# AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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| **Effective Date:** | December 10, 2013 |
| **First Amended Order (2020 Amendment) Date:** | December 23, 2020 |
| **Second Amendment (2023 Amendment) Effective Date:** | January 24, 2023 |
| **Third Amendment (2024 Amendment) Effective Date:** | June 27, 2024 |
| **Fourth Amendment (2025 Amendment) Effective Date:** | March 26, 2025 |
| **Program Type:** | Restoration |
| **Project Type:** | Ecological Aquatic/Stream/Habitat Restoration |
| **Project:** | Species Conservation Habitat (SCH)<br>Regulatory Measure ID: 383034<br>WDID: 7A133126001<br>Place ID: 776757<br>U.S. Army Corps of Engineers File Number: SPL-2020-00476 |
| **Applicant:** | Department of Water Resources on behalf of the California Natural Resources Agency (CNRA) |
| **Applicant Contact:** | Vivien Maisonneuve<br>715 P Street<br>Sacramento, California 95814<br>Phone: (916) 653-5791<br>Email: Vivien.Maisonneuve@water.ca.org |

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Place ID: 776757
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**Applicant's Agent:** Melinda Dorin, Program Manager I
715 P Street
Sacramento, California 95814
Phone: (916) 539-0561
Email: Melinda.Dorin@water.ca.org

**Regional Water Board Staff:** Logan Raub
Senior Environmental Scientist
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260
Phone: (760) 776-8966
Email: Logan.Raub@waterboards.ca.gov

**Colorado River Basin 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 401 Water Quality Certification Program Manager.

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**Species Conservation Habitat Project**

## I. Amended Order (2025)

This Clean Water Act (CWA) section 401 Water Quality Certification and Order (Order) was originally issued at the request of the California Natural Resources Agency (CNRA) to the California Department of Water Resources (Permittee) for the Species Conservation Habitat (SCH) Project (Project) on December 10, 2013.

On November 20, 2020, the Permittee submitted a request to the California Regional Water Quality Control Board, Colorado River Basin Region (Regional Water Board) to amend the Order due to changes to the Project, including the addition of 490 acres of shallow water habitat restoration to the previously approved 3,770 acres. That amended Order was issued on December 23, 2020 (2020 Amendment).

On November 15, 2022, the Regional Water Board received a request from the Permittee to amend the 2020 Amendment Order for Project changes, including a minor offset of the west interceptor ditch and connecting 12 existing agricultural drains to the interceptor ditch. This resulted in an additional 38.53 acres of temporary impacts and 29.65 acres of permanent impacts to Waters of the U.S. That Amended Order was issued on January 24, 2023 (2023 Amendment).

On February 7, 2024, the Regional Water Board received a request from the Permittee to amend the 2023 Amendment Order for Project changes. This Order (2024 Amendment) is for the purpose described in the original Order and the three amendment requests submitted by the Permittee. The 2024 Amendment involves the restoration of an additional approximately 736 acres of aquatic habitat by construction of an additional pond. A perimeter berm and additional habitat features will be installed (East Pond 1).

The addition of East Pond 1 increases the aquatic pond habitat area generated by the Project to approximately 5,000 acres. A portion of East Pond 1 is within the existing permitted area. The wetlands will allow for additional ecological restoration onsite which will help offset potential impacts associated with connecting the drains to the interceptor ditches.

On December 12, 2024, the Regional Water Board received a request from the Permittee to amend the 2024 Amended Order. This Order (2025 Amendment) reflects updates to the Project design for the "Pupfish Connectivity" component of the SCH Project. The Pupfish Connectivity Project was previously authorized by the 2023 Amendment. Permanent and temporary impacts associated with the Pupfish Connectivity Project have been reduced, and additional wetted pond habitat restoration will be added due to Project design updates. The 2025 Amendment modifies authorized impact quantities associated with the following Project activities: connecting agricultural drains to the west interception ditch, realigning the west interception ditch to the south, constructing the Poe Drain high flow bypass to supply

flood flows to existing pupfish habitats in the west interception ditch, and installing temporary culvert crossings for construction access. Section VI, Table 2 of this Order summarizes impacts to Waters of the U.S. due to the Pupfish Connectivity Project.

## II. Project Purpose

The purpose of the Project is to restore approximately 5,000 acres of shallow water habitat lost due to the Salton Sea's increasing salinity and reduced area as the sea recedes (See Figure 1 of Attachment A). This amended order is consistent with the Project purpose.

## III. Project Description

The Project will restore shallow water habitat at the Salton Sea using available land at elevations less than -228 feet mean sea level (msl) according to the National Geodetic Vertical Datum of 1929, within the large bay to the northeast of the New River (East New), the additional bay northeast of the New River (East Pond 1), the shoreline to the southwest (Center New), and the shoreline continuing to the west (West New) to construct a system of ponds and islands (Figures 2 and 3 of Attachment A). The Project will include the following features:

- Berms and levees to retain water for developing habitat ponds, manage flooding from the New River and surrounding catchment areas, and allow access around the Project area;
- Islands and habitat features for avian loafing, foraging, nesting, etc.;
- Interceptor ditches to collect and divert agricultural runoff away from the Project site and provide connectivity between agricultural drains, allowing desert pup fish migration between drains;
- Salton Sea pump station and saline delivery pipeline to deliver saline water to the habitat ponds, to include a causeway, dredge channel, and disposal area;
- New River intake/diversion to deliver brackish water to the habitat ponds, including a fixed weir set at the normal operating level within the basin (elevation -225.9 feet msl, using the North American Vertical Datum of 1988 [NAVO 88]);
- Sediment/mixing ponds to provide a zone where saline and brackish water are mixed to the appropriate proportions for support of target aquatic species, and aid in removal of suspended sediments that could be detrimental if released into the habitat ponds;
- Passive recreation facilities for public viewing of the Project area;
- Operation and Maintenance (O&M) facilities for storage of parts and equipment; and
- Access roads to allow operators access for O&M activities.

The ponds and islands will be constructed with necessary berms and channels to allow for the management of water into and through the Project area. The newly created habitat would be contained within low-height berms. The water supply for the Project ponds would be a combination of brackish river water and saline water from the Sea, blended to maintain

an appropriate salinity range for the biological benefits of target species. The Permittee's objectives include the following:

- Develop foraging habitats to support piscivorous bird species;
- Support a sustainable, productive aquatic community;
- Provide suitable water quality for fish;
- Minimize adverse effects on desert pupfish (*Cyprinodon macularius*);
- Minimize risk of selenium and disease/toxicity impacts;
- Develop a decision-making framework and implement a monitoring plan; and
- Provide proof of concept for future restoration.

