Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	17 August 2023
Expiration Date:	16 August 2028
Program Type:	Fill/Excavation
Project Type:	Residential

Reg. Meas. ID:	452536
Place ID:	888143
WDID No.:	5A31CR00597
USACE No.:	SPK-2022-00341 Letter of Permission

Project: Creekview Ranch North Project (Project)

Applicant: Creekview Ranch 2, LLC

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Water Board Contact Person: If you have any questions, please call Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) Staff listed above or (916) 464-3291 and ask to speak with the Water Quality Certification Unit Supervisor.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of Creekview Ranch 2, LLC (hereinafter Permittee) for the Project. This Order is for the purpose described in the application submitted by the Permittee. The application was received on 8 May 2023. The application was deemed complete on 6 June 2023. The Central Valley Water Board staff requested additional information necessary to supplement the contents of the complete application and the Permittee responded to the request for supplemental information on the following dates:

Date of Request for Supplemental Information: **6 June 2023**
Date all requested information was received: **21 June 2023**

II. Public Notice

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 12 May 2023 to 2 June 2023. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the project is to mass grade the site for future development of single family residential housing and associated infrastructure.

IV. Project Description

The 121-acre project consists of mass grading the project site to develop future single family residential housing, along with associated infrastructure and roadway improvements.

Two vehicle bridge crossings will be constructed over intermittent drainages within the project site. Bridge 1, the northernmost bridge, will be a single span bridge crossing approximately 113 feet in length with wingwalls and a single abutment on each side. Bridge 2, which crosses the western portion of the intermittent drainage, will also be a single span crossing measuring approximately 114 feet in length with wingwalls and a single abutment on each side.

Open space areas and a trail system along the intermittent drainages and Dry Creek will also be developed within the project site, which will include the construction of three pedestrian trail low-water crossings of the intermittent drainages. Two crossings will be located along the intermittent drainage near the northern Project limits just south of the Dry Creek corridor, and one crossing will be located within the interior of the subdivision area. These crossings would be constructed as culverts with a minimum cover of 18 inches and would be of sufficient size to allow the passage of aquatic organisms anticipated to be present during low flow periods.

The Project also requires reconstruction of an existing culvert crossing of PFE Road that carries flow of the easternmost intermittent tributary drainage. This culvert

crossing will be an approximately 230-foot-long plate double arch culvert under PFE Road. Installation of the culvert will require channel realignment upstream and downstream of the existing crossing in order to address peak flow restrictions associated with the existing culvert, consistent with Placer County standards. The existing culvert provides limited wildlife passage, and the new plate arch culvert will be an improvement on the existing condition, supporting and open bottom under each arch and an inner height of six feet and four inches.

The project is within the permit area for the Western Placer County Habitat Conservation Plan (PCCP) was developed in accordance with the PCCP watershed plan.

V. Project Location

Address: 2360 PFE Road

County: Placer

Nearest City: Roseville

Sections 9 and 16, Township 10 North, Range 6 East, MDB&M.

Latitude: 38.732047° and Longitude: -121.327583°

Maps showing the Project location are found in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Central Valley Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan). The plan for the region and other plans and policies may be accessed at the State Water Resources Control Board's Plans and Policies Web page (http://www.waterboards.ca.gov/plans_policies/). The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact 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 state impacted by the Project. Individual impact location and quantity is shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

The Project will result in the permanent fill of 1.9 acres of waters of the state and temporary impacts to 0.53 acre of waters of the state. Permanent impacts to seasonal wetlands, seasonal wetland swales, and vernal pools would occur throughout the Project site as a result of grading and road improvements. Permanent impacts to small areas of intermittent drainage would occur as a result of replacing the culvert crossing under PFE Road for the easternmost intermittent tributary, two vehicle bridge crossings, and three pedestrian bridge crossings. Permanent impacts to small portions of two ephemeral streams would occur as a result of site grading. Permanent impacts to portions of roadside ditch along PFE Road would occur as a result of roadway frontage improvements required to support the development.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 through 2. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts[1]

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Intermittent Drainage	0.514	829	402
Ephemeral Drainage	0.012	19	106
Roadside Ditch	0.003	4	94

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Intermittent Drainage	0.45	721	1,138
Ephemeral Drainage	0.02	33	332
Vernal Pool	0.5	812	
Seasonal Wetland	0.38	610	
Seasonal Wetland Swale	0.51	824	
Roadside Ditch	0.04	67	1,027

[1] Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. 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. Description of Indirect Impacts to Waters of the State

The Central Valley Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts that may occur as a result of the Project include accidental construction related impacts to avoided wetland and stream channel areas, as well as a reduction in water quality of receiving waters as a result of increased impervious surfaces. Through the implementation of construction Best Management Practices (BMPs), Avoidance and Minimization Measures (AMMs), and stormwater management systems, indirect impacts are expected to be avoided.

IX. Avoidance and Minimization

To minimize the potential effects of construction on water quality and resources, the Permittee shall implement all measures required as described in the Order. According to the Permittee, the following measures will be in place during construction activities to avoid, reduce, and minimize impacts to waters of the state:

- A storm water pollution prevention plan (SWPPP) will be developed for the Project and will include BMPs that focus on preventing direct and indirect impacts to the avoided areas, including downstream areas of the intermittent drainages and Dry Creek.
- Dry Creek will be separated from the development area by a minimum 300-foot setback; the setback distance may be larger in some locations due to the floodplain width and/or zoning and land use designations for the corridor. The setback width is consistent with PCCP requirements.
- BMPs will include exclusion fencing to prevent accidental encroachment into the avoided areas.
- BMPs outlined in the SWPPP may include silt fencing, and/or other mechanisms to prevent sediment from passing into avoided areas.
- The drainages will have varying widths of protection based on the width of the post-project 100-year floodplain, which will provide direct impact avoidance.
- The permittee will adhere to the PCCP conditions on covered activities and stream system avoidance and minimization measures, submitted as Attachment E of the application.

The project added 73.99 acres of new impervious surfaces. Impervious surfaces cause reduced base flows through decreased groundwater recharge; increased erosion and sedimentation via hydro-modification (i.e., any activity that increases the velocity and volume (flow rate) affecting residence time, and alters the natural timing of runoff); and accumulation of pollutants that are subsequently discharged in storm water after construction. With the implementation of Low Impact Development (LID) treatments, the effects of impervious surfaces were minimized to the following waters of the state: Dry Creek.

X. Compensatory Mitigation

The Permittee has agreed to provide compensatory mitigation for direct impacts, described in section XIV.K for permanent impacts.

XI. California Environmental Quality Act (CEQA)

On April 18, 2023, Placer County, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2021070362) for the Project and filed a Notice of Determination (NOD) at the SCH on April 18, 2023. Pursuant to CEQA, the Central Valley Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

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

XIII. Fees Received

An application fee of $2,734.00 was received on 10 May 2023. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

An additional fee of $56,475.00 based on total Project impacts was received on 21 June 2023.

XIV. Conditions

The Central Valley 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 state shall not exceed quantities shown in Tables 1 through 2.

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 D, 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 D, which must be signed by the Permittee or an authorized representative.

The Permittee must submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Project Name, and WDID No. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

1. **Project Reporting**
   a. **Monthly Reporting:** The Permittee must submit a Monthly Report to the Central Valley Water Board on the 1st day of each month beginning the month after the submittal of the Commencement of Construction Notification. Monthly reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.
   b. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of September beginning one year after the effective date of the Order. Annual reporting shall continue until the Central Valley Water Board issues a Notice of Project Complete Letter to the Permittee.

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 and corresponding Waste Discharge Identification Number (WDID No.) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002).
   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 Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Central Valley Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period.
   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, and no further Project activities will occur. Completion of post-construction monitoring shall be determined by Central Valley Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria. This request shall be submitted to Central Valley

Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Central Valley Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials[2]:

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 13271):

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:

- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at:(800) 852-7550 or (916) 845-8911
- Lastly, follow the required OES, procedures as set forth in the Office of Emergency Services' Accidental Discharge Notification Web page (http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf).

ii. Following notification to OES, the Permittee shall notify Central Valley Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.

iii. Within five (5) working days of notification to the Central Valley Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

[2] "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 & Safety Code, Section 25501.)

b. Violation of Compliance with Water Quality Standards:

The Permittee shall notify the Central Valley Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work and Diversions:

i. The Permittee shall notify the Central Valley Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, 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 Central Valley Water Board staff.

d. Modifications to Project:

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Central Valley 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 Central Valley Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Property Ownership:

This Order is not transferable in its entirety or in part to any person or organization except after notice to the Central Valley Water Board in accordance with the following terms:

i. The Permittee must notify the Central Valley 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 Central Valley Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

ii. Until such time as this Order has been modified to name the purchaser as the permittee, the Permittee shall continue to be responsible for all requirements set forth in this Order.

f. Transfer of Long-Term BMP Maintenance:

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the Central Valley 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 Central Valley 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 during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete). Sampling is not required in a wetland where the entire wetland is being permanently filled, provided there is no outflow connecting the wetland to surface waters. The Permittee shall perform surface water sampling:

a. when performing any in-water work;

b. during the entire duration of temporary surface water diversions;

c. in the event that the Project activities result in any materials reaching surface waters; or

d. when any activities result in the creation of a visible plume in surface waters.

2. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Central Valley Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. In-Water Work or Diversions

During planned in-water work, dewatering activities, or during the installation of removal of temporary water diversions, any discharge(s) to waters of the state shall conform to the following water quality standards:

a. Waters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.

b. Activities shall not cause turbidity increases in surface water to exceed:

i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;

ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;

iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;

iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;

v. where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior permission of the Central Valley Water Board Executive Officer.

Sampling during in-water work or during the entire duration of temporary water diversions shall be conducted in accordance with Table 3 sampling parameters.[3] The sampling requirements in Table 3 shall be conducted upstream out of the influence of the Project, and approximately 300 feet downstream of the work area.

The sampling frequency and/or monitoring locations may be modified for certain projects with written approval from Central Valley Water Board staff. An In-Water Work and Diversion Water Quality Monitoring Report, as described in Attachment D, shall be submitted within two weeks on initiation of in-water construction, and every two weeks thereafter. In reporting the data, the Permittee shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Order requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity

[3] 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 Central Valley Water Board staff. Grab samples shall be taken between the surface and mid-depth and not be collected at the same time each day to get a complete representation of variations in the receiving water. A hand-held field meter may be used, provided the meter utilizes a U.S. EPA-approved algorithm/method and is calibrated and maintained in accordance with the manufacturer's instructions. A calibration and maintenance log for each meter used for monitoring shall be maintained onsite.

increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria in XIV.C.3

If no sampling is required, the Permittee shall submit a written statement stating, “No sampling was required” within two weeks on initiation of in-water construction, and every two weeks thereafter.

Table 3: Sample Type and Frequency Requirements

Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Turbidity	NTU	Grab	Every 4 hours
Visible construction related pollutants[4]	Observations	Visual Inspections	Continuous throughout the construction period

4. Post-Construction

Visually inspect the Project site during the rainy season for one year following completion of active Project construction activities 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, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, title 23, Chapter 28, article 6 commencing with sections 3867-3869, inclusive. Additionally, the Central Valley Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Central Valley 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 (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition

[4] Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

constitutes a limitation necessary to assure 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 assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this Order, the Central Valley 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. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program (MMRP) (include title and date of MMRP) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.

7. **Construction General Permit Requirement:** The Permittee shall obtain 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), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E 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 & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must comply with the California Endangered Species Act and federal Endangers Species Act 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 Central Valley 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 or Streambed Alteration Agreement: The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's Lake or Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. Dewatering

a. The Permittee shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities and include water quality monitoring conducted, as described in section XIV.C.3, during the entire duration of dewatering and diversion activities. The Plan(s) must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

b. For any temporary dam or other artificial obstruction being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate section XIV.C.3.

c. The temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

d. If water is present, the area must be dewatered prior to start of work.

e. Dewatering may occur within the Project area.

f. This Order does not allow permanent water diversion of flow from the receiving water. This Order is invalid if any water is permanently diverted as a part of the project.

g. The Permittee shall work with the Central Valley Water Board to obtain coverage under an NPDES permit for dewatering activities that result in discharges into surface water. The Permittee shall work with the Central Valley Water Board to obtain coverage under Waste Discharge Requirements (WDRs) for dewatering activities that result in discharges to land.

2. Directional Drilling – Not Applicable

3. Dredging – Not Applicable

4. Fugitive Dust

Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented, and product-specific application plans are approved by Central Valley Water Board staff.

5. Good Site Management “Housekeeping”

a. The Permittee shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence. The Plan must be made available to the Central Valley Water Board staff upon request.

b. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be

implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Permittee must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

c. All materials resulting from the Project shall be removed from the site and disposed of properly.

6. Hazardous Materials

a. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete or the washing thereof, asphalt, paint, coating material, drilling fluids, or other substances potentially hazardous to fish and wildlife resulting from or disturbed by project-related activities is prohibited and shall be prevented from contaminating the soil and/or entering waters of the state. In the event of a prohibited discharge, the Permittee shall comply with notification requirements in sections XIV.B.3.a and XIV.B.3.b.

b. No wet concrete will be placed into wetland, vernal pool, or stream channel habitat.

7. Invasive Species and Soil Borne Pathogens

Prior to arrival at the project site and prior to leaving the project site, construction equipment that may contain invasive plants and/or seeds shall be cleaned to reduce the spread of noxious weeds.

8. Post-Construction Storm Water Management

a. The Permittee must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:

i. Minimize the amount of impervious surface;

ii. Reduce peak runoff flows;

iii. Provide treatment BMPs to reduce pollutants in runoff;

iv. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;

v. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;

vi. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);

vii. Use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

viii. Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and

ix. Control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

b. The Permittee shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:

i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or

ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or

iii. Written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or

iv. Any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

9. Roads

a. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

b. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

c. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

d. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in California Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

e. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

10. Sediment Control

a. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

b. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the state through the entire duration of the Project.

c. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

11. Special Status Species

The following special status species have been observed within the project area: Sanford's arrowhead (*Sagittaria sanfordii*), Swainson's hawk (*Buteo swainsoni*), and white-tailed kite (*Elanus leucurus*).

12. Stabilization/Erosion Control

a. All areas disturbed by Project activities shall be protected from washout and erosion.

b. Hydroseeding shall be performed with California native seed mix.

13. Storm Water

a. During the construction phase, the Permittee must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:

i. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts, including Project site upland areas, which could result in a discharge to waters of the state to pre-construction contours and conditions upon completion of construction activities in accordance with the restoration plan dated 8 May 2023 and incorporated herein by reference.

2. The Central Valley Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within 90 days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

4. Total required Project compensatory mitigation information for temporary impacts is summarized in Table 4. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 4: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Intermittent Drainage	Permittee Responsible	Acres		0.514				
Ephemeral Drainage	Permittee Responsible	Acres		0.012				
Roadside Ditch	Permittee Responsible	Acres		0.003				

K. Compensatory Mitigation for Permanent Impacts:

Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

1. Final Compensatory Mitigation Plan

The Permittee shall provide compensatory mitigation for impacts to waters of the state in accordance with the Compensatory mitigation plan dated 8 May 2023 and incorporated herein by reference. Any deviations from, or revisions to, the Compensatory Mitigation Plan must be pre-approved by Central Valley Water Board staff. The monitoring period shall continue until the Central Valley Water Board staff determines that performance standards have been met. This may require the monitoring period to be extended.

2. Purchase of Mitigation Credits by Permittee for Compensatory Mitigation

a. A copy of the fully executed agreement for the purchase of mitigation credits shall be provided to the Central Valley Water Board prior to the initiation of in water work.

b. The Permittee shall retain responsibility for providing the compensatory mitigation and long-term management until Central Valley Water Board staff has received documentation of the credit purchase and the transfer agreement between the Permittee and the seller of credits.

3. Total Required Compensatory Mitigation

a. The Permittee is required to provide compensatory mitigation for the authorized impact to vernal pool, seasonal wetland, and stream channel habitat by purchasing in-lieu fee credits from the PCCP In-Lieu Fee program.

b. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 3. [Establishment (Est.), Re-

establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 3: Total Required Project Compensatory Mitigation Quantity for Permanent Physical Loss of Area

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Unknown	In-Lieu Fee Credits	Acres						1.9

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a “Certification Deviation” is a Project locational or impact modification that does not require an immediate amendment of the Order, because the Central Valley Water Board has determined that any potential water quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the Creekview Ranch North Project, WDID # 5A31CR00597, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 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, the Regional Water Boards' Water Quality Control Plans and Policies.

