



Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	28 June 2022	<table border="1"><tr><td>Reg. Meas. ID:</td><td>447064</td></tr><tr><td>Place ID:</td><td>880080</td></tr><tr><td>WDID No.:</td><td>5A34CR00849</td></tr><tr><td>USACE No.:</td><td>SPK-2004-00778 LOP</td></tr></table>	Reg. Meas. ID:	447064	Place ID:	880080	WDID No.:	5A34CR00849	USACE No.:	SPK-2004-00778 LOP
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WDID No.:	5A34CR00849									
USACE No.:	SPK-2004-00778 LOP									
Expiration Date:	27 June 2027									
Program Type:	Fill/Excavation									
Project Type:	Residential									
Project:	Florin Vineyards Project (Project)									
Applicant:	Evergreen Communities									
Applicant Contact:	Michael Stettner Evergreen Communities 1200 Melody Lane, Suite 110 Roseville, CA 95678 Phone: (916) 474-5340 Email: mike@evergreencommunities.com									
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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.

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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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 Evergreen Communities (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on 24 November 2021. The application was deemed complete on 24 December 2021.

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: **22 April 2022**

Date all requested information was received: **9 May 2022**

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 24 November 2021 to 15 December 2021. The Central Valley Water Board did not receive any comments during the comment period.

III. Project Purpose

The purpose of the Project is to provide single-family residential housing and associated infrastructure in a manner that meets consumer demand and the expectations consistent with Sacramento County's conditions of approval and long-term land use plans for the area.

IV. Project Description

The approximately 93-acre Project consists of mass grading to prepare the area for future residential development and associated infrastructure.

V. Project Location

Address: west of South Watt Avenue, east of Gardner Avenue, north of Florin Road

County: Sacramento

Nearest City: Sacramento

Section 36, Township 8 North, Range 5 East, MDB&M.

Latitude: 38.0500541° and Longitude: -121.376590°

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, May 2018 (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/) (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

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 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 Impacts¹

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Stream Channel	1.51		4,829

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

Aquatic Resources Type	Acres	Cubic Yards	Linear Feet
Vernal Pool	0.20	315	
Wetland	0.30	492	

VIII. Description of Indirect Impacts to Waters of the State – Not Applicable

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.

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:

- The Permittee will apply avoidance and minimization measures prescribed by the South Sacramento Habitat Conservation Plan (SSHCP) and the California Department of Fish and Wildlife Streambed Alteration Agreement to protect water quality and listed species.
- The Permittee will follow guidance outlined in the Wetland Procedures State Supplemental Dredge or Fill Guidelines, subpart H for potential actions to minimize adverse impacts to waters of the state.

X. Compensatory Mitigation

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

XI. California Environmental Quality Act (CEQA)

On 11 September 2018, Sacramento County, as lead agency, certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (State Clearinghouse (SCH) No. 2008062030) for the Project and filed a Notice of Determination (NOD) at the SCH on 18 January 2019. 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 \$2,417.00 was received on 18 March 2022. 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 \$49,935.00 based on total Project impacts was received on 9 May 2022.

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 and 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 July, 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 Materials²:

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)

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.)

- 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) (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.

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

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

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 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.

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.

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

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 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.

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. No dewatering will 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.
- h. 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 – Not Applicable

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 as described in a restoration plan. The restoration plan shall be submitted for written acceptance by Central Valley Water Board staff within ninety days (90) of issuance of this Order. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the Project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting).
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
Stream Channel	Permittee Responsible	Acres		1.51				

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 SSHCP/Aquatic Resources Plan, 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. Total Required Compensatory Mitigation

- a. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.30 acre of wetland habitat by purchasing Vernal Pool Aquatic Resource Credits in the SSHCP Aquatic Resources Plan Vernal Pool Watershed Service Area. Required credits shall be purchased from the SSHCP In-Lieu Fee Program at a ratio of 3:1 to mitigate for impacts through preservation or 1:1 through re-establishment.
- b. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.20 acre of vernal pool by purchasing Vernal Pool Credits in the SSHCP Aquatic Resources Plan Vernal Pool Service Area. Required credits shall be purchased from the SSHCP In-Lieu Fee Program at a ratio of 3:1 to mitigation for impacts through preservation or 1:1 through re-establishment.