The Project is designed as a “proof-of-concept” project in which several Project features, characteristics, and operations could be tested under an adaptive management framework. The proof-of-concept period would last for approximately 10 years after completion of construction. By that time, managers would have had time to identify those management practices that best meet the Project goals. After the proof-of-concept period, the Project would be operated until the end of the 75-year period covered by the Quantification Settlement Agreement (2078) or until funding is no longer available. The ponds would be constructed and operated by the California Department of Fish and Wildlife (CDFW) on behalf of the CNRA.

## IV. Project Location

The SCH Project site includes the large bay to the northeast of the New River (East New), the shoreline to the southwest (Center New), and the shoreline continuing to the west (West New). The study area lies within the Westmorland West and Obsidian Butte 7.5-minute quadrangles. The Project site is located within Township 11 South, Range 12 East, and Sections 25-26 and 35-36; Township 12 South, Range 12 East, and Sections 1-2, 11-15, and 19-30, Township 12 South, Range 13 East Sections 7 and 18, San Bernardino Meridian, as mapped by the United States Geological Survey (USGS). Including the acreage requested to be added in this amendment, the SCH Project would occupy approximately 5,000 acres, centered near Latitude 33.109 N and Longitude -115.702 W, at an approximate elevation of minus 234 feet (NAVD88). Maps depicting the Project location are found in Attachment A of this Order.

## V. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of Colorado River Basin Water Board. Receiving waters and groundwater potentially impacted by the Project are protected in accordance with the Water Quality Control Plan for the Colorado River Basin Region (Basin Plan) and other plans and policies, which may be accessed online at: https://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 U.S./state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

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

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

The Project is a restoration project resulting in a significant net increase in the aquatic resource area and level of habitat functionality at the southern end of the Salton Sea. Total Project fill/excavation quantities for all impacts are summarized in Table 1, Table 2, and Table 3. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological conditions.

**Table 1: Total Project Fill/Excavation Quantity to Waters of the U.S.**

| Temporary Impact[1] | Permanent Impact - Physical Loss of Area | Permanent Impact – Habitat Conversion | Permanent Impact – No Habitat Loss |
|---|---|---|---|
| 242.2 acres | 123.37 acres | 3,387.47 acres | 600.0 acres |

**Table 2: Interception Ditch and Agricultural Drain Connection Impacts to Waters of the U.S.**

| Temporary Impact[1] | Permanent Impact - Physical Loss of Area |
|---|---|
| 2.03 acres | 9.53 acres |

The offset resulted in about 2,175 square feet/0.0499 acres of the ditch being placed outside the permit boundary. The overall interceptor ditch offset does not impact the hydraulic function of the ditch and no additional wetlands or waters of the U.S. beyond those already permitted are impacted.

**Table 3: East Pond 1 Dredge and Fill Quantity to Waters of the State**

| Temporary Impact | Permanent Impact – Physical Loss of Area | Permanent Impact – Habitat Conversion | Permanent Impact – No Habitat Loss |
|---|---|---|---|
| 31.7 acres | 32.47 acres | 1.54 acres | none |

## VII. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because the Project is a restoration project that provides a net environmental benefit by restoring the shallow, mid, and deep water habitats that are being lost as the Sea recedes and becomes more saline, as part of the Salton Sea Management Program Phase I, 10-Year Plan.

[1] 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. Temporary impacts, by definition, are restored to pre-project conditions and, therefore, do not include a physical loss of area or degradation of ecological condition.

## VIII. California Environmental Quality Act (CEQA)

On August 5, 2013, the CNRA, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse Number: 2010061062) for the Project and filed a Notice of Determination (NOD). As a responsible agency, the Colorado River Basin Water Board has reviewed and considered the environmental documents prepared by the California Natural Resources Agency and finds that they address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) Pursuant to CEQA, the Colorado River Basin Water Board has made Findings of Facts (Findings) supporting the issuance of this Order in Attachment C.

In 2017 CNRA filed a CEQA addendum that covers additional area and activities in the Salton Sea Management Program Phase 1, 10-Year Plan. The addendum includes the expanded boundaries.

Since the amendments (interception ditch offset, drain connections tie ins, and East Pond 1) would not change the water resource impacts analyzed in these documents, including beneficial uses, or pollutants discharged to the receiving waters, no changes in these Findings are required.

## IX. Petitions for Reconsideration

Any person aggrieved by this amendment action may petition the State Water Resources Control Board (State Water Board) to reconsider the amendment 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 amended Order.

## X. 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

Impacts to waters of the U.S./state shall not exceed quantities shown in Table 1, Table 2, and Table 3.

### 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.

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**1. Project Reporting**

a. Monthly Reporting: The Permittee must submit a Monthly Report to the Colorado River Basin Water Board on the 15th day of each month for the duration of the construction phase. 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 1st 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 30 days following completion of all Project construction activities. Upon acceptance of the request, Colorado River Basin Water Board staff will 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,[2] and no further Project activities will occur. This request shall be submitted to Colorado River Basin Water Board staff within 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[3]:** 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) the 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

[2] 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.

[3] "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://occupainfo.com/civicax/filebank/blobdload.aspx?BlobID=26396 http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

**ii.** Following notification to OES, the Permittee shall notify the 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/U.S., and runoff from 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.

**d. In-Water Work:**

**i.** The Permittee shall notify the Colorado River Basin Water Board at least 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.

e. **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.

f. **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.

g. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction best management practices (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.
    a. **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 4 sampling parameters, and work in water or stream diversionary discharge(s) to waters of the U.S./state shall conform to the following water quality standards[4] at a minimum:

[4] 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's Executive Officer. 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 USEPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

**Table 4: Sample Type, Frequency, and Water Quality Objectives**

| Parameter | Unit of Measurement | Type of Sample | Minimum Frequency | Water Quality Objective |
|---|---|---|---|---|
| Oil and Grease | N/A | Visual | Continuous | 25 mg/L |
| Dissolved Oxygen | mg/L and % saturation | Grab | Every 4 hours | ≥ 5 mg/L |
| pH | Standard Units | Grab | Every 4 hours | 6 - 9 |
| Turbidity | NTU | Grab | Every 4 hours | Narrative[5] |
| Temperature | °F (or as °C) | Grab | Every 4 hours | Narrative[6] |

In the event that water quality sampling shows an exceedance of water quality objectives, notify the Colorado River Basin Water Board in the Monthly Report.