Original Signed by Anne Walters for:
Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board

Attachment A: Project Maps
Attachment B: Receiving Waters, Impacts, and Mitigation Information
Attachment C: CEQA Findings of Facts
Attachment D: Report and Notification Requirements
Attachment E: Signatory Requirements
Attachment F: Certification Deviation Procedures
Attachment G: Compliance with Code of Federal Regulations

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Attachment A – Project Maps

Figure 1: Project Location Map

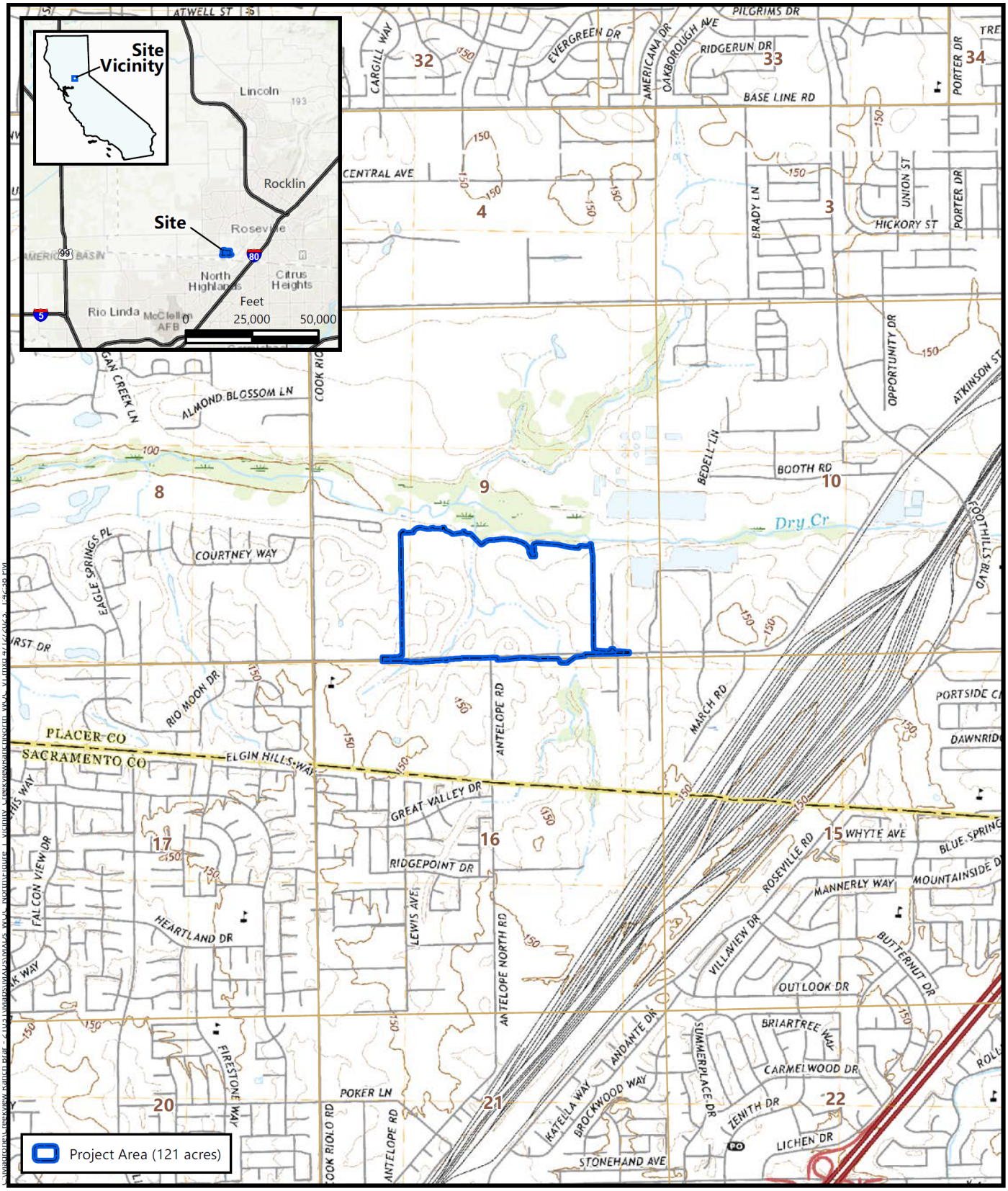
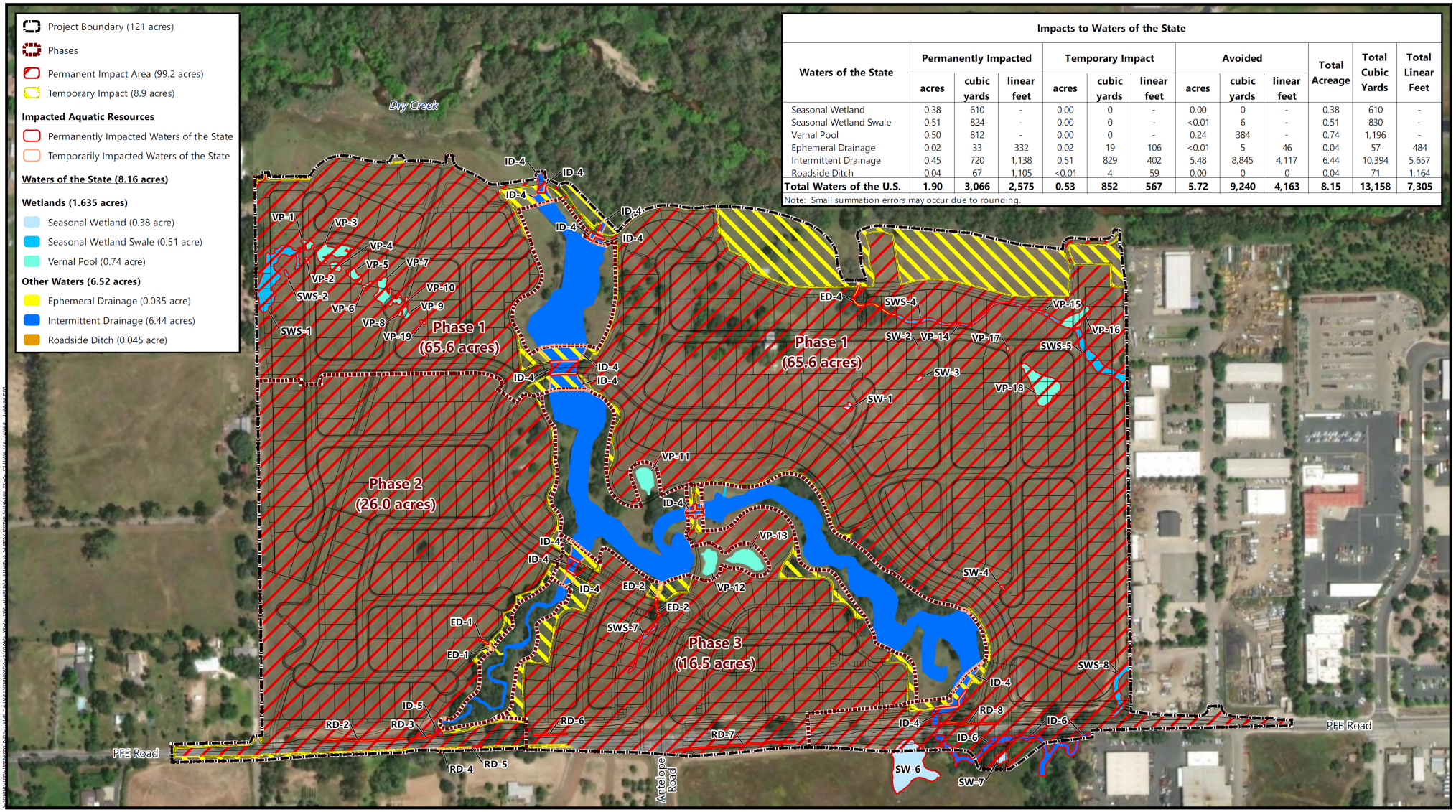


Figure 2: Project Impacts Map



Impacts to Waters of the State

Waters of the State	Permanently Impacted			Temporary Impact			Avoided			Total Acreage	Total Cubic Yards	Total Linear Feet
	acres	cubic yards	linear feet	acres	cubic yards	linear feet	acres	cubic yards	linear feet			
Seasonal Wetland	0.38	610	-	0.00	0	-	0.00	0	-	0.38	610	-
Seasonal Wetland Swale	0.51	824	-	0.00	0	-	<0.01	6	-	0.51	830	-
Vernal Pool	0.50	812	-	0.00	0	-	0.24	384	-	0.74	1,196	-
Ephemeral Drainage	0.02	33	332	0.02	19	106	<0.01	5	46	0.04	57	484
Intermittent Drainage	0.45	720	1,138	0.51	829	402	5.48	8,845	4,117	6.44	10,394	5,657
Roadside Ditch	0.04	67	1,105	<0.01	4	59	0.00	0	0	0.04	71	1,164
Total Waters of the U.S.	**1.90**	**3,066**	**2,575**	**0.53**	**852**	**567**	**5.72**	**9,240**	**4,163**	**8.15**	**13,158**	**7,305**

Note: Small summation errors may occur due to rounding.

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Attachment B – Receiving Waters, Impacts and Mitigation Information

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 Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	SW-1	SW-1	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SW-2	SW-2	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SW-3	SW-3	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SW-4	SW-4	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SW-6	SW-6	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	SW-7	SW-7	Seasonal Wetland	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SWS-1	SWS-1	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SWS-2	SWS-2	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SWS-4	SWS-4	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SWS-5	SWS-5	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	SWS-7	SWS-7	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	SWS-8	SWS-8	Seasonal Wetland Swale	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-1	VP-1	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-2	VP-2	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-3	VP-3	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-4	VP-4	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-5	VP-5	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	VP-6	VP-6	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-7	VP-7	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-8	VP-8	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-9	VP-9	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-10	VP-10	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-14	VP-14	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	VP-15	VP-15	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-16	VP-16	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-17	VP-17	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-18	VP-18	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	VP-19	VP-19	Vernal Pool	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	ED-1	ED-1	Ephemeral Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	ED-2	ED-2	Ephemeral Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	ED-4	ED-4	Ephemeral Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	ID-4	ID-4	Intermittent Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	ID-5	ID-5	Intermittent Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	ID-6	ID-6	Intermittent Drainage	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-2	RD-2	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Non-Federal Waters	Impact Site ID	Waterbody Name	Impacted Aquatic Resources Type	Water Board Hydrologic Units	Receiving Waters	Receiving Waters Beneficial Uses	303d Listing Pollutant	California Rapid Assessment Method (CRAM) ID
No	RD-3	RD-3	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-4	RD-4	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-5	RD-5	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-6	RD-6	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-7	RD-7	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	
No	RD-8	RD-8	Roadside Ditch	519.21	Sacramento River (Colusa basin drain to I street bridge)	MUN, AGR (irrigation), REC-1, REC-2, WARM, COLD, MIGR, SPWN, WILD, NAV	Mercury, PCBs, Temperature, Toxicity, Dieldrin, DDT, Chlordane	

Individual Direct Impact Locations

The following tables show individual impacts.

Table 2: Individual Temporary Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
ED-1	38.73000036	-121.3295612	No	0.002	4	31
ED-2	38.73050021	-121.3275847	No	0.008	13	55
ED-4	38.7332862	-121.325244	No	0.002	2	20
ID-4	38.73191007	-121.3271268	No	0.514	829	402
RD-4	38.7290582	-121.330081	No	0.002	3	59
RD-5	38.7290739	-121.329804	No	0.001	1	35

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
SW-1	38.73216	-121.32536	No	0.01	15	
SW-2	38.73269	-121.32453	No	0.00021	0	
SW-3	38.73241	-121.32454	No	0.005	8	
SW-4	38.73049	-121.32357	No	0.003	4	

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
SW-6	38.72888	-121.32464	No	0.338	545	
SW-7	38.72895	-121.32361	No	0.023	38	
SWS-1	38.73337	-121.33200	No	0.231	373	
SWS-2	38.73341	-121.33190	No	0.002	4	
SWS-4	38.73298	-121.32384	No	0.062	100	
SWS-5	38.73256	-121.32243	No	0.129	209	
SWS-7	38.73001	-121.32776	No	0.01	16	
SWS-8	38.72957	-121.32222	No	0.076	122	
VP-1	38.73368	-121.33165	No	0.015	24	
VP-2	38.73353	-121.33165	No	0.003	5	
VP-3	38.73360	-121.33135	No	0.086	139	
VP-4	38.73347	-121.33132	No	0.017	27	
VP-5	38.73339	-121.33111	No	0.023	38	
VP-6	38.73330	-121.33096	No	0.004	6	
VP-7	38.73322	-121.33073	No	0.081	130	
VP-8	38.73304	-121.33057	No	0.002	3	
VP-9	38.73304	-121.33050	No	0.013	21	

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
VP-10	38.73315	-121.33050	No	0.003	5	
VP-14	38.73291	-121.32407	No	0.001	2	
VP-15	38.73301	-121.32308	No	0.001	1	
VP-16	38.73295	-121.32271	No	0.073	118	
VP-17	38.73268	-121.32350	No	0.002	2	
VP-18	38.73234	-121.32311	No	0.178	287	
VP-19	38.73296	-121.33031	No	0.002	4	
ED-1	38.72999	-121.32955	No	0.002	4	41
ED-2	38.73042	-121.32758	No	0.004	6	81
ED-4	38.73316	-121.32509	No	0.014	23	210
ID-4	38.73211	-121.32782	No	0.244	395	311
ID-5	38.72922	-121.33016	No	0.003	5	40
ID-6	38.72707	-121.32347	No	0.199	321	787
RD-2	38.72915	-121.33106	No	0.018	29	251
RD-3	38.72918	-121.33032	No	0.003	5	92
RD-5	38.72907	-121.32977	No	0.001	1	29
RD-6	38.72919	-121.32886	No	0.003	4	110

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation?	Acres	Cubic Yards	Linear Feet
RD-7	38.72902	-121.32679	No	0.01	16	340
RD-8	38.72926	-121.32401	No	0.008	12	205

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

Table 4: In-Lieu Fee Program

In-Lieu Fee Program Name:	Western Placer County In-Lieu Fee Program
Website:	Placer County Conservation PROGRAM | Placer County, CA (https://www.placer.ca.gov/3362/Placer-County-Conservation-Program)
In-Lieu Fee Program Contact Name:	Gregg McKenzie
Phone:	(530) 745-3074
Email:	gamckenz@placer.ca.gov
In-Lieu Fee Program Location - County:	Placer County

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Unknown	1.9		

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 18 April 2023, Placer County, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2021070362) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 April 2023. The Central Valley Water Board is a responsible agency under CEQA (Public Resources Code, section 21069) and in making its determinations and findings, must presume that Placer County's certified environmental document comports with the requirements of CEQA and is valid. (Public Resources Code, section 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by Placer County addresses the Project's water resource impacts. (California Code of Regulations, title 14, section 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by Placer County for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Public Resources Code, section 21081.6, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (d).)

B. Incorporation by Reference

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

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at:

County Development Resource Center
3091 County Centre Drive
Auburn, CA 95603

Requirements under the purview of the Central Valley Water Board in the MMRP are incorporated herein by reference.

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

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, including comments received during the public review process, the Central Valley Water Board makes the following findings:

(1) Findings regarding impacts that will be avoided or mitigated to a less than significant level. (Public Resources Code, section 21081, subd. (a)(1); California Code of Regulations, title 14, section 15091, subd. (a)(1).)

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

a.i. Potential Significant Impact:

Impacts to special-status plant species either directly (e.g., threaten to eliminate a plant community) or through substantial habitat modifications.

a.ii. Facts in Support of Finding:

If construction has not commenced prior to the first day of spring 2024 (March 19, 2024), a new round of special-status plant surveys shall be conducted in areas proposed for disturbance, prior to the commencement of construction.

The surveys shall be conducted in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the CNPS Botanical Survey Guidelines of the California Native Plant Society, and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If special-status plant species are not found, further mitigation shall not be required.