- c. The Permittee is required to provide compensatory mitigation for the authorized impact to 0.24 acre of other waters (ditch/roadside ditch) by purchasing aquatic resource credits in the SSHCP Aquatic Resources Plan Aquatic Resource Watershed Service Area. Required credits shall be purchased from the SSHCP In-Lieu Fee Program at a ratio of 1:1 to mitigation for impacts through re-establishment or 3:1 through preservation.
- d. Total required Project compensatory mitigation information for permanent physical loss of area is summarized in Table 5. [Establishment (Est.), Re-establishment (Re-est.), Rehabilitation (Reh.), Enhancement (Enh.), Preservation (Pres.), Unknown].

Table 5: 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
Vernal Pool	In-Lieu Fee Credits	Acres					1.5	
Other Waters	In-Lieu Fee Credits	Acres		0.24				

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 Florin Vineyards Project, WDID # 5A34CR00849, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.

Original Signed by James Marshall (for)

Patrick Pulupa, Executive Officer

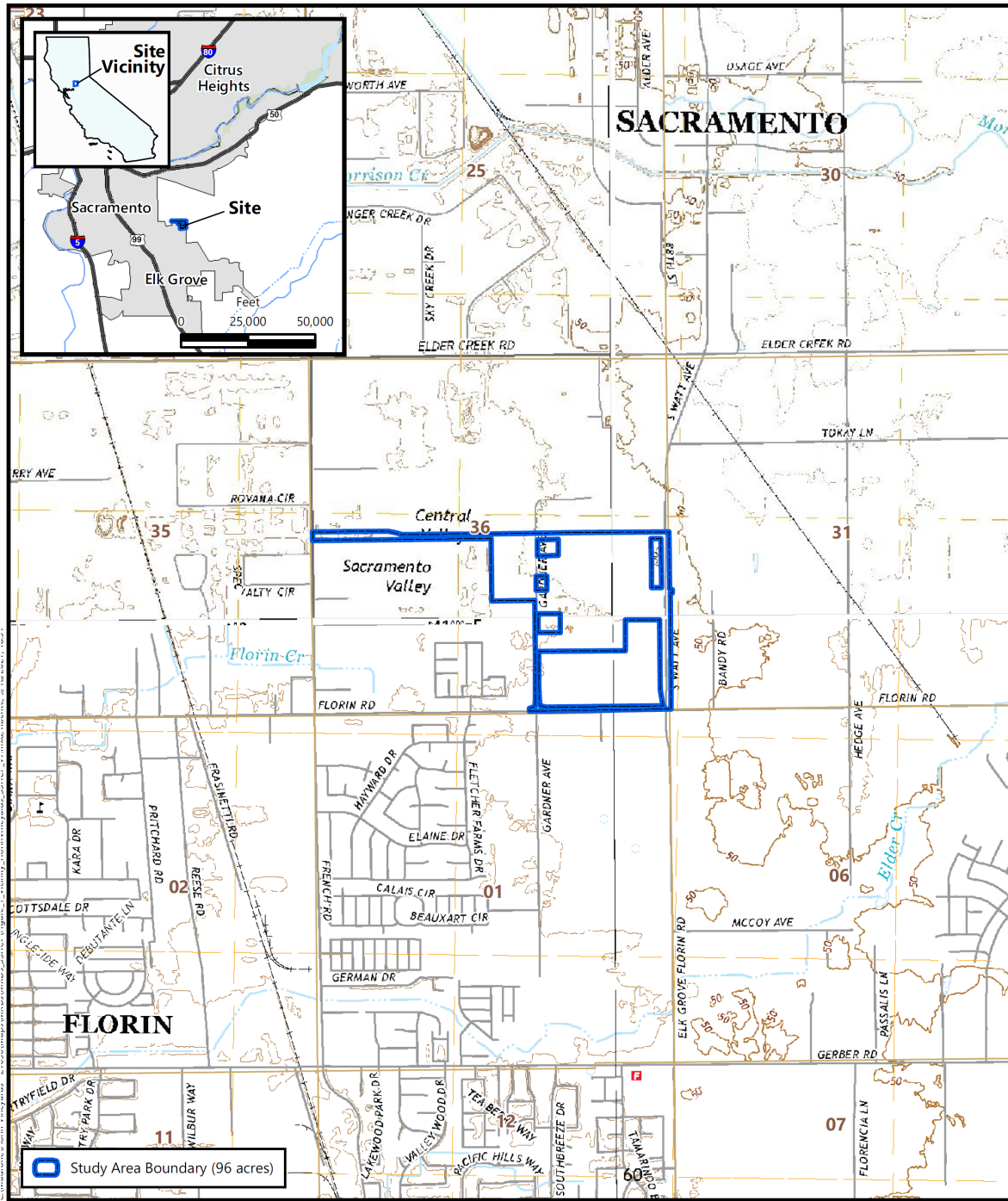
Central Valley Regional Water Quality Control Board

