged a total of 12 days of violation for Violation 2. After further discussions with Stamas, the Parties agreed to an adjustment to the culpability factor for both violations and the number of days of violation from 12 to 8 days of violation for Violation 2. To resolve the alleged violations by consent and without further administrative proceedings, and in consideration of hearing and litigation risks, the Parties have agreed to the imposition of \$90,000 in liability against Stamas with a portion of the liability suspended conditioned on payment to the Rose Foundation for Communities and the Environment (Rose Foundation) for the implementation of a Supplemental Environmental Project (SEP).
  6. The Central Valley Water Board Prosecution Team believes that the resolution of the alleged violations is fair and reasonable and fulfills its enforcement objectives,

that no further action is warranted concerning the violations alleged herein, and that this Stipulated Order is in the best interest of the public.

### STIPULATIONS

The Parties stipulate to the following:

7. **Administrative Civil Liability:** Stamas hereby agrees to the imposition of an administrative civil liability totaling NINETY THOUSAND DOLLARS (\$90,000) to resolve the alleged violations. Specifically:
  - 7.1 Within thirty (30) days of issuance of the Order, Stamas agrees to remit, by check, FORTY FIVE THOUSAND DOLLARS (\$45,000) payable to the *State Water Resources Control Board Cleanup and Abatement Account*, and shall indicate on the check the number of this Order. Stamas shall send the original signed check to the State Water Resources Control Board Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888. Copies of the check shall be sent to Mayumi E. Okamoto, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement, P.O. Box 100, Sacramento, CA 95812 and Wendy Wyels, Supervisor, Compliance/Enforcement Section, Regional Water Quality Control Board, Central Valley Region, 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670.
  - 7.2 Within thirty (30) days of issuance of the Order, the Parties agree that FORTY FIVE THOUSAND DOLLARS (\$45,000) of the administrative civil liability (SEP Amount) shall be paid to the Rose Foundation for implementation of a Supplemental Environmental Project (SEP).
    - 7.2.1 Of that SEP Amount, FORTY THOUSAND FIVE HUNDRED DOLLARS (\$40,500) shall be distributed in its entirety to The Sierra Fund solely for use as part of the "Integrating Grass Valley DAC Participation in CABY Water Quality Activities: Project Planning, Tribal Consultation, and Post-It Day 2016." Funding for this project will provide community outreach and engagement with tribal leaders, disadvantaged community members, and others in the Grass Valley during "Post-It Day" 2016, an effort to provide fish consumption information to members of this community and surrounding

disadvantaged communities. The proposed project would involve local organizations and leaders that serve disadvantaged communities and tribal members in planning efforts to produce and distribute state-issued fish consumption guidelines at water bodies where anglers are fishing, and potentially other social services outlets in the community. A complete description of this project is provided in Attachment B to this Stipulated Order.

7.2.2 THREE THOUSAND ONE HUNDRED FIFTY DOLLARS (\$3,150) shall be used for Rose Foundation SEP Program Oversight.

7.2.3 ONE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$1,350) shall be used for administration and oversight costs associated with the specific Rose Foundation SEP Project described in Paragraph 7.2.1.

7.2.4 Payment shall be made no later than thirty (30) days after the entry of an Order approving this Settlement Agreement by the Central Valley Water Board. Payments associated with Paragraphs 7.2.1, 7.2.2, and 7.2.3 shall be provided to the Rose Foundation in the form of a single check payable to the "Rose Foundation." Payment shall be sent to the following address: Rose Foundation, 1970 Broadway, Suite 600, Oakland, CA 94612-2218, Attn: Tim Little. A copy of the check shall be sent to Wendy Wyels at the address set forth above.

8. Supplemental Environmental Project: The Discharger and the Central Valley Water Board agree that the payment specified in Section 7.2 of the Stipulation is a SEP, and that the amount specified (hereafter SEP Amount) will be treated as a Suspended Administrative Civil Liability for purposes of this Stipulated Order. Upon the Discharger's payment of its SEP obligations under this Stipulation, Central Valley Water Board staff shall send the Discharger a letter recognizing the satisfactory completion of its SEP obligations. This letter shall terminate any further SEP obligations of Discharger and result in the permanent waiver of the SEP suspended liability.

9. **Compliance with Applicable Laws:** Stamas understands that payment of administrative civil liability in accordance with the terms of this Stipulated Order

and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in the Complaint may subject it to further enforcement, including additional administrative civil liability.

10. **Party Contacts for Communications related to Stipulated Order:**

**For the Central Valley Water Board:**

Wendy Wyels, Supervisor  
Compliance and Enforcement Section  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
[wwyels@waterboards.ca.gov](mailto:wwyels@waterboards.ca.gov)  
(916) 464-4835

**For Stamas:**

Sam Stamas, Corporate Counsel  
Stamas Corporation  
3007 Douglas Boulevard, Suite 170  
Roseville, CA 95661  
[sstamas@surewest.net](mailto:sstamas@surewest.net)  
(916) 783-0330

11. **Attorney's Fees and Costs:** Except as otherwise provided herein, each Party shall bear all attorneys' fees and costs arising from the Party's own counsel in connection with the matters set forth herein.

12. **Matters Addressed by Stipulation:** Upon adoption by the Central Valley Water Board, or its delegee, this Stipulated Order represents a final and binding resolution and settlement of all claims, violations or causes of action alleged in the Complaint or which could have been asserted based on the specific facts alleged in the Complaint as of the effective date of this Stipulated Order ("Covered Matters"). The provisions of this Paragraph are expressly conditioned on Stamas' payment of the administrative civil liability by the deadline specified in Paragraph 7.1 and Stamas' payment to the Rose Foundation for implementation of the SEP as described in Paragraph 7.2.