If special-status plants are found within the proposed impact area and they are perennials such as Sanford's arrowhead or big-scale balsamroot, then mitigation shall consist of digging up the plants and transplanting them into a suitable avoided area on-site prior to construction. If the plant found is an annual such as dwarf downingia, then mitigation shall consist of collecting seed-bearing soil and spreading it into a suitable constructed wetland at a mitigation site. If special-status plants are impacted, a mitigation plan shall be developed and approved by the Placer County Community Development Resource Agency. The Mitigation Plan shall describe the proposed mitigation for impacts to the plant species and include (at minimum) details regarding success criteria, monitoring, reporting, and contingency in case of failure. Mitigation for the transplantation/establishment of rare plants shall not result in the net loss of individual plants after a five-year monitoring period.

b.i. Potential Significant Impact:

Impacts to special-status branchiopods either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

b.ii. Facts in Support of Finding:

PCCP Species Condition 10: Wet-season surveys to determine occupancy of vernal pools by vernal pool fairy shrimp and vernal pool tadpole shrimp shall be required if the proposed project is implemented while the PCCP is still in the Initial Survey Phase. The Placer Conservation Authority (PCA) shall inform the applicant if the PCCP is in the Initial Survey Phase and surveys are

required. If required, wet season surveys shall be conducted for vernal pool fairy shrimp and vernal pool tadpole shrimp in vernal pools, as determined by wetland delineation. A qualified biologist shall conduct protocol-level wet season surveys, using modified Survey Guidelines for the Listed Large Branchiopods (Guidelines), as approved by USFWS. Modifications include requiring that all vernal pools at a site be surveyed, rather than allowing for the survey to be terminated when presence on a project site is confirmed. This modification is necessary to obtain data on presence and absence in all the available vernal pools, to facilitate the determination of the Occupancy Rate Standards. This, and other exceptions and additions to the Guidelines, are as follows:

1. If presence is confirmed for vernal pool fairy shrimp and/or vernal pool tadpole shrimp in an individual vernal pool, surveys may be stopped for that vernal pool.
2. All vernal pools on the project site must be surveyed. Surveys cannot be suspended prior to completion, as allowed by the Guidelines, if one or more of the six listed large branchiopods, identified in the Guidelines is determined to be present.
3. The Guidelines define a complete survey as consisting of one wet season and one dry-season survey conducted and completed in accordance with the Guidelines within a three-year period. For the purposes of the PCCP, only one wet-season survey is required; dry-season surveys are not required. Applicants must plan ahead to allow sufficient time to complete the surveys.
4. Data that will be collected at each vernal pool surveyed during the wet season survey shall include the presence or absence of vernal pool fairy shrimp and vernal pool tadpole shrimp, species identity and the estimated abundance (10s, 100s,1,000s) of immature and mature vernal pool fairy shrimp and vernal pool tadpole shrimp present and estimated maximum surface area of the vernal pool. Other information on the USFWS data sheet is not required to be collected (i.e., air and water temperature, average and estimated maximum depth of the vernal pool, presence of non-target crustaceans, insects, and platyhelminths, and habitat condition). This will allow surveys to be conducted more efficiently, while providing the essential information necessary to calculate the Pool-based Occupancy Rate Standard and the Area-based Occupancy Rate Standard. Because the vernal pools will be affected by Covered Activities, collection of additional information is not necessary.
5. Information shall be recorded on the PCA-provided data sheet, which will be the USFWS data sheet (included as Appendix A to the Guidelines), modified to include the above information.

6. Voucher specimens shall not be collected during wet season surveys unless the identity of the mature shrimp is uncertain and cannot be identified in the field. The Guidelines allow for a limited number of voucher specimens to be collected for each vernal pool. For the purpose of the PCCP, the modified survey protocol further limits the collection of voucher specimens to instances where identity is uncertain.
7. The surveys must be conducted far enough in advance of development that the pools can dry out sufficiently for inoculum to be salvaged.

The biologist conducting a survey for vernal pool fairy shrimp and vernal pool tadpole shrimp shall participate in the wetland delineation to map the area of each vernal pool. If the biologist cannot participate in the wetland delineation, and the wetland delineation does not provide area for each vernal pool, the biologist shall conduct follow up surveys to map the perimeter of each vernal pool with a global positioning system (GPS). Each vernal pool shall be given a unique identification number that will be used to track survey data collected during wet-season surveys.

The results of the wet-season surveys shall be submitted to the Placer County Community Development Resource Agency and PCA.

c.i. Potential Significant Impact:

Impacts to Valley Elderberry Longhorn Beetle (VELB) either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

c.ii. Facts in Support of Finding:

Potential impacts that could occur to VELB in portions of the project site and off-site areas within the PCCP shall be addressed through compliance with applicable requirements set forth by the PCCP, including AMMs set forth in Chapter 6 of the PCCP and payment of impact fees.

If construction does not commence prior to February 2025 within non-PCCP areas, then prior to the commencement of construction activities, a qualified biologist shall conduct comprehensive VELB surveys within the areas proposed for disturbance, no more than three years prior to commencement of construction. Surveys may be conducted at any time of the year, but elderberry shrubs tend to be most visible in spring. Surveys shall be conducted in accordance with the USFWS Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle, or the most recent USFWS VELB guidance at the time. The results of the survey shall be submitted to the Placer County Community Development Resource Agency.

If VELB are not identified, further mitigation shall not be required. If VELB are located, prior to the start of construction, the following provisions shall be implemented:

- All occupied elderberry shrubs (which are defined for the purposes of this section as those with stems greater than one inch in diameter at ground level) shall be avoided completely during construction with a buffer of at least 20 feet, except as permitted under paragraph 2 below, and the following avoidance and minimization measures during construction (as outlined in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle) shall be implemented for all work within 165 feet of a shrub:
    - All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits, as feasible;
    - Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall receive an avoidance area of at least 20 feet from the dripline;
    - A qualified biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the VELB, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance;
    - A qualified biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented;
    - As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February;
    - Elderberry shrubs shall not be trimmed;
    - Herbicides shall not be used within the dripline of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub; and
    - Mechanical weed removal within the dripline of the shrub shall be limited to the season when adults are not active (August to February) and shall avoid damaging the elderberry.
    - If an elderberry shrub occupied with VELB must be removed to accommodate construction, then the applicant shall notify the Placer County Community Development Resource Agency and consult with USFWS, which could issue a Biological Opinion. At a minimum, the removal of elderberry shrubs found to be occupied with VELB shall be mitigated through the purchase of one (1) VELB mitigation credit from an agency-approved mitigation bank for each occupied shrub removed or through the planting of five (5) elderberry seedlings and five (5) native

California trees or shrubs at a USFWS-approved location for each shrub removed. If the latter option is selected, then the seedlings and associated natives shall achieve an 80 percent survival rate measured at the end of a five-year monitoring period.

d.i. Potential Significant Impact:

Impacts to special-status salmonids either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

d.ii. Facts in Support of Finding:

PCCP General Condition 1: Prior to improvement plan approval, the proposed project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ), including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP) and applicable NPDES program requirements as implemented by the County. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

The project shall comply with the West Placer Storm Water Quality Design Manual (Design Manual). The project shall implement the following BMPs. This list shall be included on the notes page of the improvement/grading plans and shall be shown on the plans:

1. When possible, vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas. When vehicle parking areas are to be established as a temporary facility, the site shall be recovered to pre-project or ecologically improved conditions within one year of start of groundbreaking to ensure effects are temporary (refer to Section 6.3.1.4, General Condition 4, Temporary Effects, for the process to demonstrate temporary effects).
2. Trash generated by Covered Activities shall be promptly and properly removed from the site.
3. Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to reduce siltation and runoff of contaminants into avoided wetlands, ponds, streams, or riparian vegetation.
    a. Erosion control measures shall be of material that will not entrap wildlife (i.e., no plastic monofilament). Erosion control blankets shall be used as a last resort because of their

tendency to biodegrade slowly and trap reptiles and amphibians.

b. Erosion control measures shall be placed between the area of disturbance and any avoided aquatic feature, within an area identified with highly visible markers (e.g., construction and erosion control fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification will be properly maintained until construction is completed and the soils have been stabilized.

c. Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture or any agency that is a successor or receives delegated authority during the permit term as weed free.

d. Seed mixtures applied for erosion control shall not contain California Invasive Plant Council–designated invasive species California Invasive Plant Council – Protecting California's environment and economy from invasive plants (cal-ipc.org) (http://www.cal-ipc.org/paf/) but shall be composed of native species appropriate for the site or sterile non-native species. If sterile non-native species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long term erosion control and slow colonization by invasive nonnatives.

4. If the runoff from the development will flow within 100 feet of a wetland or pond, vegetated storm water filtration features, such as rain gardens, grass swales, tree box filters, infiltration basins, or similar LID features to capture and treat flows, shall be installed consistent with local programs and ordinances.

PCCP Stream System Condition 1: The project shall be designed to minimize development activities within the stream system to the maximum extent possible.

Work adjacent to Dry Creek associated with the sewer alternatives or the potential future East trail could result in water quality impacts if appropriate runoff, erosion, and sediment control Best Management Practices (BMPs) are not implemented. Therefore, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for the proposed project prior to issuance of the grading permit and implement the SWPPP during construction. Examples of BMPs that may be specified by the Certified Professional in Erosion and Sediment Control (CPESC) that prepares the SWPPP include silt fencing between any areas of ground disturbance and Dry Creek, straw wattles or straw bales around drop inlets, compaction and hydroseeding of bare soil following construction, and locating concrete washouts, refueling areas, and materials storage, etc., a

minimum of 300 feet from Dry Creek. The SWPPP shall be submitted for review and approval to the Placer County Department of Public Works.

If off-site sewer pipeline alignment Options 1A or 1B are selected, the jack and bore or horizontal directional drilling (HDD) under Dry Creek has a very small potential to result in a “frac-out”. Frac-out, or inadvertent return of drilling lubricant, is a potential concern when the HDD is used under sensitive habitats and waterways. If one of the foregoing alternatives is selected, then prior to construction, the contractor shall be required to develop a Frac-Out Contingency Plan. The Frac-Out Contingency Plan shall be prepared to ensure that preventive and responsive measures can be implemented by the contractor. To minimize the potential for a frac-out, the Frac-Out Contingency Plan shall include design protocols to be implemented for the protection of sensitive biological resources and design protocols to require a geotechnical engineer or qualified geologist to make recommendations regarding the suitability of the formations to be bored to minimize the potential for frac-out conditions. In addition, the jack and bore may only be conducted between June 15 and October 15 to avoid any impacts to salmonid upstream or downstream migration in the unlikely event that a frac-out should occur. The Frac-Out Contingency Plan shall be submitted for review and approval to the Placer County Department of Public Works.

e.i. Potential Significant Impact:

Impacts to western spadefoot either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

e.ii. Facts in Support of Finding:

During the spring prior to the commencement of construction activities, the project applicant shall ensure that a qualified biologist surveys all suitable aquatic habitat within the project site (including features proposed for avoidance) by sampling the features thoroughly with dipnets during March or early April, when spadefoot tadpoles could be present. In addition, one nocturnal acoustic survey of all areas within 300 feet of vernal pools and seasonal wetlands shall be conducted. Acoustic surveys shall consist of walking through the area and listening for the distinctive snore-like call of the species. Timing and methodology for the aquatic and acoustic surveys shall be based on those described in Distribution of the Western Spadefoot (Spea hammondii) in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology. The results of the surveys shall be submitted to the Placer County Community Development Resource Agency.

If both the aquatic survey and the nocturnal acoustic survey are negative, further mitigation shall not be necessary. If western spadefoots are observed within aquatic habitat proposed for impact, the tadpoles shall be

captured and relocated to an off-site open space preserve with suitable habitat in the vicinity of the overall project site. If western spadefoots are observed within aquatic habitat proposed for avoidance, then the project applicant may either relocate the tadpoles to an off-site open space preserve with habitat of equivalent or greater value (e.g., vernal pools and seasonal wetlands in a grassland/woodland matrix) in the vicinity of the overall project site, or install silt fence along the edge of the proposed area of disturbance within 300 feet of the occupied aquatic habitat to prevent metamorphosed individuals from dispersing into the construction area.

f.i. Potential Significant Impact:

Impacts to western pond turtle either directly (e.g., cause a wildlife to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

f.ii. Facts in Support of Finding:

PCCP General Condition 1: Prior to improvement plan approval, the proposed project shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ), including requirements to develop a project-based Storm Water Pollution Prevention Plan (SWPPP) and applicable NPDES program requirements as implemented by the County. Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation.

The project shall comply with the West Placer Storm Water Quality Design Manual (Design Manual). The project shall implement the following BMPs. This list shall be included on the notes page of the improvement/grading plans and shall be shown on the plans:

a. When possible, vehicles and equipment shall be parked on pavement, existing roads, and previously disturbed areas. When vehicle parking areas are to be established as a temporary facility, the site shall be recovered to pre project or ecologically improved conditions within one year of start of groundbreaking to ensure effects are temporary (refer to Section 6.3.1.4, General Condition 4, Temporary Effects, for the process to demonstrate temporary effects).

b. Trash generated by Covered Activities shall be promptly and properly removed from the site.

c. Appropriate erosion control measures (e.g., fiber rolls, filter fences, vegetative buffer strips) shall be used on site to reduce siltation and runoff of contaminants into avoided wetlands, ponds, streams, or riparian vegetation.

a) Erosion control measures shall be of material that will not entrap wildlife (i.e., no plastic monofilament). Erosion control blankets shall be used as a last resort because of their tendency to biodegrade slowly and trap reptiles and amphibians.

b) b. Erosion control measures shall be placed between the area of disturbance and any avoided aquatic feature, within an area identified with highly visible markers (e.g., construction and erosion-control fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification will be properly maintained until construction is completed and the soils have been stabilized.

c) Fiber rolls used for erosion control shall be certified by the California Department of Food and Agriculture or any agency that is a successor or receives delegated authority during the permit term as weed free.

d) Seed mixtures applied for erosion control shall not contain California Invasive Plant Council–designated invasive species (http://www.calipc.org/paf/) but shall be composed of native species appropriate for the site or sterile nonnative species. If sterile non-native species are used for temporary erosion control, native seed mixtures must be used in subsequent treatments to provide long-term erosion control and slow colonization by invasive non-natives.

If the runoff from the development will flow within 100 feet of a wetland or pond, vegetated storm water filtration features, such as rain gardens, grass swales, tree box filters, infiltration basins, or similar LID features to capture and treat flows, shall be installed consistent with local programs and ordinances.

- 7-12(c) [PCCP Community Condition 1.1]: Prior to land conversion authorization approval, the unavoidable effects to 1.334 acres of vernal pool type wetlands or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid to the PCA shall be that in effect at the time of land conversion authorization issuance.
- 7-11(b) [PCCP Community Condition 2.1]: To the maximum extent possible, the proposed project shall not modify any area within a buffer that extends 50 feet outward from the outermost bounds of the riparian vegetation. The improvement or grading plans shall show the location of the riverine/riparian buffer.
- 7-11(c) [PCCP Community Condition 2.2]: Prior to land conversion authorization, the applicant shall coordinate with the PCA to determine which In-Stream and Stream System Best Management Practices

(BMPs) from Table 7-1 of the User's Guide apply to the proposed project. The applicant shall identify the applicable BMPs on the project's improvement or grading plans. The selected BMPs shall be incorporated into the project's Land Conversion Authorization letter. Prior to land conversion authorization approval, the unavoidable effects to 0.67 to 1.12 acres riverine and riparian habitat or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid shall be those in effect at the time of land conversion authorization.

- 7-4(b) [PCCP Stream System Condition 1]: The project shall be designed to minimize development activities within the stream system to the maximum extent possible.

No additional avoidance and minimization measures specific to this species are required by the PCCP. If individual western pond turtles are identified on-site, the project proponent shall obtain an incidental take permit from CDFW and/or USFWS before relocating or otherwise impacting the species.

Areas Outside of the Placer County Conservation Program

7-6(b) A western pond turtle survey shall be conducted by a qualified biologist no more than 48 hours prior to construction in the non-PCCP portion of the Overall Project where construction activities overlap with Dry Creek, intermittent drainages, and woodlands within 150 feet of these aquatic resources.

The results of the survey shall be submitted to the Placer County Community Development Resource Agency.

If western pond turtles or nests are not found, further mitigation is not necessary. If a western pond turtle is observed within the proposed impact area, a qualified biologist shall relocate the individual to habitat of equivalent or greater value (e.g., riparian wetlands or riparian woodlands adjacent to a perennial creek or intermittent drainage) outside of the proposed impact area prior to construction. If a western pond turtle nest is observed within the proposed impact area, the nest shall be fenced off and avoided until the eggs hatch. The exclusion fencing shall be placed no less than 25 feet from the nest. A qualified biologist shall monitor the nest daily during construction to ensure that hatchlings do not disperse into the construction area. Relocation of hatchlings shall occur as stipulated above, if necessary.

g.i. Potential Significant Impact:

Impacts to roosting bats either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

g.ii. Facts in Support of Finding:

Prior to the commencement of construction activities, a qualified biologist shall conduct a bat habitat assessment of all potential roosting habitat features, including trees and structures within the proposed impact footprint within the project vicinity. The habitat assessment shall identify all potentially suitable roosting habitat and may be conducted up to one year prior to the start of construction. The results of the assessment shall be submitted to the Placer County Community Development Resource Agency.

If potential roosting habitat is identified (cavities in trees or potential roosts within structures) within the areas proposed for impact, the biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through March on days with temperatures in excess of 50 degrees Fahrenheit) to determine the presence of roosting bats. The surveys are recommended to be conducted utilizing methods that are considered acceptable by CDFW and bat experts. Methods may include evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiberoptic cameras, or a combination thereof.

- If roosting bats are identified within any of the trees planned for removal, or if presence is assumed, the trees shall be removed outside of pup season, only on days with temperatures in excess of 50 degrees Fahrenheit. Pup season is generally during the months of May through August. Two-step tree removal shall be utilized under the supervision of the qualified biologist. Two-step tree removal involves removal of all branches of the tree that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.
- Additionally, it is recommended that all other tree removal shall be conducted from January through March on days with temperatures in excess of 50 degrees Fahrenheit to avoid potential impacts to foliage-roosting bat species.
- If roosting bats are identified within any structures planned for removal, a bat exclusion plan shall be prepared by a qualified bat biologist describing the methods to be used to humanely exclude bats prior to disturbance. The plan shall be approved by the Placer County Community Development Resource Agency and CDFW and shall be implemented prior to the start of construction.

h.i. Potential Significant Impact:

Have a substantial adverse effect, either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an

animal community) or through substantial habitat modifications, on Swainson's hawk.

h.ii. Facts in Support of Finding:

PCCP Species Condition 1: If construction must occur during the nesting season (approximately February 1 to September 15), planning-level Swainson's hawk surveys shall be required a year in advance of construction using the survey guidelines developed for the PCCP. Planning-level surveys are intended to identify nest trees to guide avoidance during project tree removal and construction.