- 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. Site and Vicinity Map



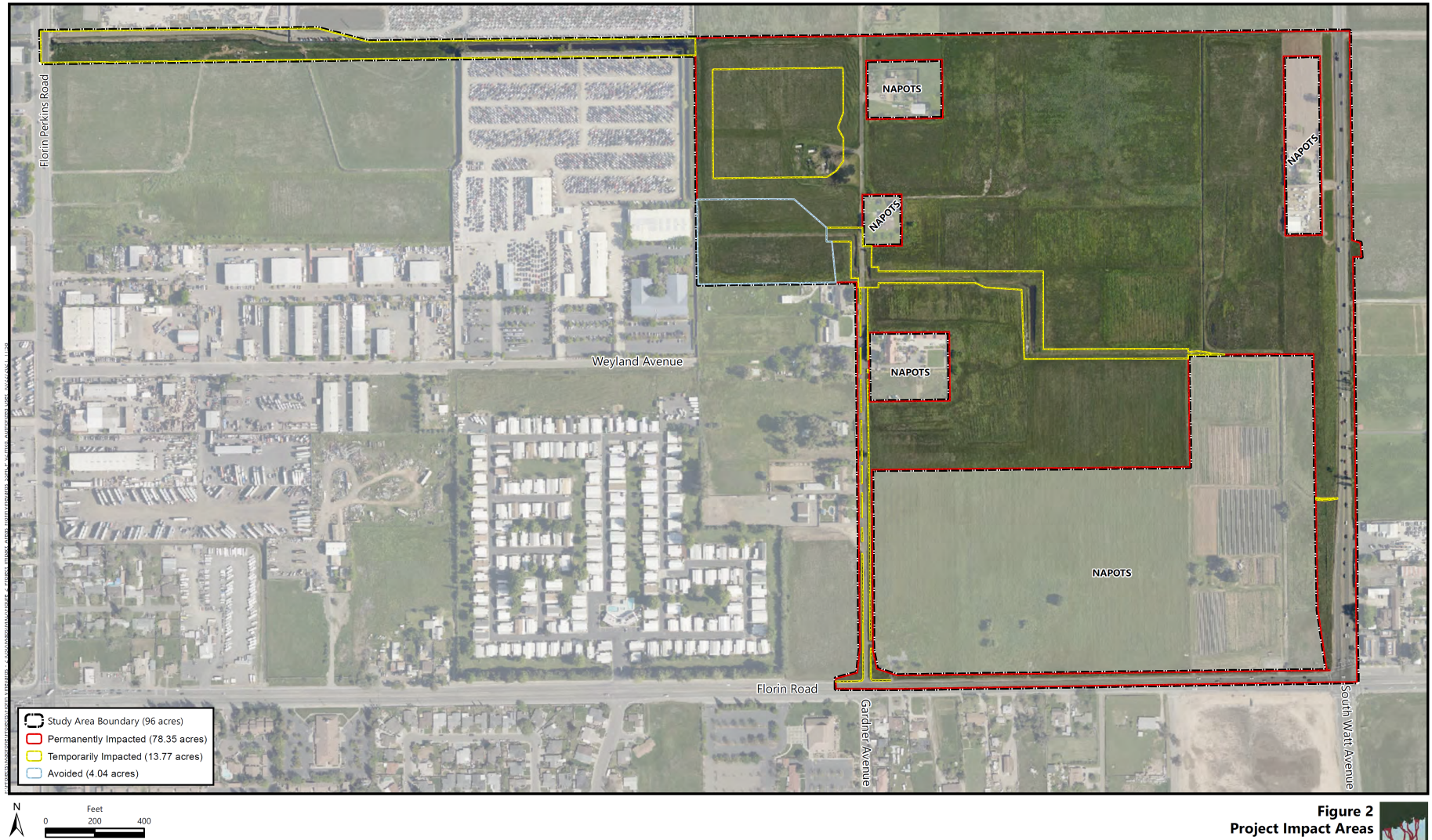
Source: United States Geologic Survey, 2018
Section 36, Township 8 North, Range 5 East, and
Section 31, Township 8 North, Range 6 East, MDB&M
"Carmichael, California," "Elk Grove, California," "Florin, California," "Elk Grove,
California," and "Sacramento East, California" 7.5-Minute Topographic Quadrangles
Longitude -121.376918, Latitude 38.50111