13. **Public Notice:** Stamas understands that this Stipulated Order must be noticed for a 30-day public review and comment period prior to consideration by the Central Valley Water Board, or its delegee. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the Central Valley Water Board, or its delegee, for adoption, the Prosecution Team may unilaterally declare this Stipulated Order void and decide not to present it to the Central Valley Water Board, or its delegee. Stamas agrees that it may not rescind or otherwise withdraw its approval of this proposed Stipulated Order.
14. **Addressing Objections Raised During Public Comment Period:** The Parties agree that the procedure contemplated for the Central Valley Water Board's adoption of the settlement by the Parties and review by the public, as reflected in this Stipulated Order, will be adequate. In the event procedural objections are raised prior to the Stipulated Order becoming effective, the Parties agree to meet and confer concerning any such objections, and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
15. **No Waiver of Right to Enforce:** The failure of the Prosecution Team or of the Central Valley Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of the Order. The failure of the Prosecution Team or of the Central Valley Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.
16. **Effect of Stipulated Order:** Except as expressly provided in this Stipulated Order, nothing in this Stipulated Order is intended nor shall it be construed to preclude the Prosecution Team or any state agency, department, board or entity or any local agency from exercising its authority under any law, statute, or regulation.
17. **Interpretation:** This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
18. **Modification:** This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the Central Valley Water Board.
19. **If Order Does Not Take Effect:** In the event that this Stipulated Order does not take effect because it is not approved by the Central Valley Water Board, or its

delegee, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the Central Valley Water Board to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing. The Parties agree to waive any and all objections based on settlement communications in this matter, including, but not limited to:

- a. Objections related to prejudice or bias of any of the Central Valley Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the Central Valley Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Stipulation and/or the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the Complaint in this matter; or
- b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

20. **No Admission of Liability:** In settling this matter, Stamas does not admit to any of the allegations in the Complaint, or that it has been or is in violation of the Water Code, or any other federal, state, or local law or ordinance; however, Stamas agrees that in the event of any future enforcement actions by the Central Valley Water Board, the Order may be used as evidence of a prior enforcement action consistent with Water Code sections 13327 and 13385.
21. **Waiver of Hearing:** Stamas has been informed of the rights provided by Water Code section 13323(b), and hereby waives its right to a hearing before the Central Valley Water Board prior to the adoption of the Stipulated Order.
22. **Waiver of Right to Petition:** Stamas hereby waives its right to petition the Central Valley Water Board's adoption of the Stipulated Order as written for review by the State Water Board, and further waives its rights, if any, to appeal the same to a California Superior Court and/or any California appellate level court.

23. **Covenant Not to Sue:** Stamas covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, their officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any Covered Matter.
24. **Central Valley Water Board is Not Liable:** Neither the Central Valley Water Board members nor the Central Valley Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by Stamas, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the Central Valley Water Board, its members or staff be held as parties to or guarantors of any contract entered into by Stamas, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
25. **Stamas is Not Liable:** Neither Stamas, its directors, officers, employees, agents, representatives or contractors shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Central Valley Water Board members, or the Central Valley Water Board staff, attorneys, or representatives in carrying out activities pursuant to this Stipulated Order, nor shall Stamas, its directors, officers, employees, agents, representatives or contractors be held as parties to or guarantors of any contract entered into by the Central Valley Water Board, its members or staff Stamas, in carrying out activities pursuant to this Stipulated Order.
26. **Authority to Bind:** Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of and to bind the entity on whose behalf he or she executes the Order.
27. **No Third Party Beneficiaries:** This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
28. **Effective Date:** This Stipulated Order shall be effective and binding on the Parties upon the date the Central Valley Water Board, or its delegee, enters the Order.

29. **Counterpart Signatures:** This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.
30. **Incorporation of Exhibits:** Attachments "A" and "B" are hereby incorporated by reference.

**IT IS SO STIPULATED.**

California Regional Water Quality Control Board Prosecution Team  
Central Valley Region

By:   
Andrew Altevogt  
Assistant Executive Officer

Date: 3/30/2016

Stamas Corporation

By:   
Paul Stamas

Date: 03/30/2016

**Order of the Central Valley Water Board**

1. In adopting this Stipulated Order, the Central Valley Water Board has considered, where applicable, each of the factors prescribed in Water Code sections 13327 and 13385(e). The consideration of these factors is based upon information and comments obtained by the Central Valley Water Board's staff in investigating the allegations described in the Complaint or otherwise provided to the Central Valley Water Board or its delegee by the Parties and members of the public.
2. This is an action to enforce the laws and regulations administered by the Central Valley Water Board. The method of compliance with this enforcement action consists entirely of payment of amounts for administrative civil liability. As such, the Central Valley Water Board finds that issuance of this Order is not considered subject to the provisions of the California Environmental Quality Act (CEQA) as it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not considered a "project" (Public Resources Code sections 21065, 21080(a); sections 15060(c)(2) and (3); 15378(a), Title 14, of the California Code of Regulations). In addition, the Central Valley Water Board finds that issuance of this Order is also exempt from the provisions of CEQA in accordance with section 15321(a)(2), Title 14, of the California Code of Regulations as an enforcement action by a regulatory agency and there are no exceptions that would preclude the use of this exemption.
3. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Order of the Central Valley Water Board.

Pursuant to Water Code sections 13323 and 13385 and Government Code section 11415.60, **IT IS HEREBY ORDERED** on behalf of the California Regional Water Quality Control Board, Central Valley Region.

Original signed by  
Pamela C. Creedon  
Executive Officer

16 May 2016  
Date

Attachments:

Attachment A: Enforcement Policy Methodology Analysis

Attachment B: The Sierra Fund Project Proposal

**ATTACHMENT A**  
**Specific Factors Considered for Civil Liability**  
**Stamas Corporation, Gold Country Village, Nevada County**

The State Water Board's *Water Quality Enforcement Policy* (Enforcement Policy) establishes a methodology for determining administrative civil liability by addressing the factors that are required to be considered under California Water Code section 13385(e). The Enforcement Policy can be found at: [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/enf\\_policy\\_final111709.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/enf_policy_final111709.pdf).

Each factor of the Enforcement Policy's ten-step approach is discussed below for each violation alleged in the ACL Complaint, as is the basis for assessing the corresponding score.

**Violation 1: Violation of Attachment D, Provision E.3 of the Construction Storm Water General Permit Order No. 2009-0009-DWQ**

The Construction Storm Water General Permit, Attachment D, Provision E.3, requires Risk Level 2 dischargers to implement appropriate erosion control BMPs including runoff control and soil stabilization in conjunction with sediment control BMPs in active construction areas. The Gold Country Village project was determined to be Risk Level 2.

Board staff considers the Discharger to be in violation of the erosion control BMP requirements for active areas during rain events for a total of eight days between 25 March 2014 and 25 April 2014. Active construction areas are defined in the General Permit as: "*areas undergoing land surface disturbance. This includes construction activity during the preliminary stage, mass grading stage, streets and utilities stage and the vertical construction stage.*" Active areas must have appropriate erosion and sediment controls installed prior to rainfall but not between rain events. Inactive areas must have effective soil cover during the entire period of inactivity, regardless of rainfall. This violation assesses penalties for erosion control BMP violations during the period that the entire Gold Country Village project was under active construction.