Additionally, year of construction (starting in February) and preconstruction (no more than 15 days prior to ground disturbance) surveys shall be conducted within a 1,320-foot radius of the project. Surveys shall be conducted consistent with PCCP guidelines (based on Swainson's Hawk Technical Advisory Committee 2000). In instances where an adjacent parcel is not accessible to a survey, the qualified biologist shall scan all potential nest trees from the adjacent property, roadsides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope. Surveys are typically required from February 1 to September 15 (or sooner if it is determined that birds are nesting earlier in the year). The applicant shall contact the PCA for assistance with survey timing. If a Swainson's hawk nest is located and presence confirmed, only one follow-up visit is required.

During the nesting season (approximately February 1 to September 15 or sooner if it is determined that birds are nesting earlier in the year), ground-disturbing activities within 1,320 feet of occupied nests or nests under construction shall be prohibited to minimize the potential for nest abandonment. While the nest is occupied, activities outside the buffer can take place provided they do not stress the breeding pair.

If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the PCA for a reduction in the buffer distance or waiver. A qualified biologist shall be required to monitor the nest and determine that the reduced buffer does not cause nest abandonment. If a qualified biologist determines nestlings have fledged, PCCP Covered Activities can proceed normally.

Construction monitoring shall be conducted by a qualified biologist if work is to continue outside of the nest buffer, and shall focus on ensuring that activities do not occur within the buffer zone. The qualified biologist performing the construction monitoring shall ensure that effects on Swainson's hawks are minimized. If monitoring indicates that construction outside of the buffer is affecting nesting, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space is not

allowed, all construction activities shall cease until the young have fledged from the nest (as confirmed by a qualified biologist).

The frequency of monitoring shall be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of the active nest. In most cases, monitoring shall occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that direct effects on Swainson's hawks are minimized. The qualified biologist shall train construction personnel on the avoidance procedures and buffer zones.

Areas Outside of the Placer County Conservation Program

7-8(b) A targeted Swainson's hawk nest survey shall be conducted throughout the non-PCCP portion of the overall project area and all accessible areas within a 0.25-mile radius of the proposed construction area, at most,15 days prior to construction activities. If active Swainson's hawk nests are found within 0.25-mile of a construction area, construction shall cease within 0.25-mile of the nest until the project biologist determines that the young have fledged or it is determined that the nesting attempt has failed. The 0.25-mile buffer may be reduced if a smaller, sufficiently protective buffer is proposed by the project biologist and approved by the County after taking into consideration the natural history of the Swainson's hawk, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest), and what (if any) nest monitoring is proposed. The results of the Swainson's hawk nest survey shall be submitted to the Placer County Community Development Resource Agency.

7-8(c) Approximately 33.23 acres of annual brome grassland that represents suitable foraging habitat for Swainson's hawks will be permanently impacted during construction of the portion of the proposed project outside of the PCCP plan area, and as much as an additional 1.27 acres could be impacted, depending on which sewer alternative is selected. Swainson's hawk foraging habitat outside of the PCCP does not exist for either of the potential future trails. The aforementioned impacts shall be mitigated through purchase and conservation of similar habitat as follows:

Two Swainson's hawk nests have been documented approximately 2.5 miles west of the study area; one south of PFE Road, and one west of Walerga Road. Prior to project construction, a qualified biologist shall conduct a review of Swainson's hawk nest data available, including the California Natural Diversity Database (CNDDB), unprocessed CNDDB records, and contacting CDFW to determine if they have any additional nest data. If desired by the project applicant, the biologist may conduct a

survey of the aforementioned nests to determine if they are still present. The biologist shall provide the Placer County Community Development Resource Agency with a summary of the findings.

If it has been determined that a portion of the overall project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use within the past five years), the applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing the following measures:

- One acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat that is proposed to be developed that is within one mile of an active nest. Protection shall be by way of purchase of mitigation bank credits or other land protection mechanism acceptable to the County.
- 0.75-acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat that is proposed to be developed that is between one and five miles from an active nest. Protection shall be by way of purchase of mitigation bank credits or other land protection mechanism acceptable to the County.
- 0.5-acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat that is proposed to be developed that is between five and 10 miles from an active nest. Protection shall be by way of purchase of mitigation bank credits or other land protection mechanism acceptable to the County.

If the proposed project is built in phases, the purchase of this foraging habitat mitigation may be phased as well, such that all areas are mitigated prior to impact.

i.i. Potential Significant Impact:

Impacts to burrowing owl either directly (e.g., cause a wildlife population to drop below self-sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

i.ii. Facts in Support of Finding:

Placer County Conservation Program Plan Area

7-9(a) PCCP Species Condition 3: Two surveys shall be conducted within 15 days prior to ground disturbance to establish the presence or absence of burrowing owls. The surveys shall be conducted at least seven days apart (if burrowing owls are detected on the first survey, a second survey is not needed) for both breeding and non-breeding season surveys. All burrowing owls observed shall be counted and mapped.

During the breeding season (February 1 to August 31), surveys shall document whether burrowing owls are nesting in or within 250 feet of the project area.

During the non-breeding season (September 1 to January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any area to be disturbed. Survey results will be valid only for the season (breeding or non-breeding) during which the survey was conducted. The results of the burrowing owl surveys shall be submitted to the Placer County Community Development Resource Agency and PCA.

The qualified biologist shall survey the proposed footprint of disturbance and a 250-foot radius from the perimeter of the proposed footprint to determine the presence or absence of burrowing owls. The site shall be surveyed by walking line transects, spaced 20 to 60 feet apart, adjusting for vegetation height and density. At the start of each transect and, at least, every 300 feet, the surveyor, with use of binoculars, shall scan the entire visible project area for burrowing owls. During walking surveys, the surveyor shall record all potential burrows used by burrowing owls, as determined by the presence of one or more burrowing owls, pellets, prey remains, whitewash, or decoration. Some burrowing owls may be detected by their calls; therefore, observers shall also listen for burrowing owls while conducting the survey. Adjacent parcels under different land ownership shall be surveyed only if access is granted. If portions of the survey area are on adjacent sites for which access has not been granted, the qualified biologist shall get as close to the non-accessible area as possible, and use binoculars to look for burrowing owls.

The presence of burrowing owls or their sign anywhere on the site or within the 250-foot accessible radius around the site shall be recorded and mapped. Surveys shall map all burrows and occurrence of sign of burrowing owl on the project site. Surveys must begin one hour before sunrise and continue until two hours after sunrise (three hours total) or begin two hours before sunset and continue until one hour after sunset. Additional time may be required for large project sites.

If burrowing owls are found during the breeding season (approximately February 1 to August 31, the project applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young (occupation includes individuals or family groups foraging on or near the site following fledging). The applicant shall establish a 250-foot non-disturbance buffer zone around nests. The buffer zone shall be flagged or otherwise clearly marked. Should construction activities cause the nesting bird to vocalize, make defensive flights at intruders, or otherwise display agitated behavior, then the exclusionary buffer shall be increased such that activities are far enough from the nest so that the bird(s) no longer display this agitated behavior. The exclusionary buffer shall remain in

place until the chicks have fledged or as otherwise determined by a qualified biologist. Construction may only occur within the 250-foot buffer zone during the breeding season if a qualified raptor biologist monitors the nest and determines that the activities do not disturb nesting behavior, or the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged and moved off site. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not cause agitated behavior.

If burrowing owls are found during the nonbreeding season (approximately September 1 to January 31), the project applicant shall establish a 160-foot buffer zone around active burrows. The buffer zone shall be flagged or otherwise clearly marked. Measures such as visual screens may be used to further reduce the buffer with CDFW approval and provided a biological monitor confirms that such measures do not cause agitated behavior.

After all alternative avoidance and minimization measures are exhausted as confirmed by CDFW, a qualified biologist may passively exclude birds from those burrows during the non-breeding season. A burrowing owl exclusion plan shall be developed by a qualified biologist consistent with the most recent guidance from the USFWS and/or CDFW and submitted to and approved by the PCA and the USFWS and CDFW. Burrow exclusion shall be conducted for burrows located in the project footprint and within a 160-foot buffer zone as necessary.

A biological monitor shall be present on site daily to ensure that no Covered Activities occur within the buffer zone. The qualified biologist performing the construction monitoring shall ensure that effects on burrowing owls are minimized. If monitoring indicates that construction outside of the buffer is affecting nesting, the buffer shall be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction shall cease until the young have fledged from all the nests in the colony (as confirmed by a qualified biologist) or until the end of the breeding season, whichever occurs first.

A biological monitor shall conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event a burrowing owl flies into an active construction zone.

Areas Outside of the Placer County Conservation Program

7-9(b) If project construction begins during the nesting season (February 15 to August 31), a qualified biologist shall conduct a targeted burrowing owl nest survey of all accessible areas within 500 feet of the non-PCCP portion of the proposed construction footprint within 14 days prior to construction activities, utilizing 60-foot transects as outlined in the Staff Report on Burrowing Owl Mitigation (Staff Report). The results of the

survey shall be submitted to the Placer County Community Development Resource Agency.

If an active burrowing owl nest burrow (i.e., occupied by more than one adult owl and/or juvenile owls are observed) is found within 250 feet of a construction area, construction shall cease within 250 feet of the nest burrow until a qualified biologist determines that the young have fledged or the biologist determines that the nesting attempt has failed. If the project applicant desires to work within 250 feet of the nest burrow, the applicant shall consult with CDFW and the Placer County Community Development Resource Agency to determine if the nest buffer can be reduced.

If construction begins during the non-nesting season, (September 1 through the 14 February), a qualified biologist shall conduct a survey for burrows or debris that represent suitable nesting habitat for burrowing owls within areas of proposed ground disturbance. The results of the survey shall be submitted to the Placer County Community Development Resource Agency. If overwintering owls are located, the biologist may exclude any burrowing owls observed, and collapse any burrows or remove the debris in accordance with the methodology outlined in the Staff Report.

7-9(c) If any nesting burrowing owls are found during the breeding season preconstruction survey, mitigation for the permanent loss of burrowing owl foraging habitat (defined as all areas of suitable habitat within 250 feet of an active nest burrow) shall be accomplished at a 1:1 ratio. The mitigation provided shall be consistent with recommendations in the Staff Report and may be accomplished within the Swainson's Hawk Foraging Habitat mitigation area (as detailed in Mitigation Measure 7-8[c]), if burrowing owls have been documented utilizing that area, or if the qualified biologist and the Placer County Community Development Resource Agency determine that the area is suitable. The Staff Report recommendations for mitigation land for burrowing owls are as follows:

1. Where habitat will be temporarily disturbed, restore the disturbed area to pre-project condition including de-compacting soil and revegetating. Permanent habitat protection may be warranted if there is the potential that the temporary impacts may render a nesting site (nesting burrow and satellite burrows) unsustainable or unavailable depending on the time frame, resulting in reduced survival or abandonment. For the latter potential impact, see the permanent impact measures below.
2. Mitigate for permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced based on the information provided in Appendix A. Note: A minimum habitat replacement recommendation is not provided here as it has been shown to serve as a default, replacing any site-specific analysis and

discounting the wide variation in natal area, home range, foraging area, and other factors influencing burrowing owls and burrowing owl population persistence in a particular area.

3. Mitigate for permanent impacts to nesting, occupied and satellite burrows and burrowing owl habitat with (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) sufficiently large acreage, and presence of fossorial mammals. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. If the mitigation lands are located adjacent to the impacted burrow site, ensure the nearest neighbor artificial or natural burrow clusters are at least within 210 meters (Fisher et al. 2007).
4. Permanently protect mitigation land through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use. If the project is located within the service area of a Department approved burrowing owl conservation bank, the project proponent may purchase available burrowing owl conservation bank credits.
5. Develop and implement a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls (see Management Plan and Artificial Burrow sections below, if applicable).
6. Fund the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment.
7. Habitat should not be altered or destroyed, and burrowing owls should not be excluded from burrows, until mitigation lands have been legally secured, are managed for the benefit of burrowing owls according to Department-approved management, monitoring and reporting plans, and the endowment or other long-term funding mechanism is in place or security is provided until these measures are completed.
8. Mitigation lands should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support burrowing owls present. Where there is insufficient habitat on, adjacent to, or near project sites where burrowing owls will be excluded, acquire mitigation lands with burrowing owl habitat away from the project site. The selection of mitigation lands should then focus on consolidating and enlarging conservation areas located outside of urban and

planned growth areas, within foraging distance of other conserved lands. If mitigation lands are not available adjacent to other conserved lands, increase the mitigation land acreage requirement to ensure a selected site is of sufficient size. Offsite mitigation may not adequately offset the biological and habitat values impacted on a one-to-one basis. Consult with the Department when determining offsite mitigation acreages.

9. Evaluate and select suitable mitigation lands based on a comparison of the habitat attributes of the impacted and conserved lands, including but not limited to: type and structure of habitat being impacted or conserved; density of burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide. Mitigate for the highest quality burrowing owl habitat impacted first and foremost when identifying mitigation lands, even if a mitigation site is located outside of a lead agency's jurisdictional boundary, particularly if the lead agency is a city or special district.
10. Select mitigation lands taking into account the potential human and wildlife conflicts or incompatibility, including but not limited to, human foot and vehicle traffic, and predation by cats, loose dogs and urban-adapted wildlife, and incompatible species management (i.e., snowy plover).
11. Where a burrowing owl population appears to be highly adapted to heavily altered habitats such as golf courses, airports, athletic fields, and business complexes, permanently protecting the land, augmenting the site with artificial burrows, and enhancing and maintaining those areas may enhance sustainability of the burrowing owl population onsite. Maintenance includes keeping lands grazed or mowed with weedeaters or push mowers, free from trees and shrubs, and preventing excessive human and human-related disturbance (e.g., walking, jogging, off-road activity, dog-walking) and loose and feral pets (chasing and, presumably, preying upon owls) that make the environment uninhabitable for burrowing owls (Wesemann and Rowe 1985, Millsap and Bear 2000, Lincer and Bloom 2007). Items 4, 5 and 6 also still apply to this mitigation approach.
12. If there are no other feasible mitigation options available and a lead agency is willing to establish and oversee a Burrowing Owl Mitigation and Conservation Fund that funds on a competitive basis acquisition and permanent habitat conservation, the project proponent may participate in the lead agency's program.

<u>j.i. Potential Significant Impact:</u>

Impacts to other nesting birds and raptors protected under the MBTA and CFGC either directly (e.g., cause a wildlife population to drop below self-

sustaining levels, threaten to eliminate an animal community) or through substantial habitat modifications.

j.ii. Facts in Support of Finding:

Placer County Conservation Program Plan Area

7-10(a) PCCP Species Condition 4 (Tricolored Blackbird): Prior to initiation of PCCP Covered Activities associated with the proposed project, the qualified biologist(s) shall conduct preconstruction surveys to evaluate the presence of tricolored blackbird nesting colonies for each phase of the project. In instances where an adjacent parcel is not accessible to survey because the qualified biologist was not granted permission to enter, the qualified biologist shall scan all potential nest colony site(s) from the adjacent property, roadsides, or other safe, publicly accessible viewpoints, without trespassing, using binoculars and/or a spotting scope to look for tricolored blackbird nesting activity.

Surveys shall be conducted at least twice, with at least one month between surveys, during the nesting season one year prior to initial ground disturbance for the Covered Activity (if feasible), and the year of ground disturbance for the Covered Activity (required). If Covered Activities will occur in the project work area during the nesting season, three surveys shall be conducted within 15 days prior to the Covered Activity, with one of the surveys occurring within five days prior to the start of the Covered Activity. The survey methods will be based on Kelsey (2008) or a similar protocol approved by the PCA and the USFWS and CDFW based on site-specific conditions.

If the first survey indicates that suitable nesting habitat is not present on the project site or within 1,300 feet of the project work area, additional surveys for nest colonies are not required.

If an active colony is known to occur within three miles of the project site, a qualified biologist shall conduct two surveys of foraging habitat within the project site and within a 1,300-foot radius around the project site to determine whether foraging habitat is being actively used by foraging tricolored blackbirds. The qualified biologist shall map foraging habitat, as defined by the land cover types listed above, within a 1,300-foot radius around the project site to delineate foraging habitat that will be surveyed. The surveys shall be conducted approximately one week apart, with the second survey occurring no more than five calendar days prior to ground-disturbing activities.