**b. Dredged Material Evaluation:** Discharges resulting in no habitat loss are associated with the discharge of up to 876,000 cubic yards of predominantly earthen fill into 600 acres of waters of the U.S., for disposal of dredge material into saline wetland ponds adjacent to the intake/dredge channel (Figure 4 of Attachment A). The ponds themselves and the pond shoreline will be waters of the U.S. once constructed; however, the conversion will permanently alter existing conditions (e.g., change bottom elevation and contours). Additionally, the interception ditches are expected to require routine dredging of accumulated sediment to maintain continuous connectivity to the Salton Sea.

*Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. – Testing Manual (Inland Testing Manual)* published by the USACE and U.S. Environmental Protection Agency (USEPA) in February 1998 allows exclusions from testing under specific circumstances. One exclusion is based on the Section 404 (b)(1) Guidelines (Guidelines) section 230.60(c) provides that where the proposed discharge and dredging sites are adjacent and comprised of similar materials and subject to the same source(s) of contaminants, disposal may be conducted without further testing because the discharge is not likely to result in degradation of the discharge site, as long as the potential spread of contaminants to less contaminated areas can be prevented. USACE determined that the proposed dredging activities meet the exclusion condition included in section 230.60 (c) of the Guidelines and no testing of the dredged material is required. The Colorado River Basin Water Board agrees that no testing of the dredged material is necessary in this case.

[5] Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.

[6] The natural receiving water temperature of surface waters shall not be altered by discharges of waste unless it can be demonstrated to the satisfaction of the Colorado River Basin Water Board that such alteration in temperature does not adversely affect beneficial uses.

c. **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.**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 section 3867. Additionally, the Colorado River Basin Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Colorado River Basin Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to ensure compliance with water quality standards and appropriate requirements of state law.

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 ensure 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 Plan by the Colorado River Basin Water Board or any applicable State Water Board 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, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. 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 ensure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee must comply with the requirements of the applicable Clean Water Act section 404 permit and/or Rivers and Harbors Act section 10 permit.

## 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.

6. **Lake and Streambed Alteration Agreement** – The Permittee shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Colorado River Basin Water Board immediately upon execution and prior to any discharge to waters of the U.S.

## G. Construction

### Good Site Management "Housekeeping"

1. The Permittee shall follow good site management "housekeeping" and implement erosion control, sediment control, and other construction-related best management practices (BMPs) depicted in Table 5 below.

2. Ground-disturbing activities (work area preparation, grading, clearing, grubbing, trenching, construction, and decommissioning activities) shall comply with biological monitoring standards outlined in the issued Streambed Alteration Agreement or other Department of Fish and Wildlife agreement and be subject to approval by the Colorado River Basin Water Board.

3. The area of vegetation and soil disturbance shall be restricted to the smallest extent possible.

4. The Project would comply with the Imperial County Air Pollution Control District's Regulation VIII rules for fugitive dust control (general requirements, construction and earthmoving activities, bulk materials, open areas, and conservation management practices), which are required for all projects.

5. After completing construction activities, any disturbed areas shall be restored to pre-existing contours and conditions to the extent feasible.

**Table 5: BMPs**

| Type of BMP | BMP | Application |
|---|---|---|
| Dredging BMPs | Erosion control | Implement erosion control BMPs to mitigate soil erosion, minimize soil loss from wind erosion, and to reduce air pollution during dredging 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 site for all disturbed areas. Examples: silt fence, fiber rolls, gravel bags, dewatering filtration. |

| Type of BMP | BMP | Application |
|---|---|---|
| | General site and materials management | Implement general site and materials management BMPs for materials and waste management. Examples: material delivery and storage management, spill prevention and control, concrete waste management, solid waste management, sanitary waste management, hazardous waste management. |
| Post-Dredging 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**

6. 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.

7. 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.

8. No fueling or maintenance of equipment or vehicles shall occur adjacent or within the wash/drainage areas.

**Roads**

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

**Sediment Control**

10. The Permittee shall 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.

11. The Permittee shall implement off-site sediment tracking control BMPs for reducing the transport of sediment on tires off of and within the construction site. Examples: stabilized construction entrance/exit tire wash, entrance/exit inspection and cleaning facility.

**Stabilization/Erosion Control**

12. The Permittee shall develop and implement an Erosion and Sediment Control Plan (ESCP) including 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.

**Stormwater**

13. The 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.
14. Post-construction, the Permittee shall implement channel protection BMPs to protect banks of the channels as well as the slopes.
15. Post-construction, the Permittee shall implement outlet protection BMPs to reduce discharge/water velocity. Examples: energy dissipater outlet protection, velocity dissipation devices.

**Placement of Dredged Material**

16. The Permittee shall visually monitor the disposal operations as well as areas of excessive turbidity associated with the extended boom excavator.
17. Visual monitoring of sediment movement and turbidity levels shall be performed by the Permittee during and after sediment placement.

## H. Mitigation for Temporary Impacts

1. 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 to waters of the U.S.

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## XI. Water Quality Certification

I hereby amend the Order for the Species Conservation Habitat Project, WDID No. 7A1331126001, certifying under Clean Water Act section 401 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). Pursuant to State Water Board Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements (WDRs) under the Porter-Cologne Water Quality Control Act (Water Code, § 13000 et seq.).

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 Basin Plan and policies.