On 26 March 2014, Board staff conducted a site inspection during a rain event that began on 25 March 2014 and found that no erosion control BMPs were installed on active areas of the Project during a rain event. Board staff informed the contractor that erosion control BMPs were required to be installed on all disturbed soils during rain events. The initial 26 March 2014 inspection and subsequent follow-up inspections by Board staff and City of Grass Valley staff found that erosion control BMPs were not installed during rain events that occurred between 25 March 2014 and 25 April 2014.

Between 25 March 2014 and 25 April 2014, there were eight days that had rainfall measured by the Department of Water Resources Grass Valley Gauge ("GVY") of greater than 0.1-inches. During this period, there were an additional 6 days with measureable precipitation of less than 0.1-inches. For the purpose of determining the number of days of violation for this Complaint, the Board's Prosecution Team chose to use greater than 0.1-inches of rainfall as the threshold for requiring erosion control BMPs since rainfall amounts under 0.1-inches would have a minimal potential to generate runoff and cause erosion. Based on the number of days with greater than 0.1-inches of precipitation, the Discharger was in violation of Requirement E.3 for eight days. Despite the lack of BMPs, the Board's Prosecution Team is not alleging discharge violations from the site. Instead, this Complaint assesses penalties only for non-discharge violations.

The following table shows the days of rainfall in March and April 2014 when erosion control BMPs were required on all disturbed soils related to the Project:

**Days of rainfall with no Erosion Control BMPs installed**

Date	Rainfall Amount (inches)	Erosion Control BMPs Required?	Erosion Control BMPs Installed?	Days of Violation <sup>1</sup>
25 March 2014	0.22	Yes	No	1
26 March 2014	0.72	Yes	No	1
27 March 2014	0.08	No	No	0
28 March 2014	0.07	No	No	0
29 March 2014	2.15	Yes	No	1
30 March 2014	0.26	Yes	No	1
31 March 2014	0.57	Yes	No	1
1 April 2014	0.83	Yes	No	1
2 April 2014	0.01	No	No	0
4 April 2014	0.07	No	No	0
5 April 2014	0.01	No	No	0
23 April 2014	0.03	No	No	0
24 April 2014	0.16	Yes	No	1
25 April 2014	1.63	Yes	No	1
27 April 2014	0.01	No	No	0
<b>Total</b>				<b>8</b>

<sup>1</sup> The Prosecution Team is only alleging violations on days with greater than 0.1-inches of precipitation. Rainfall data from California Department of Water Resources “GVY” gauge located in Grass Valley CA. [http://cdec.water.ca.gov/cgi-progs/staMeta?station\\_id=GVY](http://cdec.water.ca.gov/cgi-progs/staMeta?station_id=GVY)

**Step 1 – Potential for Harm for Discharge Violations**

For this Complaint, the Central Valley Water Board Prosecution Team is not alleging any illegal discharge of waste by the Discharger. Therefore, the evaluation of this factor has been omitted from the following calculation.

**Step 2 – Assessment for Discharge Violations**

For this Complaint, the Central Valley Water Board Prosecution Team is not alleging any illegal discharge of waste by the Discharger. Therefore, the evaluation of this factor has been omitted from the following calculation.

**Step 3 – Per Day Assessment for Non-Discharge Violations**

The “per day” factor is calculated for each non-discharge violation considering the (a) potential for harm and (b) the extent of the deviation from the applicable requirements.

**Potential for Harm:** The Enforcement Policy requires determination of whether the characteristics of the violation resulted in a minor, moderate, or major potential for harm or threat to beneficial uses. In this case, the violation is the failure to install erosion control BMPs on disturbed soils in active areas of the Project during rain events.

The Discharger failed to implement erosion control BMPs prior to storm events in March and April 2014. This failure had a potential to result in sediment and turbidity discharges from the Project to the South Fork of Wolf Creek which is approximately 250 feet south of the Project site. The South Fork of Wolf Creek flows to Wolf Creek, a tributary to the Bear River. The beneficial uses of the Bear River as

stated in the Basin Plan are: municipal and domestic supply; agriculture supply, including stock watering; hydropower generation; water contact recreation, including canoeing and rafting; non-contact water recreation, including aesthetic enjoyment; commercial and sport fishing; aquaculture; warm migration of aquatic organisms; cold migration of aquatic organisms; warm spawning, reproduction, and/or early development; cold spawning, reproduction, and/or early development; warm freshwater habitat; cold freshwater habitat; and wildlife.

Discharges of sediment to surface waters can cloud the receiving water, thereby reducing the amount of sunlight reaching aquatic plants, clog fish gills, smother aquatic habitat and spawning areas, and impede navigation. Sediment can also transport other materials such as nutrients, metals, and oils and grease. The discharge of sediment negatively impacts aquatic organisms.

Given the proximity to the South Fork of Wolf Creek and the absence of erosion control BMPs during several rain events, the potential for harm to beneficial uses is determined to be **Moderate**, which is defined as “*The characteristics of the violation present a substantial threat to beneficial uses and/or the circumstances of the violation indicate a substantial potential for harm. Most incidents would be considered to present a moderate potential for harm.*”

Deviation from Requirement: The Enforcement Policy requires determination of whether the violation represents either a minor, moderate, or major deviation from the applicable requirements. General Permit Attachment D, Provision E.3 requires erosion control BMPs to be installed on all disturbed soils during rain events in both active and inactive areas of the Project. On 26 March 2014, Board staff conducted a site inspection of the Project and found that no erosion control BMPs were installed on disturbed soils during a rain event. Board staff informed the contractor during the inspection that erosion control BMPs were required to be installed on all disturbed soils during rain events. A follow-up inspection by Board staff on 23 April 2014 revealed that erosion control BMPs were still not in place and the Project did not appear to be prepared for a rain event forecasted for 25 April 2014. Additional follow-up inspections by City of Grass Valley staff on 25 April 2014 found that erosion control BMPs were not installed on disturbed soils during the rain event and led to the issuance of a Notice to Comply by the City, which required the Discharger to immediately install erosion control BMPs. The Discharger failed to install erosion control BMPs during rain events despite several inspections where the requirement was verbally communicated to the Discharger. Sediment control BMPs are designed to be used in combination with erosion control BMPs. The failure to install erosion control BMPs severely reduces the effectiveness of the sediment control BMPs that were installed. This failure is determined to be a **Major** deviation from the requirement, which is defined as “*The requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).*”

Using Table 3 in the Enforcement Policy, the Per Day Factor of **0.55** is assigned. This value is to be multiplied by the days of violation and the maximum per day penalty, as shown below.