Construction activity or other covered activities that may disturb an occupied nest colony site, as determined by a qualified biologist, shall be prohibited during the nesting season (March 15 through July 31) or until the chicks have fledged or the colony has been abandoned on its own) within a 1,300-foot buffer zone around the nest colony, to the extent

practicable. The intent of this condition is to prevent disturbance to occupied nest colony sites on or near project sites so they can complete their nesting cycle. This condition is not intended to preserve suitable breeding habitat on project sites but to ensure impacts to active colony sites only take place once the site is no longer occupied by the nesting colony. The buffer shall be applied to extend beyond the nest colony site as follows: 1) if the colony is nesting in a wetland, the buffer must be established from the outer edge of all hydric vegetation associated with the colony, or 2) if the colony is nesting in non-wetland vegetation (e.g., Himalayan blackberry), the buffer must be established from the edge of the colony substrate. This buffer may be modified to a minimum of 300 feet, with written approval from the USFWS and CDFW, in areas with dense forest, buildings, or other features between the Covered Activities and the occupied active nest colony; where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance; where sound curtains have been installed; or other methods developed in consultation with the USFWS and CDFW where conditions warrant reduction of the buffer distance. If tricolored blackbirds colonize habitat adjacent to Covered Activities after the activities have been initiated, the project applicant shall reduce disturbance through establishment of buffers or noise reduction techniques or visual screens, as determined in consultation with the USFWS, CDFW, and PCA. The buffer must be clearly marked to prevent project-related activities from occurring within the buffer zone.

Active nesting colonies that occur within the non-disturbance buffer shall be monitored by the qualified biologist(s) to verify the Covered Activity is not disrupting the nesting behavior of the colony. The frequency of monitoring shall be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of the active nest. In most cases, monitoring will occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that direct effects on tricolored blackbird are minimized. The biologist shall train construction personnel on the avoidance procedures and buffer zones.

If the qualified biologist(s) determines that the Covered Activity is disrupting nesting and/or foraging behavior, the qualified biologist(s) shall notify the project applicant immediately, and the project applicant shall notify the PCA within 24 hours to determine additional protective measures that can be implemented. The qualified biologist(s) shall have the authority to stop Covered Activities until additional protective measures are implemented. Additional protective measures shall remain in place until the qualified biologist(s) determine(s) tricolored blackbird behavior has normalized. If additional protective measures are ineffective, the qualified biologist(s) shall have the authority to stop Covered Activities

as needed until the additional protective measures are modified and nesting behavior of tricolored blackbird returns to normal.

Additional protective measures may include increasing the size of the buffer (within the constraints of the project site), delaying Covered Activities (or the portion of Covered Activities causing the disruption) until the colony is finished breeding and chicks have left the nest site, temporarily relocated staging areas, or temporarily rerouting access to the project work area. The project proponent shall notify the PCA and USFWS and CDFW within 24 hours if nests or nestlings are abandoned. If the nestlings are still alive, the qualified biologist(s) shall work with the USFWS and CDFW to determine appropriate actions for salvaging the eggs or nestlings. Notification to PCA and USFWS and CDFW shall be via telephone or email, followed by a written incident report. Notification shall include the date, time, location, and circumstances of the incident.

Foraging habitat within the buffer shall be monitored by qualified biologist(s) to verify that the Covered Activity is not disrupting tricolored blackbird foraging behavior. The frequency of monitoring shall be approved by the PCA and based on the frequency and intensity of construction activities and the likelihood of disturbance of foraging tricolored blackbirds. In most cases, monitoring will occur at least every other day, but in some cases, daily monitoring may be appropriate to ensure that effects on tricolored blackbird are minimized. The biologist shall train construction personnel on the avoidance procedures and buffer zones.

If the qualified biologist(s) determines that the Covered Activity is disrupting foraging behavior, the qualified biologist(s) shall notify project applicant immediately, and the project applicant shall notify the PCA within 24 hours to determine additional protective measures that can be implemented. The qualified biologist(s) shall have the authority to stop Covered Activities until additional protective measures are implemented. Additional protective measures shall remain in place until the qualified biologist(s) determine(s) tricolored blackbird behavior has normalized. If additional protective measures are ineffective, the qualified biologist(s) shall have the authority to stop Covered Activities as needed until the additional protective measures are modified and foraging behavior of tricolored blackbird returns to normal. Additional protective measures may include increasing the size of the buffer (within the constraints of the project site), temporarily relocating staging areas, or temporarily rerouting access to the project work area.

7-10(b) A preconstruction nesting bird survey shall be conducted by the qualified biologist (project biologist) throughout the portion of the project proposed for construction and all accessible areas within a 500-foot radius of proposed construction areas for each phase, no more than three days prior to the initiation of construction. If there is a break in construction

activity of more than three days, then subsequent surveys shall be conducted.

A report summarizing the survey(s) shall be provided to the Placer County Community Development Resource Agency and the PCA within 30 days of the completed survey and is valid for one construction season, assuming that a break in construction activities of more than three days does not occur. If nests are not found, further mitigation is not required.

If an active raptor nest is found, construction activities shall not take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot non disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is proposed by the project biologist and approved by the County after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest). The project biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or if the nest can be left undisturbed until the end of the nesting season.

7-10(c) When it is determined that the size of the non-disturbance buffer requires the project biologist to monitor the nest, that monitoring shall include observations about the bird's behaviors relative to the construction activities. Should construction activities cause a nesting bird to do any of the following in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the following agitated behavior: vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the County.

Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the project biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and that no new nests have been identified.

Areas Outside of the Placer County Conservation Program

7-10(d) A preconstruction nesting bird survey shall be conducted by the project biologist throughout the project area and all accessible areas within a 500-foot radius of proposed construction areas for each phase, at most, three days prior to the initiation of construction. If there is a break in construction activity of more than three days, then subsequent surveys shall be conducted.

A report summarizing the survey(s) shall be provided to the Placer County Community Development Resource Agency within 30 days of the completed survey and is valid for one construction season, assuming that a break in construction activities of more than three days does not occur. If nests are not found, further mitigation is not required.

If an active raptor or a tricolored blackbird nesting colony are found, construction activities shall not take place within 500 feet of the nest/colony until the young have fledged. If active songbird nests are found, a 100-foot non-disturbance buffer shall be established. The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is proposed by the project biologist and approved by the County (and CDFW if it is a tricolored blackbird nesting colony) after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether there are visual or acoustic barriers between the proposed activity and the nest). The project biologist can visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.

7-10(e) When it has been determined that the size of the non-disturbance buffer requires the project biologist to monitor the nest, that monitoring shall include observations about the bird's behaviors relative to the construction activities. Should construction activities cause a nesting bird to do any of the following in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the following agitated behavior(s): vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the County.

Construction activities may only resume within the non-disturbance buffer after a follow-up survey by the project biologist has been conducted and a report has been prepared indicating that the nest (or nests) is no longer active, and that new nests have not been identified.

k.i. Potential Significant Impact:

Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

k.ii. Facts in Support of Finding:

Placer County Conservation Program Plan Area

7-11(a) Implement Mitigation Measures 7-12(a) and (b).

7-11(b) PCCP Community Condition 2.1: To the maximum extent possible, the proposed project shall not modify any area within a buffer that extends 50 feet outward from the outermost bounds of the riparian vegetation. The improvement or grading plans shall show the location of the riverine/riparian buffer.

7-11(c) PCCP Community Condition 2.2: Prior to land conversion authorization, the applicant shall coordinate with the PCA to determine which In-Stream and Stream System Best Management Practices (BMPs) from Table 7-1 of the User's Guide apply to the proposed project. The applicant shall identify the applicable BMPs on the project's improvement or grading plans. The selected BMPs shall be incorporated into the project's Land Conversion Authorization letter.

Prior to land conversion authorization approval, the unavoidable effects to 0.67 to 1.12 acres riverine and riparian habitat or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid shall be those in effect at the time of land conversion authorization.

7-11(d) Prior to the commencement of ground disturbing activities, the applicant shall apply for a Section 1600 Lake or Streambed Alteration Agreement from CDFW for the entire Project or by phase as needed. The Lake and Streambed Alteration Agreement program is not fully integrated into the PCCP and must be applied for separate and apart from the PCCP. The information provided shall include a description of all activities associated with the Project, not just those closely associated with the drainages and/or riparian vegetation. Impacts shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in this document. Impacts for each activity shall be broken down by temporary and permanent, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity and then by temporary and permanent. Information regarding Project specific drainage and hydrology changes resulting from project implementation shall be provided as well as a description of storm water treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation shall be determined by CDFW and result in no net loss of riparian habitat.

Areas Outside of the Placer County Conservation Program

7-11(e) Prior to the commencement of ground disturbing activities, the applicant shall apply for a Section 1600 LSAA from CDFW. The information provided shall include a description of all activities associated with the proposed project, not just those closely associated with the

drainages and/or riparian vegetation. Impacts shall be outlined in the application and are expected to be in substantial conformance with the impacts to biological resources outlined in the BRA prepared for the Creekview Ranch Project by Madrone Ecological Consulting. Impacts for each activity shall be broken down by temporary and permanent impacts, and a description of the proposed mitigation for biological resource impacts shall be outlined per activity, and then by temporary and permanent impacts. Information regarding project-specific drainage and hydrology changes resulting from project implementation shall be provided, as well as a description of storm water treatment methods. Minimization and avoidance measures shall be proposed as appropriate and may include preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific storm water BMPs. Mitigation for impacts to riparian woodland may include restoration or enhancement of resources on- or off-site, purchase habitat credits from an agency-approved mitigation/conservation bank, off-site, working with a local land trust to preserve land, or any other method acceptable to CDFW. Mitigation shall not result in a net loss of riparian woodland. Written verification of Section 1600 LSAA shall be submitted to the Placer County Community Development Resource Agency.

I.i. Potential Significant Impact:

Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

I.ii. Facts in Support of Finding:

Placer County Conservation Program Plan Area

7-12(a) The Permittee shall apply for coverage under the PCCP to mitigate all impacts to Covered Species, land cover, and sensitive natural communities. Prior to application approval, additional species surveys may be necessary, and prior to construction land cover and special habitat fees shall be paid. The Permittee shall comply with the terms of the PCCP Coverage Certificate, including compliance with all avoidance and minimization measures, which may include pre-construction surveys, construction monitoring, and BMPs.

PCCP General Condition 3: The proposed project shall pay a land conversion fee or dedicate land in lieu of fee or a combination thereof for the permanent conversion of 0.344-acre of Riparian/Riverine land cover (an additional 0.215-acre if the East Trail and West Trail are developed). If fees are paid, they shall be those in effect at the time of ground disturbance authorization for each project phase and shall be the per-acre

fee based on the final amount of land disturbance resulting from the activity.

In addition to land conversion, the project would result in permanent direct effects and temporary effects to PCCP Special Habitats as detailed in Table 11 of the Biological Resources Assessment (BRA) prepared for the proposed project. The total special habitat fee obligation including temporary effect fees shall be paid prior to issuance of a land conversion authorization that allows ground disturbance of a special habitat.

7-12(b) PCCP General Condition 4: The applicant shall restore all temporarily disturbed areas and, one year after the project's groundbreaking, provide the County with a written assessment of how the performance standards were met. The project would result in 9.14 to 9.68 acres of temporary effects to special habitats. Prior to issuance of land conversion authorization, the project shall pay a fee based on the final acres of impact. The fee to be paid shall be in effect at the time of land conversion authorization issuance. If it is determined by the County or the PCCP biologist that the effects remain one year after groundbreaking activities have commenced, the effects shall be considered permanent, and the County project lead shall reassess fees based on those effects.

7-12(c) PCCP Community Condition 1.1: Prior to land conversion authorization approval, the unavoidable effects to 1.338 acres of vernal pool type wetlands or their buffers shall be mitigated through payment of special habitat fees. The fees to be paid to the PCA shall be in effect at the time of land conversion authorization issuance.

7-12(d) PCCP Community Condition 1.4: Prior to ground disturbance, the applicant shall schedule grading and construction in coordination with the PCA to provide the PCA the opportunity to salvage topsoil from the vernal pool wetland if they choose to do so. The applicant shall notify the PCA of their construction schedule within 30 days of the construction start date to allow the PCA the opportunity to salvage soils while the pools are completely dry (generally July through September) and the PCA must make salvage plans sufficiently far in advance so as to not unreasonably impair construction.

7-12(e) PCCP Stream System Condition 2: The project's development footprint is directly impacting the Stream System. The area of encroachment (12.57 to 12.68 acres of permanent impact and 7.19 to 7.33 acres of temporary impact) is subject to the Stream System Encroachment Special Habitats Fee as described in Chapter 5 of the PCCP User's Guide. Fees shall be paid to the PCA prior to the issuance of any permit or authorization that results in ground disturbance within the Stream System.

7-12(f) Implement Mitigation Measure 7-11(d) regarding LSAA.

7-12(g) The Project applicant shall apply for coverage under the streamlined PCCP Letter of Permission (LOP) process directly with the USACE using avoidance and minimization guidance from the CARP, a component of the PCCP.

7-12(h) The applicant shall submit an application to the RWQCB for water quality certification of the PCCP LOP and adhere to the certification conditions.

7-12(i) PCCP CARP Authorization Conditions: The project applicant shall comply with the PCCP CARP Authorization Conditions, which are as follows:

All work within the PCCP plan area that impacts Aquatic Resources of Placer County shall be completed according to the plans and documents included in the CARP application, Water Quality Certification, and, if applicable, WDRs. All changes to those plans shall be reported to Placer County. Minor changes may require an amendment to the CARP Authorization, Water Quality Certification, and, if applicable, Waste Discharge Requirements (WDRs). Substantial changes may render the authorization, Water Quality Certification, and, if applicable, WDRs, void, and a new application may be required.

A copy of the CARP conditions and Water Quality Certification and WDRs shall be given to individuals responsible for activities on the site. Site personnel, (employees, contractors, and subcontractors) shall be adequately informed and trained to implement all permit, Water Quality Certification, and WDR conditions and shall have a copy of all permits available on-site at all times for review by site personnel and agencies.

Any construction within the Stream System shall be implemented in a way to avoid and minimize impacts to vegetation outside the construction area. All preserved wetlands, other Aquatic Resources of Placer County, and the Stream Zone shall be protected with bright construction fencing. Temporary fencing shall be removed immediately upon completion of the project.

Before beginning construction, the project applicant shall have a valid CARP authorization or waiver notice. In order to obtain a permit, the project applicant shall pay all mitigation fees or purchase appropriate credits from an agency-approved mitigation bank.

All deviations from plans and documents provided with the application and approved by Placer County Community Development Resource Agency shall be reported to Placer County Community Development Resource Agency immediately.

Erosion control measures shall be specified as part of the CARP application, and the application shall not be complete without them. All erosion control specified in the permit application shall be in place and

functional before the beginning of the rainy season and shall remain in place until the end of the season. Site supervisors shall be aware of weather forecasts year-round and shall be prepared to establish erosion control on short notice for unusual rain events. Erosion control features shall be inspected and maintained after each rainfall period. Maintenance includes, but is not limited to, removal of accumulated silt and the replacement of damaged barriers and other features.

All required setbacks shall be implemented according to the HCP/NCCP Condition 4 (HCP/NCCP Section 6.1.2).

All work in aquatic resources within the Stream System shall be restricted to periods of low flow and dry weather between April 15 and October 15, unless otherwise permitted by the Placer County Community Development Resource Agency and approved by the appropriate State and federal regulatory agency. Work within aquatic resources in the Stream System outside of the specified periods may be permitted under some circumstances. The project applicant shall provide Placer County Community Development Resource Agency with the following information: a) the extent of work already completed; b) specific details about the work yet to be completed; and c) an estimate of the time needed to complete the work in the Stream System.

Following work in a stream channel, the low flow channel shall be returned to its natural state to the extent possible. The shape and gradient of the streambed shall be restored to the same gradient that existed before the work to the extent possible.

Work shall not disturb active bird nests until young birds have fledged. To avoid impacts to nesting birds, any disturbance shall occur between September 1 and February 1 prior to the nesting season. Tree removal, earthmoving or other disturbance at other times is at the Placer County Community Development Resource Agency’s discretion and shall require surveys by a qualified biologist to determine the absence of nesting birds prior to the activity.

All trees marked for removal within the Stream System must be shown on maps included with the Application. Native trees over five inches diameter at breast height (DBH) shall not be removed without the consent of the Placer County Community Development Resource Agency.

Except for site preparation for the installation and removal of dewatering structures, no excavation is allowed in flowing streams unless dredging WDRs are issued by the RWQCB. Detailed plans for dewatering must be part of the application.

Temporary crossings as described in the application shall be installed no earlier than April 15 and shall be removed no later than October 15, unless otherwise permitted by the Placer County Community Development

Resource Agency and approved by the appropriate State and federal regulatory agency. This work window could be modified at the discretion of Placer County and CDFW.

Vehicles other than necessary earthmoving and construction equipment shall not be allowed within the Stream System after the section of stream where work is performed is dewatered. The equipment and vehicles used in the Stream System shall be described in the application.