*Original Signed By* — *3/26/2025*
Michael Placencia — Date
Executive Officer
Colorado River Basin
Regional Water Quality Control Board

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

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**Attachment A**
**Project Maps**

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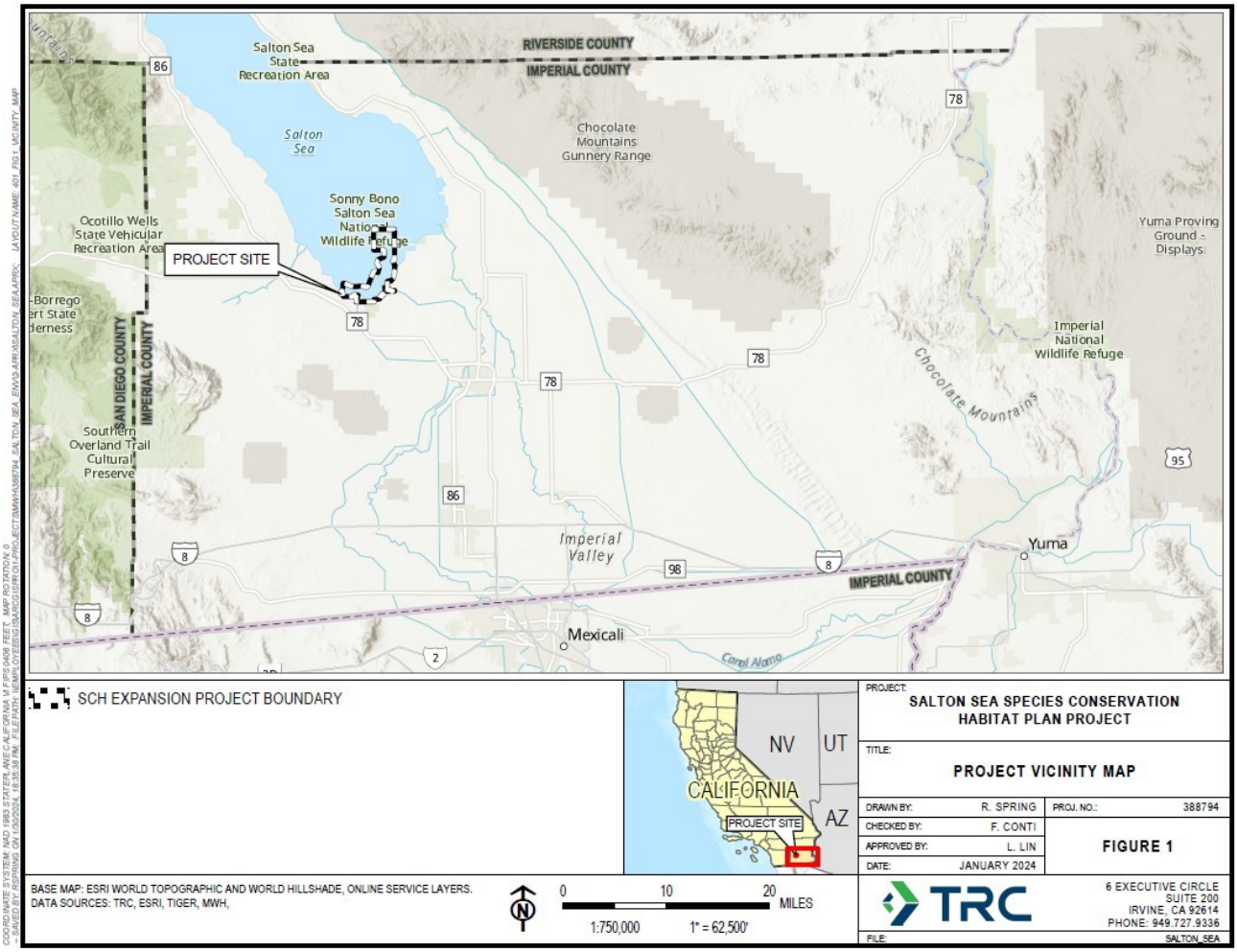


**Figure 1.** Project Location[7]

[7] Salton Sea Species Conservation Habitat Project (Project), February 2024, Imperial County, California.

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**Figure 2.** Impact sites

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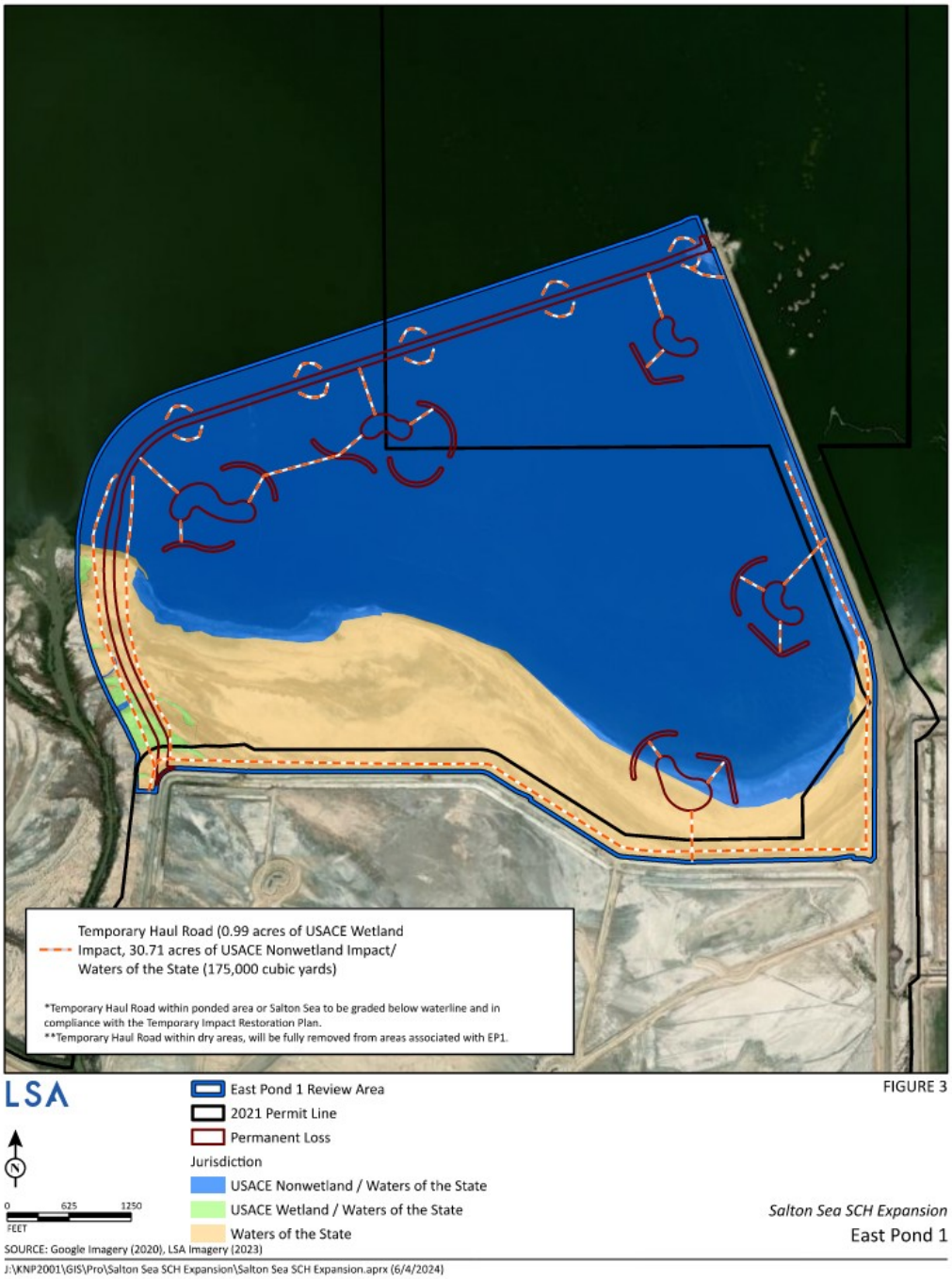