Figure 1
Site and Vicinity

Florin Vineyards
Sacramento County, California



Figure 2. Project Impact Areas Map



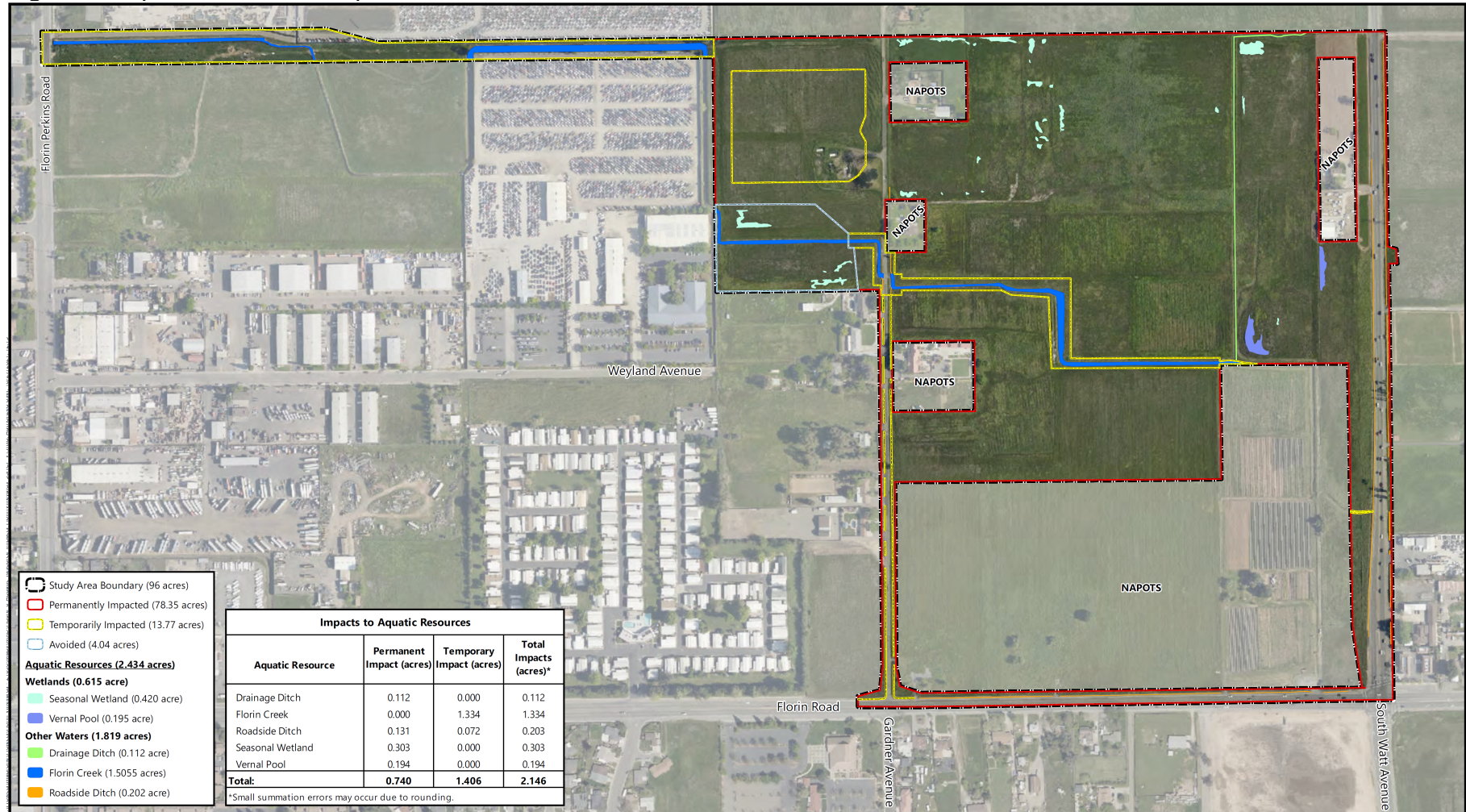
Aerial Source: Sac Regional GIS Coop, 26 March 2018