**Violation 1 – Initial Liability Amount**

The initial liability amounts for the violations, calculated on a per-day basis, are as follows, based on 8 days between 25 March 2014 and 25 April 2015:

$$8 \text{ days} \times \$10,000 \times 0.55 = \$44,000$$

Total Initial Liability = **\$44,000**

#### **Step 4 – Adjustment Factors**

There are three additional factors to be considered for modification of the amount of initial liability: the violator's culpability, efforts to clean up or cooperate with regulatory authority, and the violator's compliance history.

#### **Culpability**

The Enforcement Policy states, “[h]igher liabilities should result from intentional or negligent violations as opposed to accidental, non-negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances.” A multiplier between 0.5 and 1.5 is to be used, with a higher multiplier for negligent behavior. This factor was given a multiplier value of **1.3** because of the Discharger's repeated failure to implement appropriate erosion control BMPs prior to several forecasted storm events, despite multiple warnings from Board and City of Grass Valley staff. In addition, the SWPPP and Grading Plans submitted by the Discharger clearly state that erosion control BMPs would be installed and used on the Project.

Board staff first inspected the Project on 26 March 2014 and informed the Discharger that erosion control BMPs are required on all disturbed soils during rain events. A follow-up inspection by Board staff on 23 April 2014 revealed that erosion control BMPs had still not been installed and Board staff once again informed the Discharger of the erosion control BMP requirements. On 24 April 2014, Board staff sent an email reminder to the Discharger prior to the rain event predicted for 25 April 2015 to ensure that the Discharger understood that the General Permit requires erosion control BMPs to be in place during the upcoming rain event. Follow-up inspections by the City of Grass Valley on 25 April 2014 (during a major storm event) found that the Discharger had still not installed erosion control BMPs and the City issued a Notice to Comply. The Discharger elected to not install erosion control BMPs prior to forecasted storm events despite several warnings from Board and City of Grass Valley staff, did not follow erosion control plans submitted with the SWPPP and Grading Plans, and violated the Permit conditions by not installing required erosion control BMPs prior to forecasted storm events.

These inspections show that the Discharger was aware of the BMP deficiencies following the 26 March 2014 inspection and elected to not install erosion control BMPs prior to several subsequent rain events through 25 April 2014. Given the above, a culpability of 1.3 is appropriate.

#### **Cleanup and Cooperation**

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier when there is a lack of cooperation. Water Board staff conducted an inspection on 26 March 2012 and talked to the contractor about the requirement for erosion control BMPs on the project. On 23 April 2014, Water Board staff conducted a follow-up inspection prior to a rain event and reminded the Discharger of the erosion control BMP requirements and urged them to stabilize the Project prior to the next rain event. The City of Grass Valley conducted a follow-up inspection on 25 April 2014 during the rain event and discovered that erosion control BMPs had still not been installed. The Project had not been stabilized with erosion control BMPs for over a month-long period with eight days of rainfall, in violation of General Permit requirements despite several warnings from both Board staff and City of Grass Valley staff; therefore, the Discharger was given a multiplier value of **1.3** because of the lack of cooperation exhibited by the Discharger to comply with General Permit requirements.

History of Violations

This factor is to be used when there is a history of repeat violations. A minimum multiplier of 1.0 is to be used, and is to be increased as necessary. In this case, a multiplier of **1.0** was used because there have been no previous violations documented from similar projects constructed by the Discharger.

**Step 5 - Determination of Total Base Liability Amount**

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Total Initial Liability Amount determined in Step 3.

**Violation #1 – Total Base Liability Amount**

Initial Liability x Culpability Multiplier x Cleanup and Cooperation Multiplier x History of Violations Multiplier = Total Base Liability

$$\$44,000 \times 1.3 \times 1.3 \times 1.0 = \$74,360$$

Total Base Liability = **\$74,360**

**Violation 2: Violation of Attachment D, Provision E.6 of the Construction Storm Water General Permit Order No. 2009-0009-DWQ**

The Construction Storm Water General Permit, Attachment D, Provision E.6, requires Risk Level 2 dischargers to maintain and protect storm water BMPs from activities that reduce their effectiveness. The Gold Country Village project was determined to be Risk Level 2.

Board staff considers the Discharger to be in violation of the BMP maintenance requirements for a total of twelve days in September and October 2014. On 18 September 2014, both Water Board staff and City of Grass Valley staff inspected the Project and identified that several storm water BMPs were worn and in need of replacement or repair. The City of Grass Valley issued a Notice to Comply on 18 September 2014 to compel the Discharger to address BMP deficiencies. On 25 September 2014, the City of Grass Valley conducted a follow-up inspection during a rain event and observed that BMPs that were previously identified to be deficient continued to be deficient and noted that repairs were still needed. The City of Grass Valley subsequently issued a Stop Work Order. Following the City's Stop Work Order, the Discharger addressed the deficient storm water BMPs and the City of Grass Valley lifted the Stop Work order following another inspection on 26 September 2014.

Following a rain event, the City of Grass Valley conducted additional inspections on 28 October and 30 October 2014. These inspections revealed that there were additional BMPs that required maintenance or repair. According to the 30 October 2014 inspection, BMPs were scheduled to be repaired and straw mulch erosion control BMPs were scheduled to be deployed on 31 October 2014. A follow-up inspection conducted by the City of Grass Valley on 3 November 2014 indicated that the site BMPs had been repaired.

This violation assesses penalties for nine days of violation between the first Water Board inspection on 18 September 2014 that identified that BMPs needed repair until the City of Grass Valley lifted its Stop Work Order on 26 September 2014. Board staff determined an additional three days of violation between 28 October 2014 and 30 October 2014 should be assessed as the City of Grass Valley

inspection reports identified that BMPs required additional maintenance or repairs during this time period. Board staff calculated a total of twelve days of violation for this violation category.

### **Step 1 – Potential for Harm for Discharge Violations**

For this Complaint, the Central Valley Water Board Prosecution Team is not alleging any illegal discharge of waste by the Discharger. Therefore, the evaluation of this factor has been omitted from the following calculation.

### **Step 2 – Assessment for Discharge Violations**

For this Complaint, the Central Valley Water Board Prosecution Team is not alleging any illegal discharge of waste by the Discharger. Therefore, the evaluation of this factor has been omitted from the following calculation.

### **Step 3 – Per Day Assessment for Non-Discharge Violations**

The “per day” factor is calculated for each non-discharge violation considering the (a) potential for harm and (b) the extent of the deviation from the applicable requirements.