**Figure 3.** East Pond 1

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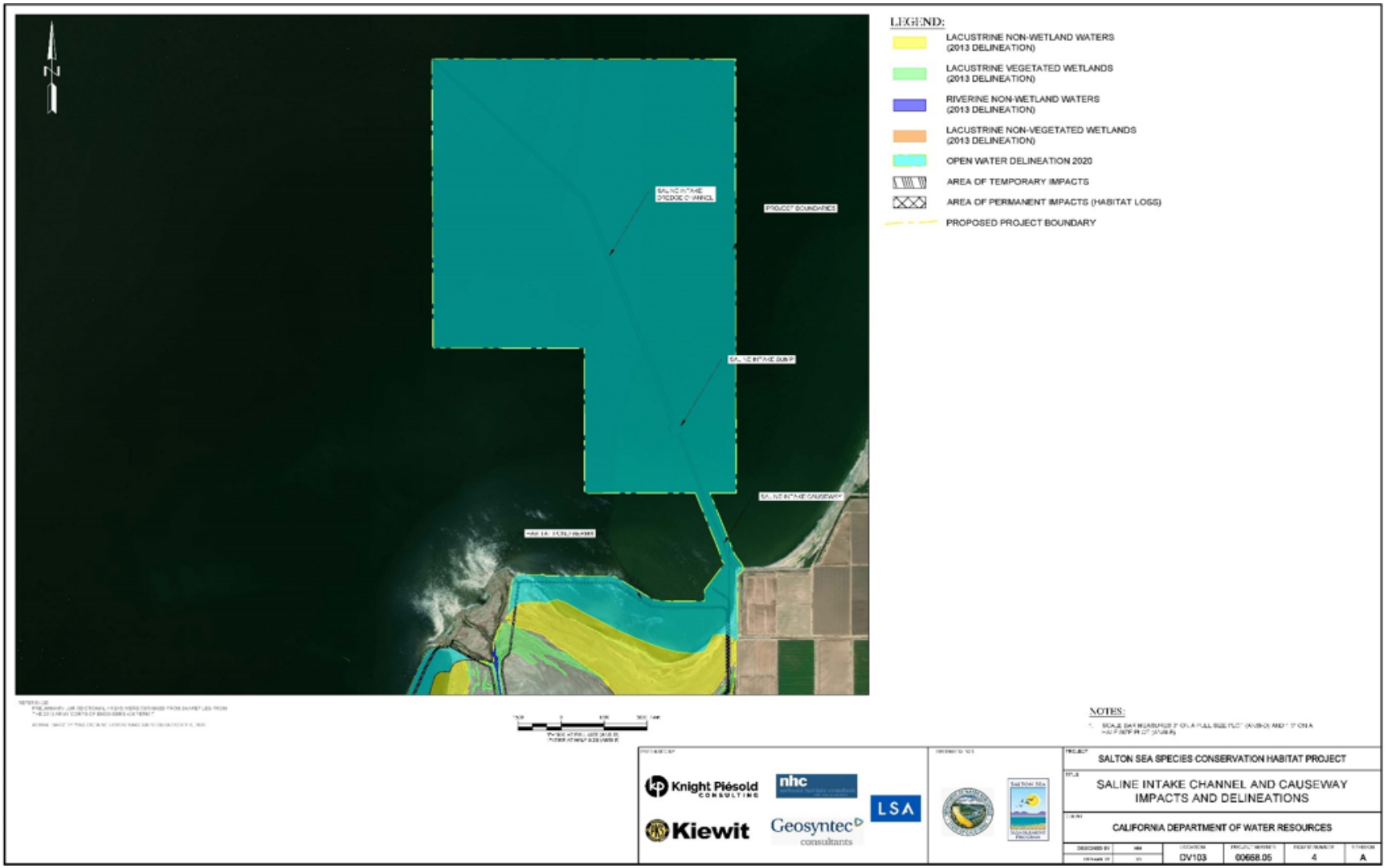