Figure 2
Project Impact Areas

Florin Vineyards
Sacramento County, California



Figure 3. Aquatic Resource Impacts



Land Cover and Observed Species Habitat Source: Madrone, 2021,
South Sacramento Habitat Conservation Plan (SSHCP), 2018.
*Small summation errors may occur due to rounding.
Aerial Source: Sac Regional GIS Coop, 26 March 2018

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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	Florin Creek	Florin Creek	Stream channel	519.12	Florin Creek	n/a	n/a	n/a
No	Unnamed Ephemeral Drainage	Florin Creek	Other Waters	519.12	Florin Creek	n/a	n/a	n/a
No	Unnamed Vernal Pools	Florin Creek	Vernal Pools	519.12	Florin Creek	n/a	n/a	n/a
No	Unnamed Wetlands	Florin Creek	Wetlands	519.12	Florin Creek	n/a	n/a	n/a
No	Drainage Ditch	Florin Creek	Other Waters	519.12	Florin Creek	n/a	n/a	n/a
No	Roadside Ditch	Florin Creek	Other Waters	519.12	Florin Creek	n/a	n/a	n/a

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
Florin Creek	38.0500541°	-121.376590°	No	1.51		4,829
Unnamed Ephemeral Drainage	38.0500541°	-121.376590°	No	0.07		3,191

Table 3: Individual Permanent Fill/Excavation Impact Information

Impact Site ID	Latitude	Longitude	Indirect Impact Requiring Mitigation ?	Acres	Cubic Yards	Linear Feet
Unnamed Vernal Pools	38.0500541°	-121.376590°	No	0.20	315	
Unnamed Wetlands	38.0500541°	-121.376590°	No	0.30	492	
Drainage Ditch	38.0500541°	-121.376590°	No	0.11		1,697
Roadside Ditch	38.0500541°	-121.376590°	No	0.13		5,414

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:	South Sacramento Habitat Conservation Plan In-Lieu Fee Program
Website:	southsachcp.com (https://www.southsachcp.com)
In-Lieu Fee Program Contact Name:	Kim Hudson
Phone:	916-874-5849
Email:	HUDSONK@sacccounty.net
In-Lieu Fee Program Location - County:	Sacramento
Latitude:	TBD
Longitude:	TBD

Table 5: Mitigation Type Information

Aquatic Resource Credit Type	Acres	Linear Feet	Number of Credits Purchased
Vernal pool (vernal pool impacts)	0.60 (3:1 – preservation)		
Vernal pool (wetland impacts)	0.30 (1:1 – re-establishment)		
Open Water (ditch)	0.48 (2:1 – open water overall)		

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Attachment C – CEQA Findings of Fact

A. Environmental Review

On 11 September 2018, Sacramento County, as lead agency, certified an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (State Clearinghouse (SCH) No. 2008062030) for the South Sacramento Habitat Conservation Plan and filed a Notice of Determination (NOD) at the SCH on 18 January 2019. 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 Sacramento 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 Sacramento 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 Sacramento 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 EIR/EIS, the application for this Order, and other supplemental documentation.