Potential for Harm: The Enforcement Policy requires determination of whether the characteristics of the violation resulted in a minor, moderate, or major potential for harm or threat to beneficial uses. A lack of maintenance of storm water BMPs had some potential to impact beneficial uses. In this case, storm water BMPs were installed, but due to their poor condition, would only be partially effective in preventing turbid storm water from discharging from the site. For example, the damaged silt fencing and drop inlet filter bag BMPs could potentially trap sediment in some areas, but would be much less effective than new or properly maintained BMPs. In addition, the portion of the plastic sheeting that was dislodged by the wind would provide essentially no erosion control while the portion of the plastic sheeting that was properly secured would provide effective erosion control. Therefore, the potential for harm to beneficial uses is determined to be **Minor**, which is defined as “*The characteristics of the violation present a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential threat for harm.*”

Deviation from Requirement: The Enforcement Policy requires determination of whether the violation represents either a minor, moderate, or major deviation from the applicable requirements. General Permit Attachment D, Provision E.6 requires the Discharger to maintain storm water BMPs to ensure that they are effective. During September and October 2014 inspections, Board staff and City staff identified several storm water BMPs that were not being properly maintained, in violation of Provision E.6. Several storm water BMPs were installed on the Project in September and October 2014; however, some of the BMPs including drop inlet filter bags, wattles, and plastic sheeting had been in place since the previous spring and were either worn out or in need of maintenance. Since not all BMPs on the site needed repair, the deviation from the applicable requirement (i.e., Requirement E.6 of the Construction General Permit) is determined to be **Moderate**, which is defined as “*The intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met and the effectiveness of the requirement is only partially achieved).*”

Using Table 3 in the Enforcement Policy, the Per Day Factor of **0.25** is assigned. This value is to be multiplied by the days of violation and the maximum per day penalty, as shown below.

### **Violation 2 – Initial Liability Amount**

The initial liability amounts for the violations calculated on a per-day basis are as follows: nine days of violation between 18 September 2014 through 26 November 2014 and three days of violation from 28 October 2014 through 30 October 2014 for a total of 12 days of violation.

$$12 \text{ days} \times \$10,000 \times 0.25 = \$30,000$$

Total Initial Liability = **\$30,000**

### **Step 4 – Adjustment Factors**

There are three additional factors to be considered for modification of the amount of initial liability: the violator's culpability, efforts to clean up or cooperate with regulatory authority, and the violator's compliance history.

#### **Culpability**

The Enforcement Policy states, "[h]igher liabilities should result from intentional or negligent violations as opposed to accidental, non-negligent violations. The test is what a reasonable and prudent person would have done or not done under similar circumstances." A multiplier between 0.5 and 1.5 is to be used, with a higher multiplier for negligent behavior. This factor was given a multiplier value of **1.3** because of the Discharger's repeated failure to replace or repair deficient BMPs as required by the General Permit.

On 18 September 2014, both Water Board staff and City of Grass Valley staff inspected the Project and identified that several storm water BMPs were worn and in need of replacement or repair. The City of Grass Valley issued a Notice to Comply on 18 September 2014 to compel the Discharger to address BMP deficiencies. On 25 September 2014, the City of Grass Valley conducted a follow-up inspection during a rain event and found that BMP repairs were still needed and issued a Stop Work Order. Only after the City issued the Stop Work Order did the Discharger address the deficient storm water BMPs. The City of Grass Valley lifted the Stop Work order following another inspection on 26 September 2014.

Following a rain event, the City of Grass Valley conducted additional inspections on 28 October and 30 October 2014. These inspections revealed that there were additional BMPs that required maintenance or repair. According to the 30 October 2014 inspection, BMPs were scheduled to be repaired and additional BMPs deployed on 31 October 2014. A follow-up inspection conducted by the City of Grass Valley on 3 November 2014 indicated that the site BMPs had been repaired.

These inspections, Notice to Comply, and Stop Work Order show that the Discharger was aware of the BMP maintenance deficiencies and elected to not replace or repair the BMPs until the Stop Work Order was issued. In addition, approximately one month later, follow-up inspections revealed that there were additional BMP maintenance violations. Given the above, a culpability of 1.3 is appropriate.

#### **Cleanup and Cooperation**

This factor reflects the extent to which a discharger voluntarily cooperated in returning to compliance. A multiplier between 0.75 and 1.5 is to be used, with a higher multiplier when there is a lack of cooperation. Water Board staff conducted an inspection on 18 September 2014 where deficient BMP maintenance was observed and communicated to the Discharger. City of Grass Valley staff conducted

several additional inspections where the Discharger was again told that BMP repairs were needed. Based on the inaction by the Discharger to address BMP issues, the City of Grass Valley issued a Notice to Comply and a Stop Work Order to compel the Discharger to take action and address BMP maintenance violations. Despite numerous Water Board and City of Grass Valley staff inspections, the Discharger did not take meaningful action until the Stop Work Order was issued; therefore, the Discharger was given a multiplier value of **1.3** because of the lack of cooperation exhibited by the Discharger to return to compliance with the BMP maintenance requirements.

History of Violations

A factor of **1.0** is appropriate for this violation; the same factors described for Violation 1 are applicable to this violation.

**Step 5 – Determination of Total Base Liability Amount**

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Total Initial Liability Amount determined in Step 3.

**Violation 3 – Total Base Liability Amount**

Total Initial Liability x Culpability Multiplier x Cleanup and Cooperation Multiplier x History of Violations Multiplier = Total Base Liability

$$\$30,000 \times 1.3 \times 1.3 \times 1.0 = \$50,070$$

Total Base Liability = **\$50,070**

**COMBINED TOTAL BASE LIABILITY  
AND FACTORS APPLIED TO ALL VIOLATIONS**

The combined Total Base Liability Amount for the two violations is **\$125,060** (\$74,360 + \$50,700 = \$125,060). According to the Enforcement Policy, this amount may be adjusted based on the factors below.

The following factors apply to the combined Total Base Liability Amounts for all of the violations discussed above.

**STEP 6 – Ability to Pay and Continue in Business**

The ability to pay and to continue in business must be considered when assessing administrative civil liabilities. According to bond information from the California Community Development Authority, the Gold Country Village project is estimated to cost \$9,599,377 to construct. The proposed liability is 1.3% of the cost of the Project. Water Board staff has no information that the proposed liability would result in undue hardship which would affect the Discharger's ability of continue in business; therefore, the combined Total Base Liability Amount was not adjusted for the Discharger's ability to pay.