**Figure 4:** Saline Intake Channel and Causeway Impacts and Delineation

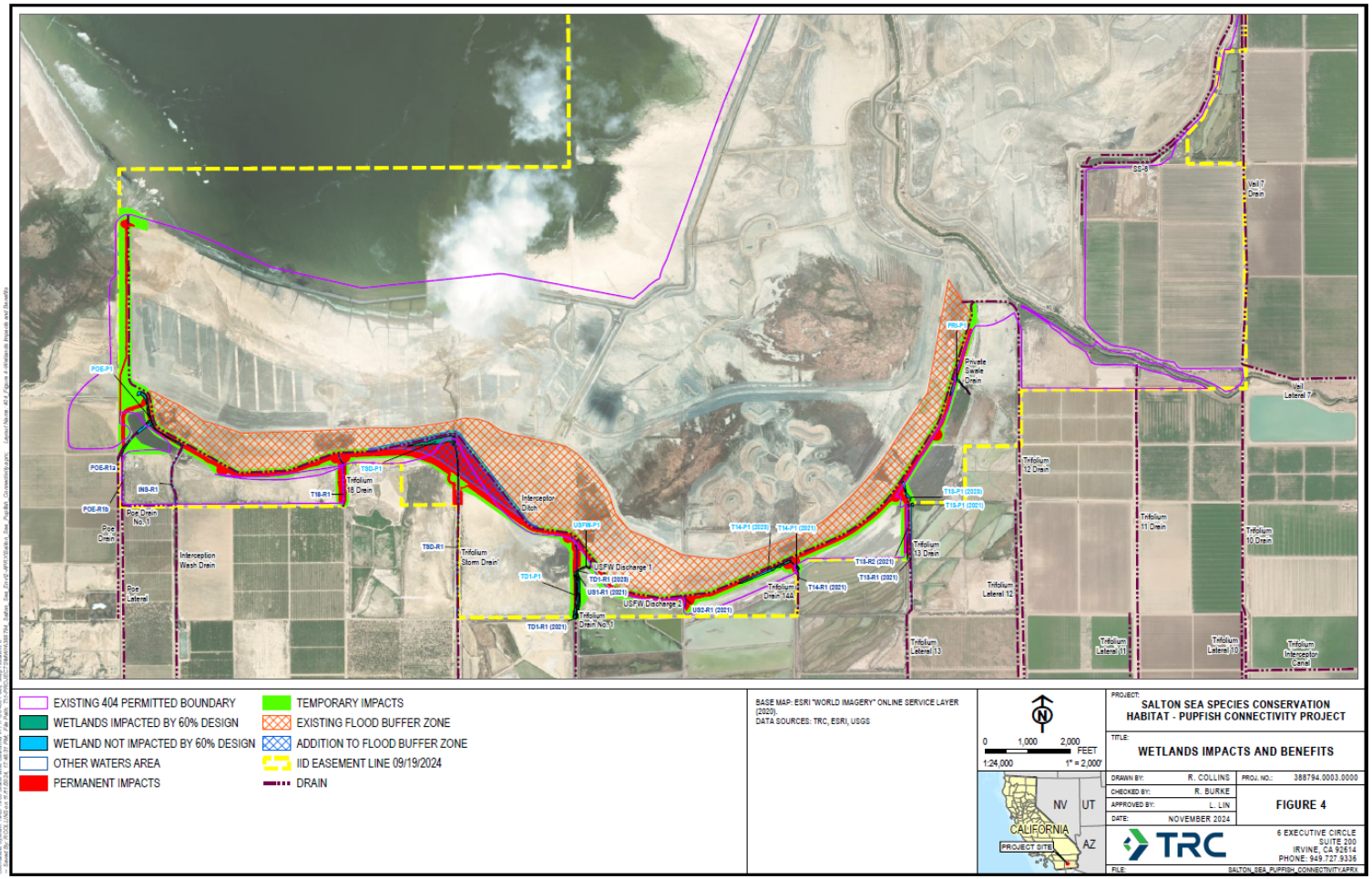


**Figure 5:** Temporary and permanent impacts due to the Pupfish Connectivity Project (2025 Amendment)[8]

[8] Figure submitted with the Modifications to Project Report received by Regional Water Board staff on December 12, 2024. Project components and impacts based on the 60% design package.

**Attachment B**
**Receiving Waters, Impact, and Mitigation Information**

## Receiving Waters

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

**Table 1: Receiving Water(s) Information**

| Non-Federal Waters | Impact Site ID | Waterbody Name | Impacted Aquatic Resource Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant(s) | eCRAM ID |
|---|---|---|---|---|---|---|---|---|
| No | 1 | Salton Sea | Saline Lake | Salton Sea Hydrologic Unit (USGS Hydrologic Unit 18100200) (HUC-8) | Salton Sea | AQUA, IND[9], REC I, REC II, WARM, WILD, RARE | Ammonia, Arsenic, Chloride, Chloropyrifos, DDE, DDT, Enterococcus, Low Dissolved Oxygen, Nutrients, Salinity, Toxicity | N/A |
| No | 2 | New River (Imperial County) | River & Stream | Salton Sea Hydrologic Unit (USGS Hydrologic Unit 18100200) (HUC-8) | Salton Sea | FRSH, IND[9], REC I, REC II, WARM, WILD, RARE | Ammonia, Bifenthrin, Chlordane, Chloride, Chlorpyrifos, Cyhalothrin, Lambda Cypermethrin, DDD, DDE, DDT, Diazinon, Dieldrin, Disulfoton, Hexachlorobenzene/ HCB, Imidacloprid, Indicator Bacteria, Malathion, Mercury, Naphthalene, Nutrients, Organic Enrichment/Low Dissolved Oxygen, PCBs, Pyrethroids, Sediment, Selenium, Toxaphene, Toxicity, Trash | N/A |

[9] Potential

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| 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(s) | eCRAM ID |
|---|---|---|---|---|---|---|---|---|
| No | 3 | Imperial Valley Drains | River & Stream | Salton Sea Hydrologic Unit (USGS Hydrologic Unit 18100200) (HUC-8) | Salton Sea | FRSH, REC I, REC II, WARM, WILD, RARE | Ammonia, Chlordane, Chlorpyrifos, DDE, DDT, Dieldrin, Disulfoton, Imidacloprid, PCBs, Sedimentation/Siltation, Selenium, Toxaphene, Toxicity | N/A |
| No | 4 (East Pond 1) | Salton Sea | Saline Lake | Salton Sea Hydrologic Unit (USGS Hydrologic Unit 18100200) (HUC-8) | Salton Sea | AQUA, IND[9], REC I, REC II, WARM, WILD, RARE | Ammonia, Arsenic, Chloride, Chloropyrifos, DDE, DDT, Enterococcus, Low Dissolved Oxygen, Nutrients, Salinity, Toxicity | N/A |

## Individual Direct Impact Locations

The following table shows individual impact locations.

**Table 2: Individual Direct Impact Information**

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Temporary Dredge Impacts | Permanent Dredge Impacts | Temporary Fill/ Excavation Impacts | Permanent Fill/ Excavation Impacts |
|---|---|---|---|---|---|---|---|
| 1 and 2 | 33.108887 N | -115.697395 W | No | N/A | 876,000 cubic yards[10] | 170,000 cubic yards[11] | 5,163,600 cubic yards[12] |
| 3 | 33.109 N | -115.702 W | No | 2.03 acres | 9.53 acres | N/A | N/A |

[10] No habitat loss is associated with the discharge of up to 876,000 cubic yards of predominantly earthen fill into 600.0 acres of waters of the U.S. for disposal of dredge material into saline wetland ponds.