Staging areas for equipment, materials, fuels, lubricants, and solvents shall be located outside the stream channel and banks and away from all preserved aquatic resources. All stationary equipment operated within the Stream System shall be positioned over drip pans. Equipment entering the Stream System shall be inspected daily for leaks that could introduce deleterious materials into aquatic resources. All discharges, unintentional or otherwise, shall be reported immediately to the Placer County Community Development Resource Agency. The Placer County Community Development Resource Agency shall then immediately notify the appropriate state and federal agencies.

Cement, concrete, washings, asphalt, paint, coating materials, oil, other petroleum products, and other materials that could be hazardous to aquatic life shall be prevented from reaching streams, lakes, or other water bodies. These materials shall be placed a minimum of 50 feet away from aquatic environments. All discharges, unintentional or otherwise, shall be reported immediately to the Placer County Community Development Resource Agency. The Placer County Community Development Resource Agency shall then immediately notify the appropriate State and federal agencies.

During construction, litter or construction debris shall not be dumped into water bodies or other aquatic resources, nor shall it be placed in a location where it might be moved by wind or water into aquatic resources. All construction debris shall be removed from the site upon completion of the project.

Only herbicides registered with the California Department of Pesticide Regulation shall be used in streams, ponds, and lakes, and shall be applied in accordance with label instructions. A list of all pesticides that may be used in the project area shall be submitted to the Placer County Community Development Resource Agency before use. The PCCP does not authorize the use of herbicides; herbicide application is not a Covered Activity.

The Placer County Community Development Resource Agency shall be notified immediately if threatened or endangered species that are not Covered Species are discovered during construction activities. Placer County Community Development Resource Agency shall suspend work

and notify the USFWS, National Marine Fisheries Service (NMFS), and the CDFW for guidance.

Wildlife entering the construction site shall be allowed to leave the area unharmed or shall be flushed or herded humanely in a safe direction away from the site.

All pipe sections shall be capped or inspected for wildlife before being placed in a trench. Pipes within a trench shall be capped at the end of each day to prevent entry by wildlife, except for those pipes that are being used to divert stream flow.

At the end of each workday, all open trenches will be provided with a ramp of dirt or wood to allow trapped animals to escape.

If human remains or cultural artifacts are discovered during construction, the applicant shall stop work in the area and notify the Placer County Community Development Resource Agency immediately. Work shall not continue in the area until the County Coroner and a qualified archaeologist have evaluated the remains, conducted a survey, prepared an assessment, and required consultations are completed.

Areas Outside of the Placer County Conservation Program

7-12(j) To address potential impacts to federally or State-protected wetlands in non-PCCP portions of the study area, prior to the issuance of grading permits, the project applicant shall complete the following requirements:

- The project applicant shall apply for a Section 404 permit from the USACE. Waters that would be impacted shall be replaced or rehabilitated on a “nonet-loss” basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE;
- The applicant shall apply for a Section 401 water quality certification from the RWQCB and adhere to the certification conditions therein; and
- Implement Mitigation Measure 7.11-(e) regarding LSAA.

<u>m.i. Potential Significant Impact:</u>

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the environment by converting oak woodlands or impacting individual trees.

<u>m.ii. Facts in Support of Finding:</u>

Placer County Conservation Program Plan Area

7-14(a) PCCP General Condition 2: The project shall minimize effects on adjacent conservation lands through implementation of the following design requirements:

1. Signage shall be posted to notify of any usage restrictions and to educate the public on the sensitivity of the area and usage restrictions.
2. Fencing shall be installed at the boundary between developed areas and reserves to prevent illegal access by people and pets, unless the conditions on the reserve make trespass unlikely (i.e., surrounded by canals that are difficult to cross). Fences shall be suitable for the conditions in the adjacent reserve. The type of fence required shall be at the discretion of the County or City, as permitted by County and City codes. Fences shall have limited gates and be designed with consideration to not allowing movement of people and their pets. Access shall be limited to maintenance and monitoring activities unless a habitat management plan specifies otherwise.
3. Natural or artificial barriers or other access restrictions may be installed around development to protect sensitive land-cover types and Covered Species in the reserves. If used, barriers shall be designed so they are appropriate for site conditions and the resources being protected. Some barriers should keep domestic pets outside the reserve, other barriers should keep Covered Species inside the reserve. Before installation of a barrier, consideration shall be given to freedom of movement by Covered Species. If the barrier would prevent movement, or if the barrier would encourage species to use other, less-favorable crossings, alternative solutions shall be considered.
4. Roads constructed adjacent to reserves shall be fenced to restrict unauthorized public access. Through the conditional approval process, the permittee shall only approve fencing that is appropriate (e.g., chain link, post and cable, barbwire) to allow movement of wildlife between reserves.
5. Development shall be designed to minimize the length of the shared boundary between development and the reserves (i.e., minimize the urban edge, perimeter).
6. Incorporation of high-intensity lighting (e.g., floodlights used for recreational facilities and commercial parking lots) into site improvement standards near reserves shall be avoided. Low-glare, no-glare, or shielded lighting shall be installed in developed areas adjacent to reserves to minimize artificial lighting of reserve lands at night. The height and intensity of lights shall be kept to a minimum. Resources providing technical support include publications of the

Illuminating Engineering Society of North America and its Lighting Handbook, Reference & Application, Ninth Edition, and Recommended Practices. The intent of this avoidance and minimization measure is to design a lighting system, where determined necessary, that maintains public safety and security in the project area while curtailing the degradation of the nighttime visual environment on the reserve property by limiting nighttime light radiation and/or light spill.

7. Public facilities, such as ballparks and fields that require high-intensity night lighting (i.e., floodlights), shall be sited at least 0.5-mile from the reserve boundary to minimize light pollution. Facilities may be sited closer to the Reserve System if the PCA determines the lighting system will not be intrusive to wildlife within the Reserve System (e.g., hills block the lighting).
8. For any landscaping adjacent to reserve properties, non-invasive plants shall be required, and the use of native plants will be highly encouraged, consistent with County Landscape Design Guidelines or similar standards for the City of Lincoln.

Any of the above design requirements, or similar requirements developed over time, that are incorporated into projects shall be located within the development footprint. The foregoing project features shall be maintained by the property owners. Conditions of approval on projects are monitored by County or City staff during the construction and development phase and are enforced over time through the efforts of professional land development staff familiar with the project or a code enforcement division. If projects are found to be out of compliance, standard remedial actions shall be applied and may include code enforcement, use of securities, revocation or modification of entitlement. Violations will be reported to the PCA, USFWS, NMFS, CDFW, and applicable local jurisdiction for potential enforcement.

7-14(b) PCCP General Condition 3: The project shall a land conversion fee or dedicate land in lieu of fee or a combination thereof for the permanent conversion of 93.29 acres of the following natural land cover types: VPC Low, VPC Intermediate, VPC High, Blue Oak Woodland, Orchard, and Rural Residential (an additional 0.59-acre if both potential trails are developed and the most impactful sewer alternative) (for Riparian/Riverine, see Mitigation Measure 7-12(a)). If fees are paid, they shall be those in effect at the time of ground disturbance authorization for each project phase and shall be the per acre fee based on the final amount of land disturbance resulting from the activity.

7-14(c) PCCP General Condition 5: Prior to initiation of construction activities, all project construction personnel shall participate in a Worker Environmental Training Program that will educate workers regarding the

Covered Species and their habitats, the need to avoid impacts, state and federal protection, and the legal implications of violating environmental laws and regulations. At a minimum this training may be accomplished through tailgate presentations at the project site and the distribution of informational brochures, with descriptions of sensitive biological resources and regulatory protections, to construction personnel prior to initiation of construction work. The signed documentation of training completion by all construction workers shall be submitted to the Placer County Resource Development Agency and the PCA.

City of Roseville

7-14(d) If Sewer Pipeline Alignment Option 1A, 1B, and/or the East Trail alignment are chosen, the project applicant shall obtain a Tree Permit in accordance with the requirements set forth in Chapter 19.66 of the Roseville Municipal Code. The City of Roseville Tree Ordinance requires a Tree Permit for any activity affecting 20 percent or more of the Protected Zone of a Protected Tree related to a discretionary project. A number of items must be submitted with the permit application, including an Arborist Report. The Arborist Report must be prepared by an arborist or registered professional forester and include specific information on the tree locations, condition, potential impacts of development, recommended actions and mitigation measures.

If Option 1A is selected, the non-PCCP portion of Option 1A within the City of Roseville would result in impacts to a total of 58 Protected Trees with a combined DBH of 753.6 inches.

If Option 1B is selected, the non-PCCP portion of Option 1B within the city would result in impacts to a total of 38 Protected Trees with a combined DBH of 343.5 inches.

If the East Trail is constructed, the non-PCCP portion of the potential future East Trail within the City of Roseville would result in impacts to a total of seven Protected Trees with a combined DBH of 106 inches.

To mitigate the loss of Protected Trees, the project applicant shall obtain a Tree Permit from the Roseville Planning Department prior to improvement plan approval. The Planning Department shall review the Tree Permit application as well as the final site improvement plans and determine the precise mitigation requirement at that time.

Removal of Protected Trees shall be mitigated by planting of new trees (replacement) or by payment of an in-lieu fee of $118 per inch of DBH. If the applicant chooses replacement, the replacement requirement shall be calculated based upon an inch for an inch replacement of the DBH of the removed tree(s) where a 15-gallon tree would replace one-inch DBH of the removed tree; a 24-inch box tree would replace two inches, and a 36-inch box tree would replace three inches. The replacement trees shall

have a combined diameter equivalent to not less than the total diameter of the tree(s) removed. A minimum of 50 percent of the replacement requirement shall be met by native oaks. Up to 50 percent may be met by non-native species.

Efforts shall be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation. The improvement plans shall include a note and show placement of temporary construction fencing around trees to be saved: The applicant shall install a four foot-tall, brightly colored (typically orange), synthetic mesh material fence (or an equivalent) approved by the City Planning Department at the following locations prior to any construction equipment being moved onsite or any construction activities taking place: at the limits of construction; outside the Protected Zone of all single-trunk trees six inches DBH or greater, or 10 inches DBH aggregate for multi-trunk trees; within 50 feet of any grading, road improvements, underground utilities, or other development activity; or as otherwise shown on the Tentative Subdivision Map.

Development of the sewer pipeline and East Trail, including grading, shall not be allowed until this requirement is satisfied. Any encroachment within the foregoing areas, including Protected Zones of trees to be saved, shall first be approved by the City Planning Department. Temporary fencing shall not be altered during construction without written approval of the City Planning Department. Grading, clearing, storage of equipment or machinery, etc., shall not occur until a representative of the City Planning Department has inspected and approved all temporary construction fencing.

County Areas Outside of the Placer County Conservation Program

7-14(e) Individual Tree Mitigation: The non-PCCP portion of the project site within unincorporated Placer County would result in impacts to a total of 41 Protected Trees with a combined DBH of 803.5 inches. An additional nine “significant trees” in oak woodlands mitigated in accordance with the Interim Guidelines would be impacted with a combined DBH of 298.0 inches. Cumulatively, this totals 50 individual trees with a combined DBH of 1,101.5 inches.

To mitigate the loss of Protected Trees, the project applicant shall obtain a Tree Permit from the Placer County Planning Services Division prior to improvement plan approval. The Planning Services Division shall review the Tree Permit application as well as the final site improvement plans and determine the precise mitigation requirement at that time. The fee shall be paid into the Placer County Tree Preservation Fund at $125 per DBH removed or impacted (or the applicable fee at that time).

Efforts shall be made to save trees where feasible. This may include the use of retaining walls, planter islands, pavers, or other techniques

commonly associated with tree preservation. The improvement plans shall include a note and show placement of temporary construction fencing around trees to be saved: The applicant shall install a four foot-tall, brightly colored (typically orange), synthetic mesh material fence (or an equivalent) approved by the Placer County Development Review Committee at the following locations prior to any construction equipment being moved on-site or any construction activities taking place: at the limits of construction; outside the Protected Zone of all single-trunk trees six inches DBH or greater, or 10 inches DBH aggregate for multi-trunk trees; within 50 feet of any grading, road improvements, underground utilities, or other development activity; or as otherwise shown on the Tentative Subdivision Map.

Development of the project, including grading, shall not be allowed until this requirement is satisfied. Any encroachment within the aforementioned areas, including Protected Zones of trees to be saved, shall first be approved by the Development Review Committee. Temporary fencing shall not be altered during construction without written approval of the Development Review Committee. No grading, clearing, storage of equipment or machinery, etc., may occur until a representative of the Development Review Committee has inspected and approved all temporary construction fencing.

7-14(f) Oak Woodland Mitigation: The project applicant shall obtain a Tree Permit from the Placer County Planning Services Division prior to improvement plan approval for impacted native oak trees and comply with all requirements of the Tree Permit. The Planning Services Division shall review the Tree Permit application as well as the final site improvement plans and determine the precise mitigation requirement at that time. To support the approval process, an exhibit shall be submitted showing the extent of the proposed activity within oak woodlands (as defined by the Interim Guidelines), and the resulting acreage of impacts to oak woodlands. If that impact acreage is one acre or greater, the project applicant may choose to mitigate for oak woodlands as follows:

- Compensatory mitigation shall occur off-site and may consist of one of the following, based on the acreage of oak woodland impacted:
    - Submit payment of fees for oak woodland conservation at a 2:1 ratio consistent with Chapter 19.50 of the Placer County Code: Woodland Conservation. The fees shall be calculated based upon the current market value of similar oak woodland acreage preservation and an endowment to maintain the land in perpetuity.
    - Purchase off-site conservation easements at a location approved by Placer County to mitigate the loss of oak woodlands at a 2:1 ratio.

- Provide for a combination of payment to the Tree Preservation Fund and creation of an off-site Oak Preservation Easement.

Removal of significant trees (greater than 24 inches DBH or clumps greater than 72 inches in circumference measured at ground level) within oak woodlands requires additional mitigation on a per-inch DBH removed ($125 per DBH inch).

As an example, oak woodland direct and indirect impacts proposed within the large stand of blue oak and riparian woodlands south of PFE Road total 1.8 acres. As mitigation for those impacts, the project applicant would be required to purchase offsite conservation easements, pay fees for oak woodland conservation, or a combination of the two for 3.6 acres of oak woodland. In addition, nine significant trees occur within this oak woodland area, and must be mitigated on a per-inch DBH removed. The trees have been included in the individual native tree mitigation discussion above.

7-14(g) Sewer Option 1B: Implementation of Sewer Option 1B would result in impacts to 10 Protected Trees with a combined DBH of 269.6 inches. To mitigate the loss of Protected Trees, the project applicant shall implement the Individual Tree Mitigation requirements set forth in Mitigation Measure 7-14(e).

n.i. Potential Significant Impact:

Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

n.ii. Facts in Support of Finding:

Implement Mitigation Measures 7-2, 7-4(a), 7-4(b), 7-4(c), 7-6(a), 7-8(a), 7-9(a), 7-10(a), 7-10(b), 7-10(c), 7-11(a), 7-11(b), 7-11(c), 7-11(d), 712(a), 7-12(b), 7-12(c), 7-12(d), 7-12(e), 7-12(f), 7-12(g), 7-12(h), 7-12(i), 7-14(a), 7-14(b), and 7-14(c).

o.i. Potential Significant Impact:

Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.

o.ii. Facts in Support of Finding:

10-2(a) Prior to construction commencing, the applicant shall provide evidence to the ESD of a Waste Discharge Identification (WDID) number generated from the State Regional Water Quality Control Board's Stormwater Multiple Application & Reports Tracking System (SMARTS). This serves as the Regional Water Quality Control Board approval or permit under the National Pollutant Discharge Elimination System (NPDES) construction stormwater quality permit.

10-2(b) The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual (LDM) that are in effect at the time of submittal) to the Engineering and Surveying Division (ESD) for review and approval of each project phase, The plans shall show all physical improvements as required by the conditions for the project as well as pertinent topographical features both on and offsite. All existing and proposed utilities and easements, onsite and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees and Placer County Fire Department improvement plan review and inspection fees with the 1st Improvement Plan submittal. (NOTE: Prior to plan approval, all applicable recording and reproduction costs shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans.

Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety.

The Final Subdivision Map(s) shall not be submitted to the Engineering and Surveying Division (ESD) until the Improvement Plans are submitted for the second review. Final technical review of the Final Subdivision Map(s) shall not conclude until after the Improvement Plans are approved by the ESD.

Any Building Permits associated with this project shall not be issued until, at a minimum, the Improvement Plans are reapproved by the Engineering and Surveying Division.

Prior to the County’s final acceptance of the project’s improvements, submit to the Engineering and Surveying Division one copy of the Record Drawings in digital format (on compact disc or other acceptable media) along with one blackline hardcopy (black print on bond paper) and one PDF copy. The digital format allows integration with Placer County’s Geographic Information System (GIS). The final approved blackline hardcopy Record Drawings will be the official document of record.