**STEP 7 – Other Factors as Justice May Require**

The costs of investigation and enforcement are "other factors as justice may require", and could be added to the liability amount. The Central Valley Water Board has incurred at least \$24,000 (160 hours at a statewide average of \$150/hour) in staff costs associated with the investigation and enforcement of

the violations alleged herein. While this amount could be added to the penalty, the Prosecution Team, in its discretion, is not adding this amount to the total proposed liability.

**STEP 8 – Economic Benefit**

Pursuant to Water Code section 13385, civil liability, at a minimum, must be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The violations of the Construction Storm Water General Permit were due to failure to implement and maintain appropriate erosion and sediment control BMPs as listed in the site specific SWPPP.

The Enforcement Policy states (p. 21) that the total liability shall be at least 10% higher than the economic benefit, “so that liabilities are not construed as the cost of doing business and the assessed liability provides a meaningful deterrent to future violations.” The Stamas Corporation incurred an economic benefit by not installing temporary erosion control BMPs prior to the March and April 2014 rain events as well as in delaying maintenance of BMPs in September and October 2014.

The economic benefit for not installing temporary BMPs was estimated based on installation of straw mulch erosion control BMPs (5 acres at \$2,500/acre = \$12,500) in March 2014 prior to the rain events. In addition, a nominal amount of materials and labor was added to repair BMPs (\$2,500) in September 2014 prior to the onset of the rainy season. The cost of the straw mulch and BMP repairs is estimated to be \$15,000.

The total economic benefit to the Stamas Corporation for the violations charged above was approximately \$15,000. Pursuant to the Enforcement Policy, the total proposed liability amount should be at least 10% higher than the calculated economic benefit. The proposed liability exceeds the economic benefit plus 10% which is calculated to be \$16,500.

**STEP 9 – Maximum and Minimum Liability Amounts**

Minimum Liability Amount: The economic benefit for not installing erosion control BMPs prior to rain events in March and April 2014 and for delaying BMP repairs in September and October 2014 is estimated by Board staff to be approximately \$15,000. The economic benefit plus 10% is far less than the proposed liability.

Maximum Liability Amount: The maximum administrative liability amount is the maximum amount allowed by Water Code section 13385. For violations 1 and 2, the maximum liability is \$10,000 per day. As shown in the table below, the statutory maximum amount for the alleged violations is **\$200,000**.

**Statutory Maximum Liability Amount**

Violation #1 – 8 days x \$10,000/day = \$80,000

Violation #2 – 12 days x \$10,000/day = \$120,000

Total Statutory Maximum Liability – \$80,000 + \$120,000 = \$200,000

The maximum liability amount for each violation must be compared with the liability calculated using the Enforcement Policy’s penalty calculation method. If the liability calculated using the Enforcement Policy

is above the statutory maximum for a particular violation, then the statutory maximum is used. As shown in the table below, the statutory maximum was greater than the proposed liability.

<b><u>Statutory Maximum Liability and Total Base Liability Analysis</u></b>			
	Statutory Maximum Liability	Penalty Calculation Liability	Proposed Liability
Violation #1	\$80,000	<b>\$74,360</b>	\$70,360
Violation #2	\$120,000	<b>\$50,700</b>	\$50,700
		Total	<b>\$125,060</b>

**STEP 10 – Final Liability Amount**

Based on the foregoing analysis, and consistent with the Enforcement Policy, the final liability amount proposed for the alleged violations is **\$125,060**. This liability falls within the statutory maximum and minimum liability amounts.



## PROJECT PROPOSAL

*Integrating Grass Valley DAC Participation in CABY Water Quality Activities:  
Project Planning, Tribal Consultation, and Post-It Day 2016*

**Amount Requested:** \$40,500

### **Summary Description:**

This project will leverage a \$5.5 million grant awarded by the Department of Water Resources to The Sierra Fund's program "CABY Headwaters Resilience and Adaptability Program," a collaboration between fifteen government and non-profit organizations. Funding would allow project partners to more deeply engage with tribal leaders, disadvantaged community members, and others in the Grass Valley area, in particular in the "Post-It Day" 2016 efforts to provide fish consumption information to members of this and surrounding DAC communities. The proposed project would involve local organizations and leaders that serve DAC and tribal members in planning efforts to produce and distribute state-issued fish consumption guidelines at water bodies where anglers are fishing, and potentially other social services outlets in the community. Materials provided will be created in order to reach low-income members of our community, including Spanish-speaking community members. As part of the efforts to bring DAC and tribal perspectives into the planning and execution of this event, we will also work to inform these individuals about CABY as an opportunity for funding and planning for water quality projects, and inform and engage local tribal leadership around the new state mandates for a tribal consultation list. An important outcome of the project would be increased participation from these constituencies in the Cosumnes, American, Bear, Yuba (CABY) Integrated Regional Water Management (IRWM) collaborative.

### **Detailed Project Description:**

In the last decade the Sierra Nevada region has begun to assess and address the enormous problems associated with historic mining, logging, and the displacement of native peoples. Local conservation groups are now joining with towns, agencies and the increasingly public indigenous tribal leadership to work on stream restoration, legacy mine assessment and remediation, repair of antiquated water infrastructure, and meadow stewardship for enhanced water storage - and to engage our youth and our community in these efforts. Driven in part by funding from the State of California's Department of Water Resources (DWR) program to promote Integrated Regional Water Management planning, many central Sierra Nevada entities have joined together to create the Cosumnes, American, Bear, Yuba (CABY) Integrated Regional Water Management (IRWM) group in order to develop watershed wide plans aimed at protecting and stewarding the natural resources in this region.

Funding from the Rose Foundation Central Valley Disadvantaged Communities Water Quality Program will supplement the DWR grant and allow us to make crucial connections among the water quality improvement projects and community needs, and to more closely build community partnerships. The following activities will be conducted under the Rose Foundation's one-year grant period as part of our three-year strategy to match the funded DWR grant.

**OBJECTIVE I – Improve understanding of local DAC communities about mercury in locally caught fish through “Post-It Day 2016”:** One of the projects currently funded by DWR is the “Mercury and Sediment Abatement Initiative” which works to address the water quality impacts of legacy mercury pollution in this region that is left over from historic mining activities. More than 13 million pounds of mercury were released into Sierra Nevada rivers during historic gold mining, and a century later this mercury persists in our rivers and lakes, and the fish caught from them. Today, residents, including tribal members, are unable to enjoy the full use-value of their environment because of the risk posed by consumption of mercury-contaminated fish.