[11] Temporary discharges of up to 170,000 cubic yards of temporary earthen fill material into 210.5 acres of waters of the U.S., including 94.2 acres of wetlands, for the temporary construction of staging areas (27.5 acres).

[12] Discharges of 5,163,600 cubic yards of predominantly earthen fill into 3,476.9 acres of waters of the U.S., including 429.3 acres of wetlands, are associated with the following fill material quantities:

a. Up to 2,777,850 cubic yards of earthen fill into 1,887.6 acres of waters of the U.S. for the construction of islands and habitat features, through the conversion of wetlands, riverine, and open water resources into saline wetland ponds. The ponds themselves and the pond shoreline would be considered waters of the U.S. once constructed; however, the conversion would permanently alter existing conditions (e.g., change bottom elevation and contours). All 1,887.6 acres are considered habitat type conversions

b. Up to 2,110,050 cubic yards of earthen fill into 1,484.8 acres of waters of the U.S. for the construction of perimeter berms within and adjacent to the Salton Sea. Of the 1,484.8 acres, 51.0 acres would result in permanent loss and 1,433.8 acres would include habitat type conversion;

c. Up to 142,500 cubic yards of earthen fill into 67.1 acres of waters of the U.S. for the construction of the causeway. Of the 67.1 acres, 2.5 acres would result in permanent loss and 64.6 acres would include habitat type conversion

d. Up to 99,600 cubic yards of earthen fill into 25.9 acres of waters of the U.S. for the construction of interceptor ditches and access roads. Two 35-foot-wide earthen interception ditches would be created along the southern/southeastern perimeter of the ponds, to capture agricultural runoff before it enters the ponds. These interception ditches are expected to require routine dredging to maintain continuous connectivity to the Salton Sea

e. Up to 33,600 cubic yards of earthen fill will be discharged into 11.5 acres of waters of the U.S. for the construction of two sedimentation/mixing basins on either side of the New River (9.8 acres) and a New River water diversion structure (1.7 acres).

| Impact Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation? | Temporary Dredge Impacts | Permanent Dredge Impacts | Temporary Fill/ Excavation Impacts | Permanent Fill/ Excavation Impacts |
|---|---|---|---|---|---|---|---|
| 4[13] | 33.132844 N | -115.709761 W | No | N/A | N/A | N/A | 65 acres 2,471,479 cubic yards |

[13] The East Pond 1 would result in discharges of 2,471,479 cubic yards of predominantly earthen fill into 64.17 (65) acres of waters of the U.S:

a. Up to 2,296,479 cy of predominantly earthen fill into 32.47 acres of waters of the U.S., including 1.04 acres of wetlands, would be utilized for the construction of East Pond 1 including the perimeter berms, islands, and habitat features. All 32.47 acres would be considered permanent loss of waters of the U.S.
b. East Pond 1 would result in permanent habitat conversion of up to 1.54 acres of wetland waters of the U.S. since these areas will be inundated to create functional shallow water fish habitat within EP 1 and not resulting from the direct placement of fill
c. Up to 175,000 cy of predominantly earthen fill into 31.7 acres of waters of the U.S., including 0.99 acres of the wetlands, for the construction of temporary haul roads to construct the in-pond islands and pond features all 31.7 acres are considered a temporary impact.

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**Attachment C**
**CEQA Findings**

## A. Environmental Review

On August 5, 2013, the CNRA, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse Number: 2010061062) for the Project and filed a Notice of Determination (NOD). In September 2017, the CNRA also issued an Addendum to the FEIR for the Project.

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 CNRA's certified environmental documents comport with the requirements of CEQA and are valid. (Pub. Resources Code, §§ 21080.1, subd. (a), 21167.2.) The Colorado River Basin Water Board has reviewed and considered the environmental documents and finds that the environmental documents prepared by the CNRA address the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f), (h).) The environmental documents include the mitigation monitoring and reporting program (MMRP) developed by the CNRA for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

## B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the FEIR, the Addendum to the FEIR, the application for this Order, and other supplemental documentation. All CEQA project impacts are analyzed in detail in the FEIR, which is incorporated herein by reference and available at: Final EIR Salton Sea SCH[14] and EIR Appendices[15]. 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.

[14] https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Integrated-Regional-Water-Management/Salton-Sea-Unit/Salton-Sea-Species-Conservation-Habitat-Project-EIR-EIS/SaltonSea-Species-ConservationHabitat-Project-Final-EIS-EIR-2013_ay_19.pdf?la=en&hash=CF8FB57F0B4FB7B7EF3C78A9F3DDC0C3F2A43BAC

[15] https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Integrated-Regional-Water-Management/Salton-Sea-Unit/Salton-Sea-Species-Conservation-Habitat-Project-EIR-EIS/Salton-Sea-EIR_Appendices_a_y19.pdf?la=en&hash=C62B174C8EB878CA890BF2D725976767C07C3CC8

**C. Findings and Determination**

The FEIR describes the potential significant environmental effects from the Project to water resources. 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, when implemented in accordance with the mitigation measures required in MMRP and the conditions in this Order (Cal. Code Regs., tit. 14, § 15096, subd. (h).).

Since the proposed amendment would not change the water resource impacts analyzed in these documents, including beneficial uses, or pollutants discharged to receiving waters, no changes in these Findings are required.

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

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 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 Colorado River Basin 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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**Attachment E**
**Reporting Requirements**

## 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.html
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.
    a. **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.
    b. **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.
    c. **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:**
    a. Submit signed Report and Notification Cover Sheet and required information via email to: coloradoriver@waterboards.ca.gov and cc: Logan.Raub@waterboards.ca.gov
    b. Include in the subject line of the email: Subject: ATTN: Logan Raub; Reg. Measure ID: 383034_Report

Reg. Meas. ID: 383034
Place ID: 776757
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## 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.

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## 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.