The EIR/EIS, which includes analyses of broad impacts and serves as a first-tier document for the Project, is available at: Sacramento County Planning and Community Development Department, 827 7th Street, Rm 225, Sacramento, CA 95814.

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: The Project may result in potentially significant impacts to hydrology and water quality from the depletion of groundwater supplies, interference with groundwater recharge, alteration of existing drainage patterns, increase of surface runoff that may result in flooding, development within a 100-year floodplain or local flood hazard area, placement of structures within a 100-year floodplain that may impede or redirect flood flows, risk of loss, injury or death from flooding, creation or contribution of runoff that may exceed the capacity of stormwater drainage systems, and creation of sources of polluted runoff that may degrade ground or surface water quality.

a.ii. Facts in Support of Finding: In addition to the Avoidance and Minimization Measures listed below, from Attachment D of the SSHCP EIR, the Project will implement mitigation measures for impacts to hydrology and water quality listed in the Sacramento County 2030 General Plan, Sacramento County Floodplain Management Ordinance, Improvement Standards, and Local Floodplain Management Plan, 2030 Galt General Plan, City of Galt Floodplain Management Regulations, Rancho Cordova General Plan, and Local Stormwater Runoff, Grading, and Erosion Control Ordinances and Municipal Code Requirements.

Condition 1. Avoid and Minimize Urban Development Impacts to Watershed Hydrology and Water Quality

Development Covered Activities may adversely alter watershed hydrology and degrade water quality, which, in turn, could diminish or eliminate the conservation benefits provided by the SSHCP Preserve System. Condition 1 is designed to conserve and/or rehabilitate on-site natural creeks and streams. This condition will require the provision of BMPs and low-impact development (LID) drainage control measures to ensure that runoff from developed lands will closely mimic the pre-development hydrograph and retain most pre-development hydrologic functions. Condition 1 will accomplish the hydrograph and hydrologic objectives through application of the listed AMMs to all UDA Covered Activities that occur at the parcel, subdivision, or master plan scale.

LID-1 (Stormwater Quality): When the size of a Covered Activity individual project exceeds the thresholds established by the State Water Resources Control Board (SWRCB) (see the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions, or future SWRCB-approved design manuals applicable to the SSHCP boundary), incorporate stormwater management into site design to satisfy the requirements outlined in the most recent Stormwater Quality Design Manual for the Sacramento and South Placer Regions. Stormwater management may include groundwater recharge (LID-2) and natural site features (LID-3).

LID-2 (Groundwater Recharge): When siting new HCP Preserves containing Riparian, Open water, or Freshwater Marsh land cover types, the HCP Implementing Entity will prioritize locations that are suitable for groundwater recharge.

LID-3 (Natural Site Features): Incorporate preservation of a site's natural aquatic features (such as creeks and streams) into the individual project's design to retain natural hydrologic patterns and to retain habitat that might be used by Covered Species.

Condition 2. Avoid and Minimize Urban Development Direct and Indirect Impacts to Existing Preserved Lands and SSHCP Preserves

Development Covered Activities adjacent to Preserves may adversely impact species that use the Preserve and erode or eliminate the conservation benefits provided by the Preserve. Condition 2 seeks to avoid or minimize the following Covered Activity environmental stressors that may result in direct and indirect impacts to the SSHCP Preserve System:

- Alterations to landscape hydrology from new impervious surfaces may adversely affect natural communities in the lower watershed, the ecology of preserved lands, and/or downstream aquatic resources.
- Water runoff from development or from roadways directed into Preserves may introduce harmful substances into Preserves. Unseasonal and/or additional water entering a Preserve may eliminate vernal pools and other seasonal wetlands native to the region by converting them to low-functioning perennial wetlands.
- Development adjacent to Preserves may partially to fully remove the soil's "perched aquifer" (see Chapter 3 in the EIS/EIR) and reduce or eliminate the micro-watersheds that support the hydrology of vernal pools within the Preserve boundary. These changes may adversely affect the existing hydrologic regime of vernal pools by changing the timing, depth, and/or duration of vernal pool saturation and/or ponding, causing long-term changes to a suite of vernal pool functions. For example, changes to water chemistry could adversely affect species habitat. Although the vernal pools remain, the environmental conditions of the pools may no longer provide habitat for vernal pool Covered Species, or provide the benefit of other wetland functions (e.g., stormwater attenuation) compared to pre-project conditions.
- Introduction or proliferation of non-native or invasive plant and wildlife species may displace native species.
- Landscaping in the interface of a development and a Vernal Pool–Grassland Preserve often includes native or non-native trees and other plant species that are not found in California grasslands and, therefore, cannot survive on the Vernal Pool–Grassland Preserve border without intensive irrigation and cultivation. In addition to adverse effects from

irrigation and landscape maintenance, adult trees may become landscape barriers that inhibit species movement and may act to isolate individual Preserves from the larger SSHCP Preserve System.

- Recreational use of Preserves near developed areas may compact soils, eliminate vegetation, impair hydrologic functions, introduce weeds or invasive plant species, and disturb plants and wildlife.
- Introduction of light, noise, or vibrations may disrupt normal nocturnal and diurnal cycles of native species.

AMMs associated with Condition 2 must be applied to all Covered Activities implemented within the UDA that border an existing Preserve or a planned SSHCP Preserve.

EDGE-4 (Locate Stormwater Control Outside Preserves): Roads, sidewalks, and other impermeable surfaces of Urban Development Covered Activities adjacent to existing or planned Preserves will slope away from Preserves and Preserve Setbacks or intercept drainage with swales or curbs and gutters to preclude drainage from entering Preserves and Preserve Setbacks. Stormwater flows must be directed away from Preserves and Preserve Setbacks and directed into stormwater control facilities inside the development (outside Preserves and Preserve Setbacks) (see EDGE-6 for exception to EDGE-4 in certain SSHCP Linkage Preserves).

EDGE-5 (Stormwater Control in Preserve Setbacks): If trails are established in any Preserve Setback in compliance with EDGE-3, the trail must be sloped away from the Preserve, and rainwater leaving the trail surface must flow into an adjacent low-velocity bio-retention swale or cell to keep rainwater runoff and trail contaminants from entering the Preserve. Low-velocity bio-retention swales or cells are typically small linear features placed on one or both sides of a trail. As required by EDGE-3, trails and their adjacent bio-retention swales or cells must be located on the side of the Preserve Setback nearest development.

EDGE-6 (Detention Basins in Linkage Preserves): Because planned SSHCP Linkage Preserves L1, L2, L4, L7, L8, L9, and L10 (see Section 7.5 of the SSHCP document) surround natural creeks or streams that must receive stormwater from planned adjacent Urban Development Covered Activities, a limited number of stormwater detention basins will be allowed on those Linkage Preserves. Detention basins within Linkage Preserves (see Section 5.2.7 of the SSHCP document) will be designed and constructed with fill material to build up the perimeter of the detention basin so as not to impact the soil restrictive layer (duripan or hardpan) and function of the soil perched aquifer. Detention basins within Linkage Preserves will capture stormwater flows and runoff, and will discharge water to the stream/creek or percolate collected water to the soil perched aquifer. Detention basin structures that collect stormwater entering the basin or convey stormwater leaving the basin must be designed to avoid and minimize effects to Covered Species habitat in the Linkage Preserve.