The California Office of Environmental Health Hazard Assessment (OEHHA) has issued a “Do Not Eat” advisory for high levels of mercury in bass that pertains to every lake or reservoir within an hour of Grass Valley. Additionally, all but seven lakes and reservoirs are covered by a “Do Not Eat” advisory for catfish or large brown trout. These recommendations are for sensitive populations and assume that all other angler groups are catching and consuming fish in quantities that do not cause exceedance of applicable ATLS. Despite efforts by California’s public health agencies to provide advisories, residents are catching and eating local fish that are high in mercury, and are largely unaware of the danger. In 2009-10, The Sierra Fund interviewed over 150 anglers at popular fishing locations within easy driving distance of the affected community. Of the fishermen surveyed, 90% reported that they eat the fish that they catch, and of these, nearly half also feed the fish to other individuals in their household, including the sensitive populations of women and children.

In order to complement the work funded by the DWR grant, this project seeks to address environmental and public health issues that stem from mercury contaminated fish in water bodies around Grass Valley, CA. Within this community, patterns of cultural and environmental discrimination began during the great California Gold Rush in the 1850s with the influx of miners, and continue in the present day. Grass Valley is considered a California Disadvantaged Community (DAC) by CA agency measures. Within Grass Valley, the population group most likely to experience poverty, female-led families with children under 5 years, also happens to be a sensitive population at risk for mercury exposure. The community is home to two tribal groups whose culture was decimated during the Gold Rush. The few who survived were relocated to land outside of Nevada City where, in the present day, they must balance the desire to continue traditional fish consumption practices with health risks posed by mercury. Through this project our community will benefit by receiving access to educational information about the environmental and public health issues stemming from mercury contamination of fish.

#### Activities

- Meet with leadership of organizations serving low income and tribal community members to learn local fishing locations these communities frequent, other likely locations for posting fish consumption advisory information, and crucial information on how to distribute these materials, such as language requirements
- Meet with landowners of fishing locations, and other organizations recommended for posting, to educate them about the importance of distributing state-issued fish consumption guidelines in this area, and obtain their permission to place signs or posters.
- Work with local watershed organizations, publicize and recruit volunteers for “Post-It Day 2016” – an annual one-day event where volunteers place fish consumption advisory signs at the pre-identified locations. Special effort will be placed on reaching low income and tribal audiences.
- Hold our second annual Post-It Day event in late Spring 2016
- Check poster locations in Fall 2016 to learn about poster longevity, and re-post as needed

#### Outcomes

- Increased quantity, diversity and commitment of stakeholder involvement, especially from organizations and leaders that serve low income and tribal interests

- Increased knowledge level of community members, with emphasis on low-income and tribal community members
- Increased local autonomy and capacity building around the issue of mercury in fish
- At least 100 fish consumption advisory posters present at local water bodies where low income and tribal members fish at the beginning of the summer recreation season
- Through coalition building, stakeholder organizations and partners will strengthen their commitment to the issue of mercury in fish tissue by collaborating on ways to involve the affected community and develop local solutions.

**OBJECTIVE 2 - Improve participation by DAC and Tribal members in implementation of CABY projects (Year 2 and Year 3):** CABY has developed a plan and limited materials for reaching out to the region's disadvantaged community members about watershed issues. In addition, The Sierra Fund has created educational materials about water quality problems in the region, specifically regarding impacts on area fish and the hazards associated with consuming mercury-contaminated fish. Unfortunately, outreach activities are not funded by the DWR grant. Though some effort has been made to reach out to tribal leaders and low income community members about watershed concerns, there is no sustained strategy to engage with these leaders and communities. In order to stimulate participation by tribal leadership and low income groups, a consistent and comprehensive outreach effort is sorely needed. In tandem with the proposed outreach to low income and tribal groups described above, we will work to educate these contacts about the importance of CABY as a regional planning and funding entity, and the opportunity to participate in the process. Proposed outreach over the next year will work to facilitate inclusion of under-represented community members and will have the added benefit of aiding implementation of the new tribal consultation provisions for local government agencies established in AB 52 (Gatto), which went into effect in 2015.

#### Activities

- Recruit and hire bilingual (Spanish/English) community outreach assistant with experience working with or connecting to the Original People and/or low income residents of this community
- Identify and reach out to tribal leaders in Grass Valley and surrounding areas in order to describe the CABY implementation projects; facilitate inclusion of these leaders in project implementation; and obtain scoping evaluations as part of tribal meetings to facilitate collection their ideas, concerns, and interests, allowing tribes to actively participate in and inform the CABY collaborative process
- Invite tribes to provide a contact person for the tribal consultation list required by AB 52
- Identify low income groups and organizations serving them in Grass Valley and surrounding areas to encourage their understanding of the proposed projects and invite their participation
- Create list of project ideas generated as a result of outreach to low income and tribal populations, circulate to these contacts and other community leaders for review before finalizing
- Distribute Spanish-language CABY materials already developed through the CABY planning process to Spanish-speaking members of regional DACs
- Provide stipends for low income and tribal leadership to participate in regular CABY meetings

#### Outcomes

- Completed scoping evaluations from tribal and DAC leadership that identify concerns and interests
- Leader(s) from the Original People of the area, and/or from regional DACs participating in the Planning Committee of the CABY IRWM
- Participation by tribal leadership and DAC members in CABY water quality protection activities
- Improved implementation of water quality projects that respond to specific concerns of DAC or tribal members