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## REPORT AND NOTIFICATION COVER SHEET

| | |
|---|---|
| **Project:** | Species Conservation Habitat |
| **Permittee:** | Department of Water Resources |
| **WDID No.:** | 7A133126001 |
| **Reg. Meas. ID:** | 383034 |
| **Place ID:** | 776757 |
| **Order Effective Date:** | March 26, 2025 |

## 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 |

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"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**[16] | **Affiliation and Job Title** |
| **Signature** | **Date** |

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.**

[16] STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

Meas. ID: 383034
Place ID: 776757
WDID NO: 7A133126001

## Part A – Project Reporting

| Report Type 1 | Monthly Report |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff of the Project status and environmental compliance activities on a monthly basis. |
| **When to Submit** | On the 15th day of every month until a Notice of Project Complete Letter is issued to the Permittee. |
| **Report Contents** | **1. Construction Summary**<br>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[17]). If construction has not started, provide estimated start date.<br><br>**2. Event Summary**<br>Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.<br><br>**3. Photo Summary**<br>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.<br><br>**4. Compliance Summary**<br>**a)** List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.<br>**b)** List associated monitoring reports for the reporting period. |

[17] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

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|---|---|
| | **c)** Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.<br>**d)** Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution. |

| **Report Type 2** | **Annual Report** |
|---|---|
| **Report Purpose** | Notify the Colorado River Basin Water Board staff of Project status during both the active discharge and post-discharge monitoring periods. |
| **When to Submit** | Annual reports shall be submitted each year on December 31st. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee. |
| **Report Contents** | The contents of the annual report shall include the topics indicated below for each project period. Report contents are outlined in Annual Report Topics below.<br>**<u>During the Active Discharge Period</u>**<br>• Topic 1: Construction Summary<br>• Topic 2: Mitigation for Temporary Impacts Status<br>• Topic 3: Compensatory Mitigation for Permanent Impacts Status<br>**<u>During the Post-Discharge Monitoring Period</u>**<br>• Topic 2: Mitigation for Temporary Impacts Status<br>• Topic 3: Compensatory Mitigation for Permanent Impacts Status |

**Annual Report Topics (1-3)**

| **Annual Report Topic 1** | **Construction Summary** |
|---|---|
| **When to Submit** | With the annual report during the Active Discharge Period. |
| **Report Contents** | **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. |

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| | **2.** Map showing general Project progress.<br>**3.** If applicable:<br>**a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below).<br>**b.** Summary of Certification Deviations. See Certification Deviation Attachment for further information. |
| **Annual Report Topic 2** | **Mitigation for Temporary Impacts Status** |
| **When to Submit** | With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period. |
| **Report Contents** | **1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.**<br>**2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan. |
| **Annual Report Topic 3** | **Compensatory Mitigation for Permanent Impacts Status** |
| **When to Submit** | With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period. |
| **Report Contents** | ***If not applicable report N/A.**<br>**Part A. Permittee Responsible**<br>**1.** Planned date of initiation of compensatory mitigation site installation**.**<br>**2.** If installation is in progress, a map of what has been completed to date.<br>**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.<br>**Part B. Mitigation Bank or In-Lieu Fee**<br>**1.** Status or proof of purchase of credit types and quantities.<br>**2.** Include the name of bank/ILF Program and contact information.<br>**3.** If ILF, location of project and type if known. |

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## Part B – Project Status Notifications

| Report Type 3 | Commencement of Construction |
|---|---|
| **Report Purpose** | Notify Colorado River Basin Water Board staff prior to the start of construction. |
| **When to Submit** | Must be received at least seven (7) days prior to start of initial ground disturbance activities. |
| **Report Contents** | **1.** Date of commencement of construction.<br>**2.** Anticipated date when discharges to waters of the state will occur.<br>**3.** Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. |

| Report Type 4 | Request for Notice of Completion of Discharges Letter |
|---|---|
| **Report Purpose** | 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. |
| **When to Submit** | Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project construction activities. |
| **Report Contents** | **1.** Status of storm water Notice of Termination(s), if applicable.<br>**2.** Status of post-construction storm water BMP installation.<br>**3.** Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.<br>**4.** Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.<br>**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. |

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| **Report Type 5** | **Request for Notice of Project Complete Letter** |
|---|---|
| **Report Purpose** | 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. |
| **When to Submit** | Must be received by Colorado River Basin Water Board staff within thirty (30) days following completion of all Project activities. |
| **Report Contents** | **Part A: Mitigation for Temporary Impacts**<br>**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.<br>**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.<br>**Part B: Permittee Responsible Compensatory Mitigation**<br>**3.** A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.<br>**4.** Status on the implementation of the long-term maintenance and management plan and funding of endowment.<br>**5.** Pre- and post-photo documentation of all compensatory mitigation sites.<br>**6.** Final maps of all compensatory mitigation areas (including buffers).<br>**Part C: Post-Construction Storm Water BMPs**<br>**7.** Date of storm water Notice of Termination(s), if applicable.<br>**8.** Report status and functionality of all post-construction BMPs. |

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## Part C – Conditional Notifications and Reports

| Report Type 6 | Accidental Discharge of Hazardous Material Report |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff that an accidental discharge of hazardous material has occurred. |
| **When to Submit** | Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Colorado River Basin Water Board staff. |
| **Report Contents** | **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.<br>**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.<br>**3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring. |

| Report Type 7 | Violation of Compliance with Water Quality Standards Report |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff that a violation of compliance with water quality standards has occurred. |
| **When to Submit** | The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event to Colorado River Basin Water Board staff. |
| **Report Contents** | The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Colorado River Basin Water Board staff. |

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| **Report Type 8** | **In-Water Work and Diversions Water Quality Monitoring Report** |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff of the completion of in-water work. |
| **When to Submit** | Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan. |
| **Report Contents** | As required by the approved water quality monitoring plan. |

| **Report Type 9** | **Modifications to Project Report** |
|---|---|
| **Report Purpose** | 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. |
| **When to Submit** | If Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. |
| **Report Contents** | A description and location of any alterations to Project implementation. Identification of any Project modifications that will interfere with the Permittee’s compliance with the Order. |

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| **Report Type 10** | **Transfer of Property Ownership Report** |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area. |
| **When to Submit** | At least 10 working days prior to the transfer of ownership. |
| **Report Contents** | **1.** A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:<br>**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<br>**b.** responsibility for compliance with any long-term BMP[18] maintenance plan requirements in this Order.<br>**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. |

| **Report Type 11** | **Transfer of Long-Term BMP Maintenance Report** |
|---|---|
| **Report Purpose** | Notifies Colorado River Basin Water Board staff of transfer of long-term BMP maintenance responsibility. |
| **When to Submit** | At least 10 working days prior to the transfer of BMP maintenance responsibility. |
| **Report Contents** | A copy of the legal document transferring maintenance responsibility of post-construction BMPs. |

[18] Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.