10-2(c) The Improvement Plans shall show all proposed grading, drainage improvements, vegetation and tree removal and all work shall conform to provisions of the County Grading

Ordinance (Ref. Article 15.48, Placer County Code) and Stormwater Quality Ordinance (Ref. Article 8.28, Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the Development Review Committee. All cut/fill slopes shall be at a maximum of 2:1 (horizontal: vertical) unless a soils report supports a steeper slope and the ESD concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation, undertaken from April 1 to October 1, shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to ensure proper installation and maintenance of erosion control/winterization before, during, and after project construction. Soil stockpiling or borrow areas, shall have proper erosion control measures applied for the duration of the construction as specified in the Improvement Plans. Provide erosion control where roadside drainage is off of the pavement, to the satisfaction of the ESD.

The applicant shall submit to the ESD a letter of credit or cash deposit in the amount of 110 percent of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. One year after the County's acceptance of Improvements as complete, if there are no erosion or runoff issues to be corrected, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by Placer County ESD for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the Placer County ESD to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body.

p.i. Potential Significant Impact:

Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operations.

p.ii. Facts in Support of Finding:

12-2(a) The Improvement Plans shall show water quality treatment facilities/Best Management Practices (BMPs) designed according to the guidance of the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction, for New Development/ Redevelopment, and for Industrial and Commercial (or other similar source as approved by the Engineering and Surveying Division (ESD).

Storm drainage from on- and off-site impervious surfaces (including roads) shall be collected and routed through specially designed catch basins, vegetated swales, vaults, infiltration basins, water quality basins, filters, etc. for entrapment of sediment, debris and oils/greases or other identified pollutants, as approved by the ESD. BMPs shall be designed in accordance with the West Placer Storm Water Quality Design Manual for sizing of permanent post-construction Best Management Practices for stormwater quality protection. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals.

All permanent BMPs shall be maintained as required to ensure effectiveness. The applicant shall provide for the establishment of vegetation, where specified, by means of proper irrigation. Proof of on-going maintenance, such as contractual evidence, shall be provided to ESD upon request. The project owners/permittees shall provide maintenance of these facilities and annually report a certification of completed maintenance to the County DPW Stormwater Coordinator, unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan approval or Final Subdivision Map recordation, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance.

12-2(b) The Improvement Plans shall include the message details, placement, and locations showing that all storm drain inlets and bioretention planters within the project area shall be permanently marked/embossed with prohibitive language such as “No Dumping! Flows to Creek.” or other language and/or graphical icons to discourage illegal dumping as approved by the Engineering and Surveying Division (ESD). ESD-approved signs and prohibitive language and/or graphical icons, which prohibit illegal dumping, shall be posted at public access points along channels and creeks within the project area. The Property Owners’ association is responsible for maintaining the legibility of stamped messages and signs.

12-2(c) This project is located within the permit area covered by Placer County’s Small Municipal Separate Storm Sewer System (MS4) Permit (State Water Resources Control Board National Pollutant Discharge

Elimination System (NPDES)). Project-related storm water discharges are subject to all applicable requirements of said permit.

The project shall implement permanent and operational source control measures as applicable. Source control measures shall be designed for pollutant generating activities or sources consistent with recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual, and shall be shown on the Improvement Plans.

The project is also required to implement Low Impact Development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management as outlined in the West Placer Storm Water Quality Design Manual.

12-2(d) Pursuant to the State of California NPDES Phase II MS4 Permit, this project is a Regulated Project that creates and/or replaces 5,000 square feet or more of impervious surface. A final Stormwater Quality Plan (SWQP) shall be submitted, either within the final Drainage Report or as a separate document that identifies how this project will meet the Phase II MS4 permit obligations. Site design measures, source control measures, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the Improvement Plans. In addition, pursuant to the Phase II MS4 permit, projects creating and/or replacing one acre or more of impervious surface are also required to demonstrate hydromodification management of stormwater such that post-project runoff is maintained to equal or below pre-project flow rates for the 2 year, 24-hour storm event, generally by way of infiltration, rooftop and impervious area disconnection, bio-retention, and other LID measures that result in post-project flows that mimic pre-project conditions.

q.i. Potential Significant Impact:

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff either during construction or in the post-construction condition.

q.ii. Facts in Support of Finding:

12-4(a) As part of the Improvement Plan submittal process, the preliminary drainage report provided during environmental review shall be submitted in final format. The final drainage report may require more detail than that provided in the preliminary report and will be reviewed in concert with the Improvement Plans to confirm conformity between the two. The

report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include A written text addressing existing conditions, the effects of the proposed improvements, all appropriate calculations, watershed maps, changes in flows and patterns, and proposed on- and off-site improvements to accommodate flows from this project. The report shall identify water quality protection features and methods to be used during construction, as well as long-term postconstruction water quality measures. The final Drainage Report shall be prepared in conformance with the requirements of Section 5 of the Land Development Manual and the Placer County Storm Water Management Manual that are in effect at the time of Improvement Plan submittal.

12-4 (b) The final Drainage Report shall evaluate the following off-site drainage facilities for condition and capacity and shall be upgraded, replaced, or mitigated as specified by the Engineering and Surveying Division. The Improvement Plans shall provide details of the location and specifications of all proposed offsite drainage facility improvements and drainage easements to accommodate the improvements. Prior to Improvement Plan or Final Subdivision Map(s) approval, the applicant shall obtain all drainage easements and necessary permits required by outside agencies.

A. Drainage along the intersection improvements at Cook Riolo and PFE Road intersection.

B. The culverts and associated grading under PFE Road and Antelope Road along the project frontage.

12-4(c) The Improvement Plans shall show that drainage facilities, for purposes of collecting runoff on individual lots, are designed in accordance with the requirements of the County Stormwater Management Manual that are in effect at the time of submittal, and shall comply with applicable storm water quality standards, to the satisfaction of the Engineering and Surveying Division (ESD). These facilities shall be constructed with subdivision improvements. Prior to Improvement Plan approval for projects without Final Subdivision/Parcel Maps or Final Subdivision/Parcel Map(s) recordation, easements shall be created and offered for dedication as required by the ESD. Maintenance of these facilities shall be provided by the homeowners'/property owners' association and annual notification to the county that annual maintenance of the storm water quality BMPs has occurred is required.

12-4(d) This project is subject to the one-time payment of drainage improvement and flood control fees pursuant to the "Dry Creek Watershed Interim Drainage Improvement Ordinance" (Ref. Article 15.32, Placer County Code). The current estimated development fee is $133,728 ($224 per single family residential unit), payable to the Engineering and Surveying Division prior to Building Permit issuance. The fees to be paid

shall be based on the fee program in effect at the time that the application is deemed complete.

12-4(e) This project is subject to payment of annual drainage improvement and flood control fees pursuant to the “Dry Creek Watershed Interim Drainage Improvement Ordinance” (Ref. Chapter 15, Article 15.32, Placer County Code). Prior to Building Permit issuance, the applicant shall cause the subject property to become a participant in the existing Dry Creek Watershed County Service Area for purposes of collecting such annual assessments. The current estimated annual fee is $20,895 ($35 per single family residential unit).

12-4(f) On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show the limits of the future, unmitigated, fully developed, 100-year flood plain (after grading) for the Dry Creek Antelope North Road Tributary (western drainageway) and the FEMA floodplain and designate same as a building setback line unless greater setbacks are required by other conditions contained herein.

12-4(g) On the Improvement Plans and Informational Sheet(s) filed with the Final Subdivision Map(s), show that finished house pad elevations for all Lot’s along the floodplain shall be a minimum of two feet above the 100-year flood plain line (or finished floor -three feet above the 100-year floodplain line). The final pad elevation shall be certified by a California registered civil engineer or licensed land surveyor and submitted to the Engineering and Surveying Division. This certification shall be done prior to construction of the foundation or at the completion of final grading, whichever comes first. No building construction is allowed until the certification has been received by the Engineering and Surveying Division and approved by the floodplain manager. Benchmark elevation and location shall be shown on the Improvement Plans and Informational Sheet(s) to the satisfaction of the Development Review Committee.

r.i. Potential Significant Impact:

Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows or expose people or structures to risk of loss, injury or death involving flooding through the placement of housing in a flood hazard area, or risk release of pollutants due to project inundation.

r.ii. Facts in Support of Finding:

12-5 Prior to Improvement Plan approval, the applicant shall obtain from the Federal Emergency Management Agency (FEMA), a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision based on Fill (CLOMR-F) for fill within a Special Flood Hazard Area, if required. A copy of the letter shall be provided to the Engineering and

Surveying Division. A Letter of Map Revision (LOMR), or a Letter of Map Revision based on Fill (LOMR-F) from FEMA shall be provided to the Engineering and Surveying Division prior to acceptance of project improvements as complete.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (California Code of Regulations, title 14, section 15096, subd. (h).) The Central Valley Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (California Code of Regulations, title 14, section 15096, subd. (i).)

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Attachment D – Reports and Notification Requirements

I. 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:

A. Central Valley Regional Water Quality Control Board's Adopted Orders Web page (https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/401_wqcerts/)

B. Find your Order based on the County, Permittee, WDID No., and/or Project Name.

II. Report Submittal Instructions

A. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting. **(See your Order for specific reports required for your Project)**

- **Part A (Monthly and Annual Reports):** These reports will be submitted monthly and annually until a Notice of Project Complete Letter is issued.
- **Part B (Project Status Notifications):** Used to notify the Central Valley Water Board of the status of the Project schedule that may affect Project billing.
- **Part C (Conditional Notifications and Reports):** Required on a case-by-case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

B. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

C. Electronic Report Submittal Instructions:

- Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleysacramento@waterboards.ca.gov and cc: Nicholas.Savino@waterboards.ca.gov.
- Include in the subject line of the email:
  ATTN: Nicholas Savino; Project Name; and WDID No. 5A31CR00597.

III. Definition of Reporting Terms

A. 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.

B. Request for Notice of Completion of Discharges Letter:

This request by the Permittee to the Central Valley 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. Central Valley 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.

C. Request for Notice of Project Complete Letter:

This request by the Permittee to the Central Valley 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. Central Valley 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.

D. 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 Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.

E. Effective Date:

17 August 2023

IV. Map/Photo Documentation Information

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

A. 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 (NAD83) 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.

B. 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.

V. Report and Notification Cover Sheet

Project: Creekview Ranch North Project
Permittee: Creekview Ranch 2, LLC
WDID: 5A31CR00597
Reg. Meas. ID: 452536
Place ID: 888143
Order Effective Date: 17 August 2023
Order Expiration Date: 16 August 2028

VI. Report Type Submitted

A. Part A – Project Reporting

Report Type 1 ☐ Monthly Report
Report Type 2 ☐ Annual Report

B. 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

C. Part C – Conditional Notifications and Reports

Report Type 6 ☐ Accidental Discharge of Hazardous Material Report
Report Type 7 ☐ Violation of Compliance with Water Quality Standards Report
Report Type 8 ☐ In-Water Work/Diversions Water Quality Monitoring Report
Report Type 9 ☐ Modifications to Project Report
Report Type 10 ☐ Transfer of Property Ownership Report
Report Type 11 ☐ Transfer of Long-Term BMP Maintenance Report

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

Print Name[1]	**Affiliation and Job Title**

Signature	**Date**

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

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

Permittee's Signature	**Date**

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

A. Part A – Project Reporting

1. Report Type 1 - Monthly Report

a. Report Purpose - Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis.

b. When to Submit - On the 1st day of each month after the effective date of this Order until a Notice of Project Complete Letter is issued to the Permittee.

c. Report Contents -

i. Construction Summary

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). Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control If construction has not started, provide estimated start date.

ii. Event Summary

Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.

iii. Photo Summary

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.

iv. Compliance Summary

- List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.
- List associated monitoring reports for the reporting period.
- Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.
- Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution.

2. Report Type 2 - Annual Report

a. Report Purpose - Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods.

b. When to Submit - Annual reports shall be submitted each year on the 1st day of September beginning one year following the effective date of the Order. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee.

c. 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.

During the Active Discharge Period

- **Topic 1: Construction Summary**
- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

During the Post-Discharge Monitoring Period

- **Topic 2: Mitigation for Temporary Impacts Status**
- **Topic 3: Compensatory Mitigation for Permanent Impacts Status**

i. Annual Report Topic 1 - Construction Summary

When to Submit - With the annual report during the Active Discharge Period.

Report Contents - 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.

1) Map showing general Project progress.

2) If applicable:

a) Summary of Conditional Notification and Report Types 6 and 7 (Part C below).

b) Summary of Certification Deviations. See Certification Deviation Attachment for further information.

ii. 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.
2) If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.

iii. 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.

1) Part A. Permittee Responsible

a) Planned date of initiation of compensatory mitigation site installation.
b) If installation is in progress, a map of what has been completed to date.
c) 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.

2) Part B. Mitigation Bank or In-Lieu Fee

a) Status or proof of purchase of credit types and quantities.
b) Include the name of bank/ILF Program and contact information.
c) If ILF, location of project and type if known.

B. <u>Part B – Project Status Notifications</u>

1. Report Type 3 - Commencement of Construction

a. Report Purpose - Notify Central Valley Water Board staff prior to the start of construction.

b. When to Submit - Must be received at least seven (7) days prior to start of initial ground disturbance activities.

c. Report Contents -

i. Date of commencement of construction.
ii. Anticipated date when discharges to waters of the state will occur.
iii. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable.

iv. Construction Storm Water General Permit WDID No.

v. Proof of purchase of compensatory mitigation for permanent impacts from the mitigation bank or in-lieu fee program.

2. Report Type 4 - Request for Notice of Completion of Discharges Letter

a. Report Purpose - Notify Central Valley Water Board staff that post-construction monitoring is required and that active Project construction, including any mitigation and permittee responsible compensatory mitigation, is complete.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities.

c. Report Contents -

i. Status of storm water Notice of Termination(s), if applicable.

ii. Status of post-construction storm water BMP installation.

iii. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized.

iv. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable.

v. 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.

3. Report Type 5 - Request for Notice of Project Complete Letter

a. Report Purpose - Notify Central Valley Water Board staff that construction and/or any post-construction monitoring is complete, or is not required, and no further Project activity is planned.

b. When to Submit - Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities.

c. Report Contents -

i. Part A: Mitigation for Temporary Impacts

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.

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.

ii. Part B: Permittee Responsible Compensatory Mitigation

1) A report establishing that the performance standards outlined in the compensatory mitigation plan have been met.

2) Status on the implementation of the long-term maintenance and management plan and funding of endowment.

3) Pre- and post-photo documentation of all compensatory mitigation sites.

4) Final maps of all compensatory mitigation areas (including buffers).

iii. Part C: Post-Construction Storm Water BMPs

1) Date of storm water Notice of Termination(s), if applicable.

2) Report status and functionality of all post-construction BMPs.

3) Dates and report of visual post-construction inspection during the rainy season as indicated in XIV.C.4.

C. <u>Part C – Conditional Notifications and Reports</u>

1. Report Type 6 - Accidental Discharge of Hazardous Material Report

a. Report Purpose - Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred.

b. When to Submit - Within five (5) working days of notification to the Central Valley Water Board of an accidental discharge. Continue reporting as required by Central Valley Water Board staff.

c. Report Contents -

i. 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.

ii. 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.

iii. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

2. Report Type 7 - Violation of Compliance with Water Quality Standards Report

a. Report Purpose - Notifies Central Valley Water Board staff that a violation of compliance with water quality standards has occurred.

b. **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 notification to Central Valley Water Board staff.

c. **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 Central Valley Water Board staff.

3. **Report Type 8 - In-Water Work and Diversions Water Quality Monitoring Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff of the start and completion of in-water work. Reports the sampling results during in-water work and during the entire duration of temporary surface water diversions.

b. **When to Submit** – At least forty-eight (48) hours prior to the start of in-water work. Within three (3) working days following the completion of in-water work. Surface water monitoring reports to be submitted two (2) weeks on initiation of in-water construction and during entire duration of temporary surface water diversions. Continue reporting in accordance with the approved water quality monitoring plan or as indicated in XIV.C.3.

c. **Report Contents** - As required by the approved water quality monitoring plan or as indicated in XIV.C.3.

4. **Report Type 9 - Modifications to Project Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff if the Project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.

b. **When to Submit** - 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.

c. **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.

5. **Report Type 10 - Transfer of Property Ownership Report**

a. **Report Purpose** - Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.

b. When to Submit - At least 10 working days prior to the transfer of ownership.

c. Report Contents -

i. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts:

1) 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

2) responsibility for compliance with any long-term BMP maintenance plan requirements in this Order. Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

ii. A statement that the Permittee has informed the purchaser to submit a written request to the Central Valley Water Board to be named as the permittee in a revised order.

6. Report Type 11 - Transfer of Long-Term BMP Maintenance Report

a. Report Purpose - Notifies Central Valley Water Board staff of transfer of long-term BMP maintenance responsibility.

b. When to Submit - At least 10 working days prior to the transfer of BMP maintenance responsibility.

c. Report Contents - A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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Attachment E – Signatory Requirements

All documents submitted in compliance with this Order shall meet the following signatory requirements:

A. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:

1. For a corporation, by a responsible corporate officer of at least the level of vice-president.
2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

B. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

1. The authorization is made in writing by a person described in items 1.a through 1.c above.
2. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
3. The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.