**Deliverables & Timeline**

<b>Timeline &amp; Deliverables</b>		
<b>Milestone</b>	<b>Tasks</b>	<b>Deliverables</b>
<p>25% complete— 3 month mark. Target project period: 12 months</p>	<ol style="list-style-type: none"> <li>1. Recruit, hire and train Spanish language Community Organizing Assistant</li> <li>2. Identify and contact tribal leaders around Grass Valley</li> <li>3. Identify and contact low income population organizations and leaders around Grass Valley</li> <li>4. Work with partner watershed organizations to publicize and recruit volunteers for Post-It Day 2016</li> <li>5. Administer grant</li> </ol>	<ol style="list-style-type: none"> <li>1. Written job descriptions and resumes of qualified, successful applicants</li> <li>2. Agendas and notes from at least three meetings with organizations or leadership serving tribal and low income community interests</li> <li>3. Completed scoping questionnaires from each of at least three meetings with tribal and low income community leadership</li> <li>4. Post-It Day publicity materials including press releases and volunteer recruitment flyer</li> <li>5. At least two pre-event stories regarding Post-It Day 2016 published in local media outlets</li> <li>6. List of key project contacts</li> <li>7. Quarterly check-in call with Rose Foundation staff</li> </ol>
<p>50% complete— 6 month mark Target project period: 12 months</p>	<ol style="list-style-type: none"> <li>1. Identify and contact tribal leaders around Grass Valley</li> <li>2. Identify and contact DAC organizations and leaders around Grass Valley</li> <li>3. Work with partner watershed organizations to hold Post-It Day 2016, including day-of and post-event publicity</li> <li>4. Administer grant</li> </ol>	<ol style="list-style-type: none"> <li>1. Updated list of key project contacts</li> <li>2. Agendas and notes from at least three meetings with organizations or leadership serving tribal and DAC interests</li> <li>3. Completed scoping questionnaires from each of at least three additional meetings with tribal and DAC leadership</li> <li>4. List of all tribal contacts</li> <li>5. DAC contact information in database</li> <li>6. Post-It Day event materials including training presentation, handouts, participants list and evaluations</li> <li>7. At least 20 volunteers participating in Post-It Day 2016</li> <li>8. At least 50 locations posted with fish advisory signs as part of Post-It Day 2016</li> <li>9. At least two post-event stories regarding Post-It Day 2016 published in local media outlets</li> <li>10. Grant progress report</li> </ol>
<p>75% complete— 9 month mark Target project period: 12 months</p>	<ol style="list-style-type: none"> <li>1. Contact tribal leaders around Grass Valley for post-event review and recommendations</li> <li>2. Contact DAC organizations and leaders around Grass Valley for post-event review and recommendations</li> <li>3. Distribute CABY project materials including Spanish language materials as</li> </ol>	<ol style="list-style-type: none"> <li>1. Updated list of key project contacts</li> <li>2. Distribution list for materials and quantity of materials distributed (for CABY projects)</li> <li>3. Copies of CABY project materials</li> <li>4. Meeting materials, including agendas</li> <li>5. At least 2 DAC/tribal leaders participating in quarterly CABY meeting</li> <li>6. Quarterly check-in call with Rose Foundation staff</li> </ol>

	<p>appropriate</p> <ol style="list-style-type: none"> <li>Administer grant</li> </ol>	
<p>100% complete— 12 month mark Target project period: 12 months</p>	<ol style="list-style-type: none"> <li>Develop list of projects envisioned by low income and tribal community leaders with their review and input</li> <li>Present list of projects envisioned by low income and tribal leaders at CABY Planning Committee meeting</li> <li>Develop and distribute list of local tribal contacts required for consultation</li> <li>Administer grant</li> </ol>	<ol style="list-style-type: none"> <li>Updated list of key project contacts</li> <li>List of projects envisioned by community leaders</li> <li>Agenda and minutes from CABY PC meeting where list is presented</li> <li>Distribution list to all government agencies in CABY region (for tribal contact list)</li> <li>At least 2 DAC/tribal leaders participating in quarterly CABY meeting</li> <li>Grant Final Report</li> </ol>
<p>Ongoing Tasks</p>	<ol style="list-style-type: none"> <li>Maintain list of key project contacts and update as necessary</li> <li>Recruit CABY members, especially from DAC and tribal groups</li> <li>Maintain DAC and Tribal organization contact database and update as necessary</li> <li>Encourage DAC leaders and tribal contacts to participate in quarterly CABY Planning Committee meetings, with support of participation stipends</li> </ol>	

**DETAILED PROJECT BUDGET**

The Sierra Fund

**Integrating Grass Valley DAC participation in CABY Water Quality Activities:  
Project Planning, Tribal Consultation, and Post-It Day 2016**

Category	Item & Description	Cost	Quantity	Project Total
<b>Personnel</b>	Project Director and CEO (For project management, directing organizing activities, meeting with tribal and DAC leadership, coordinating partners & oversight of reporting)			10% FTE
	Science Director (for technical review of project plan)			2% FTE
	Outreach and Events Manager (For outreach activities, coordinating with partners, and meetings a with key contacts)			10% FTE
	Spanish Language Outreach Assistant (For identification and outreach to Spanish speaking community members, translation of materials and meeting notices as needed, and distribution of Spanish language materials)			25% FTE
	Program & Communications Director (For project reporting, press releases, and supporting organizing activities)			10% FTE
	Finance Manager (For fiscal management, invoicing and financial reporting)			2% FTE
<b>Total Personnel</b>				<b>\$ 32,642.14</b>
<b>Fringe Benefits</b>	22% of salary costs (includes medical insurance and retirement match)		22% of grant expenses for personnel	<b>\$ 7,181.27</b>
<b>Contractual &amp; Subgrants</b>	AmeriCorps Outreach Coordinator (For outreach activities, coordinating with partner organizations, and meetings with key contacts)	Annual cash match \$10k	25% time on this project	\$ 2,500.00
	SYRCL subgrant for volunteer postering day	\$4,000	contract	\$ 5,000.00
	WCCA subgrant for volunteer postering day	\$1,000	contract	\$ 1,000.00
	Travel and participation stipends for low-income and tribal participants to attend quarterly CABY meetings	\$100/meeting	4 meetings/year, expect 4 stipends/meeting	\$ 1,600.00
<b>Total Contractual &amp; Sub-grants</b>				<b>\$ 10,100.00</b>
<b>Travel</b>	TSF staff local travel to fishing locations for posting signs and to meet with DAC and tribal leadership	\$.51 per mile	1,200 mi (avg 20 mi/posting location, avg 10 mi for local meetings)	\$ 612.00
<b>Supplies</b>	Meeting supplies including large paper, markers, and general office supplies incl. paper			\$ 100.00
<b>Printing</b>	Fish consumption advisory posters (printing \$.50 ea, laminating \$2 ea)	\$2.50 ea	150 posters	\$ 375.00
	Copies of Post-It Day event and CABY project materials	\$.09 ea	1,000 copies of various materials	\$ 90.00
<b>Event Expenses</b>	Refreshments for volunteer postering event and volunteer appreciation party	30 attendees		\$ 300.00
	Venue Rental including tables, chairs, projector screen	1-day rental		\$ 300.00
<b>DIRECT COSTS TOTAL</b>				<b>\$ 51,700.41</b>
<b>Indir. Costs</b>	17% Administrative overhead - covers rent, utilities, software, etc			\$ 8,789.07
<b>GRAND TOTAL</b>				<b>\$ 60,489.48</b>

**Project Income - 2016**

Funder	Status	Totals
Rose Foundation Central Valley DAC Water Quality Program	Invited	\$ 40,500.00
Marisla Foundation	Pending*	\$ 20,000.00
		<b>\$ 60,500.00</b>

*\*Should our project-specific proposal to the Marisla Foundation be denied, secured general program support funding from The California Wellness Foundation will be used to cover the costs of this project.*