C. 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 F – Certification Deviation Procedures

I. Introduction

These procedures are put into place to preclude the need for Order amendments for minor changes in the Project routing or location. Minor changes or modifications in project activities are often required by the Permittee following start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XIV of the Order, may be requested by the Permittee as set forth below:

II. Process Steps

A. Who may apply:

The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

B. How to apply:

By letter or email to the 401 staff designated as the contact for this Order.

C. Certification Deviation Request:

The Permittee will request verification from the Central Valley Water Board staff that the project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

1. Describe the Project change or modification:
    a. Proposed activity description and purpose;
    b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
    c. How the Project activity is currently addressed in the Order; and,
    d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental

document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

D. Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
   a. Activity description and purpose;
   b. Activity location, start date, and completion date;
   c. Erosion control and pollution prevention measures applied;
   d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
   e. Mitigation plan, if applicable; and,
   f. Map of activity location and boundaries; post-construction photos.

E. Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
   a. Site name(s);
   b. Date(s) of Certification Deviation approval;
   c. Location(s) of authorized activities;
   d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order;
   e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies);
   f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards; and
   g. Mitigation to be provided (approved mitigation ratio and amount).

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Attachment G - Compliance with Code of Federal Regulations, Title 40, Section 121.7, Subdivision (d)

The purpose of this Attachment is to comply with Code of Federal Regulations, title 40, section 121.7, subdivision (d), which requires all certification conditions to provide an explanation of why the condition is necessary to assure that any discharge authorized under the certification will comply with water quality requirements and a citation to federal, state, or tribal law that authorizes the condition. This Attachment uses the same organizational structure as Section XIV of the Order, and the statements below correspond with the conditions set forth in Section XIV. The other Order Sections are not "conditions" as used in Code of Federal Regulations, title 40, section 121.7.

I. General Justification for Section XIV Conditions

Pursuant to Clean Water Act section 401 and California Code of Regulations, title 23, section 3859, subdivision (a), the Central Valley Water Board, when issuing water quality certifications, may set forth conditions to ensure compliance with applicable water quality standards and other appropriate requirements of state law. Under California Water Code section 13160, the State Water Resources Control Board is authorized to issue water quality certifications under the Clean Water Act and has delegated this authority to the executive officers of the regional water quality controls boards for projects within the executive officer's region of jurisdiction. (California Code of Regulations, title 23, section 3838.)

The conditions within the Order are generally required pursuant to the Central Valley Water Board's Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fifth Edition, February 2019 (Basin Plan), which was adopted and is periodically revised pursuant to Water Code section 13240. The Basin Plan includes water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. For instance, the Basin Plan includes water quality objectives for chemical constituents, oil and grease, pH, sediment, suspended material, toxicity and turbidity, which ensure protection of beneficial uses.

The State Water Board's Antidegradation Policy, "Statement of Policy with Respect to Maintaining High Quality Waters in California," Resolution No. 68-16, requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The Basin Plan incorporates this Policy. The state Antidegradation Policy incorporates the federal Antidegradation Policy (40 C.F.R. section 131.12

(a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

The State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge or Fill Procedures), adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects only if the demonstrations set forth in Section IV.B.1 of the Dredge or Fill Procedures have been satisfied.

California Code of Regulations, title 23, sections 3830 et seq. set forth state regulations pertaining to water quality certifications. In particular, section 3856 sets forth information that must be included in water quality certification requests, and section 3860 sets forth standard conditions that shall be included in all water quality certification actions.

Finally, Water Code sections 13267 and 13383 authorize the regional and state boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste.

II. Specific Justification for Section XIV Conditions

A. Authorization

Authorization under the Order is granted based on the application submitted. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

B. Reporting and Notification Requirements

1. Project Reporting

2. Project Status Notifications

The reporting and notification conditions under Sections B.1 and B.2 are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

3. Conditional Notifications and Reports

a. Accidental Discharges of Hazardous Materials

Conditions under Section B.3.a related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code. “Hazardous materials” is defined under Health and Safety Code section 25501. These reports related to accidental discharges ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible.

b. Violation of Compliance with Water Quality Standards

c. In-Water work and Diversions

Conditions under Section B.3.b and B.3.c related to monitoring and reporting on water quality standard compliance and in-water work and diversions are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable water quality objectives under the Basin Plan. These monitoring and reporting requirements are consistent with the Central Valley Water Board’s authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

d. Modifications to Project

Authorization under this Order is granted based on the application and supporting information submitted. Conditions under Section B.3.d are necessary to ensure that if there are modifications to the project, that the Order requirements remain applicable. The Permittee is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

e. Transfer of Property Ownership

f. Transfer of Long-Term BMP Maintenance

Authorization under this Order is granted based on the application information submitted, including identification of the legally responsible party. Conditions under Sections B.3.e and B.3.f are necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Order. If not, the original discharger remains responsible for compliance with this Order. Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856.

C. Water Quality Monitoring

Conditions under Section C related to water quality monitoring are required to confirm that best management practices required under this Order are sufficient to protect beneficial uses and to comply with water quality objectives to protect those uses under the Basin Plan. Applicable water quality objectives and beneficial uses are identified in the Order. These monitoring requirements are consistent with the Central Valley Water Board’s authority to investigate the

quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

D. Standard

1. This Order is subject to modification or revocation . . . .

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility . . . .

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(b). This condition clarifies the scope of the certification's application.

3. This Order is conditioned upon total payment of any fee . . . .

This is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860(c). This fee requirement condition is also required pursuant to California Code of Regulations, section 3833(b).

E. General Compliance

1. Failure to comply with any condition of this Order . . . .

The condition under Section E.1 places the Permittee on notice of any violations of Order requirements. Pursuant to Water Code section 13385, subdivision (a)(2), a person who violates any water quality certification issued pursuant to Water Code section 13160 shall be liable civilly.

2. Permitted actions must not cause a violation of any applicable water quality standards . . . .

Conditions under Section E.2 related to compliance with water quality objectives and designated beneficial uses are required pursuant to the Central Valley Water Board's Basin Plan. The Basin Plan's water quality

standards consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies. The Antidegradation Policy requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably affect present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. Applicable beneficial uses and water quality objectives to protect those uses include the Chemical Constituents (Basin Plan, Section 3.1.3), Oil and Grease (Basin Plan, Section 3.1.10), pH (Basin Plan, Section 3.1.11), Sediment (Basin Plan, 3.1.15), Suspended Material (3.1.17), Toxicity (Basin Plan, 3.1.20), and Turbidity (Basin Plan, Section 3.1.21) water quality objectives.

3. **In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require . . . .**

   Conditions under Section E.3 related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Technical supports submitted pursuant to Water Code section 13267 are required to be submitted under penalty of perjury. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. **The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports . . . .**

   Authorization under the Order is granted based on the application and supporting information submitted. The Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any

material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Finally, compliance with conditions of the Order ensures that the Project will comply with all water quality standards and other appropriate requirements as detailed herein. (California Code of Regulations, title 23, section 3859, subdivision (a).)

5. **This Order and all of its conditions herein continue to have full force and effect . . . .**

   This condition ensures continued compliance with applicable water quality standards and other appropriate requirements of state law. Notwithstanding any determinations by the U.S. Army Corps or other federal agency pursuant to 40 C.F.R. section 121.9, the Permittee must comply with the entirety of this certification because, pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, this Order also serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act.

6. **The Permittee shall adhere to all requirements in the mitigation monitoring and reporting program . . . .**

   This condition ensures mitigation measures required to lessen the significance of impacts to water quality identified pursuant to California Environmental Quality Act review are implemented and enforceable. Pursuant to California Code of Regulations, title 14, section 15097, subdivision (a), a public agency shall adopt a program for monitoring and reporting on mitigation measures imposed to mitigate or avoid significant environmental effects to ensure implementation.

7. **Construction General Permit Requirement**

   Permittees are required to obtain coverage under 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), as amended, for discharges to surface waters comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. This is required pursuant to Clean Water Act sections 301 and 402 which prohibit certain discharges of storm water containing pollutants except in compliance with an NPDES permit. (33 U.S.C. section 1311, and 1342(p); 40 C.F.R. parts 122, 123, and 124.)

F. Administrative

1. Signatory requirements for all document submittals . . . .

The condition for signatory requirements is required pursuant to Water Code section 13267, which requires any person discharging waste that could affect the quality of waters to provide to the Central Valley Water Board, under penalty of perjury, any technical or monitoring program reports as required by the Central Valley Water Board. The signatory requirements are consistent with 40 C.F.R. section 122.22.

2. This Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species . . . .

Pursuant to the California Endangered Species Act (Fish & Wildlife Code, sections 2050 et seq.) and federal Endangered Species Act (16 U.S.C. sections 1531 et set.), the Order does not authorize any act which results in the taking of a threatened, endangered, or candidate species. In the event a Permittee requires authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856(e), requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

3. The Permittee shall grant Central Valley Water Board staff . . . .

The condition related to site access requirements is authorized pursuant to the Central Valley Water Board's authority to investigate the quality of any waters of the state within its region under Water Code section 13267 and 13383. Water Code section 13267, subdivision (c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with." Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors . . . .

This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These

conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

5. **A copy of this Order must be available at the Project site(s) during construction . . .**

   This Condition ensures any agent of the Permittee is aware of Order requirements. Such conditions within the Order are necessary to ensure that all activities will comply with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and cannot be adhered to if the Permittees' agents are unaware of applicable requirements. These conditions are necessary to ensure compliance with applicable water quality objectives and protection of beneficial uses found in the Basin Plan, adopted pursuant to Water Code section 13240, and detailed in the Order.

6. **Lake or Streambed Alteration Agreement**

   This condition is required pursuant to California Code of Regulations, title 23, section 3856, subdivision (e), which requires that copies be provided to the Central Valley Water Board of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

G. Construction

1. Dewatering

Conditions related to dewatering and diversions ensure protection of beneficial uses during construction activities. Work in waters of the state and temporary diversions must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance, and to maintain water quality consistent with the Basin Plan and Antidegradation Policy. Further and consistent with the Dredge or Fill Procedures, section IV.A.2.c, water quality monitoring plans are required for any in-water work. Finally, dewatering activities may require a Clean Water Act section 402 permit or separate Waste Discharge Requirements under Water Code section 13263 for dewatering activities that result in discharges to land.

Conditions related to water rights permits are required pursuant to California Code of Regs, title 23, section 3856(e), which requires complete copies of any final and signed federal, state, or local licenses, permits, and agreements

(or copies of drafts if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity.

Conditions related to monitoring and reporting are required to provide the Central Valley Water Board necessary project information and oversight to ensure project discharges are complying with applicable Basin Plan requirements. These monitoring and reporting requirements are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Water Code section 13267 authorizes the regional boards to require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to provide technical or monitoring program reports required by the regional board. Water Code section 13383 authorizes the regional boards to establish monitoring, inspection, entry, reporting, and other recordkeeping requirements, as authorized by Water Code section 13160, for any person who discharges, or proposes to discharge, to navigable waters.

2. **Directional Drilling – Not Applicable**

3. **Dredging – Not Applicable**

4. **Fugitive Dust**

   This condition is required to assure that the discharge from the Project will comply with water quality objectives established for surface waters, including for chemical constituents and toxicity. (Basin Plan, Sections 3.1.3 & 3.1.20.) Chemicals used in dust abatement activities can result in a discharge of chemical additives and treated waters to surface waters of the state. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state and do not adversely affect beneficial uses. (Basin Plan, Section 2.1; Dredge or Fill Procedures, Section IV.B.1.)

5. **Good Site Management "Housekeeping"**

   Conditions related to site management require best practices to prevent, minimize, and/or clean up potential construction spills, including from construction equipment. For instance, fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to waters of the state in violation of water quality standards, including the toxicity and floating material water quality objectives. (Basin Plan, Sections 3.1.7 & 3.1.20.) This condition is also required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this Order. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not cause or contribute to a degradation of waters; or violate water quality standards.

6. Hazardous Materials

Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with applicable water quality objectives under the Basin Plan, adopted under section 13240 of the Water Code, including the narrative toxicity and chemical constituents water quality objectives. (Basin Plan, Sections 3.1.3, 3.1.20.) Further, conditions related to concrete/cement are required pursuant to the Basin Plan's pH water quality objective. (Basin Plan, Section 3.1.11.)

7. Invasive Species and Soil Borne Pathogens

Conditions related to invasive species and soil borne pathogens are required to ensure that discharges will not violate any water quality objectives under the Basin Plan, adopted under Water Code section 13240 of the Water Code. Invasive species and soil borne pathogens adversely affect beneficial uses designated in the Basin Plan, such as rare, threatened, or endangered species; wildlife habitat; and preservation of biological habitats of special significance. (See Basin Plan, Section 2.1.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

8. Post-Construction Storm Water Management

Conditions related to post-construction stormwater management are required to comply with the Basin Plan and to assure that the discharge complies with applicable water quality objectives. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the conditions will assure compliance with water quality objectives including for floating material, sediment, turbidity, temperature, suspended material, and settleable material. (Basin Plan, Sections 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

9. Roads

These conditions are required to assure that discharges will comply with water quality standards within the Basin Plan. Specifically, activities associated with road maintenance have the potential to exceed water quality objectives for oil and grease, pH, sediment, settleable materials, temperature, and turbidity. (Basin Plan, Sections 3.1.10, 3.1.11, 3.1.15, 3.1.16, 3.1.19,

3.1.21.) Further, these conditions are required to assure that they do not result in adverse impacts related to hydromodification or create barriers to fish passage and spawning activities. Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

10. Sediment Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment and turbidity. (Basin Plan, Sections 3.1.15 & 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

11. Special Status Species

See F.2 above.

12. Stabilization/Erosion Control

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in exceedance of water quality objectives in the Basin Plan, including for sediment. (Basin Plan, Section 3.1.15.) Among other requirements, Section IV.B.1 of the Dredge or Fill Procedures requires that Project impacts will not contribute to a net loss of the overall abundance, diversity, and condition of aquatic resources; cause or contribute to a degradation of waters; or violate water quality standards.

13. Storm Water

Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and best management practices described in the condition will assure compliance with water quality objectives including chemical constituents, floating material, sediment, turbidity, temperature, suspended material, and settleable material within the Basin Plan. (Basin Plan, Sections 3.1.1, 3.1.7, 3.1.15, 3.1.16, 3.1.17, 3.1.19, 3.1.21.) Among other requirements, Section IV.B.1 of the Dredge or Fill

Procedures requires that Project impacts will not cause or contribute to a degradation of waters or violate water quality standards.

H. Site Specific – Not Applicable

I. Total Maximum Daily Load (TMDL) – Not Applicable

J. Mitigation for Temporary Impacts

The conditions under Section J require restoration of temporary impacts to waters of the state. Conditions in this section related to restoration and/or mitigation of temporary impacts are consistent with the Dredge or Fill Procedures, which requires "in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions." (Dredge or Fill Procedures section IV. A.2(d) & B.4.) Technical reporting and monitoring requirements under this condition are consistent with the Central Valley Water Board's authority to investigate the quality of any waters of the state and require necessary reporting and monitoring pursuant to Water Code sections 13267 and 13383.

K. Compensatory Mitigation for Permanent Impacts

Mitigation Bank Development/In-Lieu Fee Project Development

The conditions under Sections K, L, and M regarding compensatory mitigation for permanent impacts ensure permanent physical loss and permanent ecological degradation of waters of the state are adequately mitigated. These conditions are necessary to ensure compliance with state and federal anti-degradation policies and are consistent with Section IV.B.1.a of the Dredge or Fill Procedures, which requires that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly compensate for adverse impacts that cannot be practicably avoided or minimized. (See also California Code of Regulations, section 3856, subdivision (h) [requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate].) These compensatory mitigation conditions are also consistent with Executive Order W-59-93 commonly referred to as California's "No Net Loss" Policy for wetlands. The objective of the No Net Loss Policy is to ensure no overall net loss of and a long term net gain in the quantity, quality, and permanence of wetland acreage and values in California. Further, compensatory mitigation requirements must comply with subpart J of the Supplemental State Guidelines. Conditions related to financial assurances are also required to ensure that compensatory mitigation will be provided. (Dredge or Fill Procedures, section IV.B.5.f.)

L. Certification Deviation

1. Minor modifications of Project locations or predicted impacts . . . .

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates . . . .

Authorization under the Order is granted based on the application and supporting information submitted. Among other requirements, the Permittee is required to detail the project description in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste, or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), the Permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. Project deviations may require additional or different Order conditions as authorized by law to ensure compliance with applicable water quality standards and other appropriate requirements (33 U.S.C. section 1341; California Code of Regulations, title 23, section 3859, subdivision (a)) and may result in impacts to water quality that require additional environmental review (California Code of Regulations, title 14, sections 15062-15063).