EDGE-10 (Prevent Invasive Species Spread): Completed Covered Activities (including roads) will be maintained in a manner that avoids the spread of invasive species into Preserve and Open Space areas. Such maintenance measures will include the following:

- To prevent the transport of non-native invasive species onto Preserves, before bringing any equipment onto an SSHCP Preserve or Preserve Setback, equipment must be cleaned of mud, dirt, and plant material. Cleaning will occur in the infested area or another appropriate location as approved by a Plan Permittee.
- Mowing rotation will start in un-infested areas and move to infested areas.
- Invasive plant prevention techniques will be incorporated into maintenance plans.
- The SSHCP Implementing Entity will survey road shoulders, ditches, and rights-of-way that border SSHCP Preserves for invasive weeds or other exotic plant species. Where roadside weed infestations have reached a critical control point, the Implementing Entity or Land Use Authority Permittee will apply the appropriate manual, mechanical, or chemical treatment.

Condition 6. Avoid and Minimize Impacts When Re-Establishing or Establishing Wetlands

As discussed in Chapter 7 of the SSHCP document, the Permit Applicants anticipate that approximately 389 acres of Vernal Pool habitat will be re-established or established within the SSHCP boundary as part of the SSHCP Conservation Strategy. Although re-establishment or establishment of vernal pools is a Measurable Objective under this Plan, if not done correctly, the action could have an adverse impact on existing vernal pools.

RE-ESTABLISHMENT/ESTABLISHMENT-1 (Vernal Pool): Re-establish or establish Vernal Pool Wetland according to the following guidelines:

- Re-establishment will always take priority over establishment of vernal pools. Establishment will be permitted only after it has been determined that sites with the potential to re-establish vernal pools no longer exist in the SSHCP boundary or cannot be acquired through a willing seller/buyer agreement.
- When possible, re-established or established sites will be located adjacent to an existing Preserve(s) to maximize connectivity and Preserve area.
- Re-establishment or establishment will not result in direct or indirect adverse impacts to the hydrologic regime of existing vernal pools. Vernal pool re-establishment or establishment actions will not remove more than 10% of any existing vernal pool watershed, as defined by the SSHCP LIDAR analysis (see Section 3.3 and Conservation Action VPI1.2 in Table 7.1 of the SSHCP document).

- Vernal pool re-establishment will attempt to restore the historical density and range of vernal pool sizes to the maximum extent feasible using historical aerial photography of the site, if available. Where aerial photography of the site's historical conditions is not available, vernal pool re-establishment will include a range of pool sizes (area and depth) to accommodate the different habitat needs and life history characteristics of the vernal pool invertebrate Covered Species.
- Established vernal pools must be located on sites with vernal pool soils, defined as any plan area soil type where vernal pools currently exist.
- Established vernal pool sites will include a range of pool sizes to accommodate the different habitat needs and life history characteristics of the three vernal pool invertebrate Covered Species.
- The total density of vernal pools will not exceed 10% of the suitable soil areas in any vernal pool re-establishment and/or establishment site, unless it can be shown that the suitable areas of that site historically supported greater densities.
- Re-establishment or establishment may include inoculation when it is likely that no seed or cyst bank of vernal pool species remains at a site. Vernal Pool inocula will come from nearby vernal pools that are on the same geologic formation and soil type.

RE-ESTABLISHMENT/ESTABLISHMENT-2 (Vernal Pool Inocula Bank):

Vernal pool reestablishment or establishment may include "soil inoculation" when it is likely that no seed or cyst bank of vernal pool species remains at a re-establishment or establishment site.

- During conversion of UDA vernal pools to a developed land cover type, individual project proponents will excavate and retain soil from vernal pools following protocols developed by the SSHCP Technical Advisory Committee (see Chapter 9 of the SSHCP document).
- Inocula applied in re-established or established vernal pools must be harvested from a vernal pool that is on the same geologic formation and soil type shown on the County General Soil Map as the reestablishment/ establishment site. Geologic formations and soil types will follow U.S. Department of Agriculture Soil Conservation Service's 1993 Soil Survey of Sacramento County, California. Proposed off-site inocula sources must be approved by the Wildlife Agencies.

RE-ESTABLISHMENT/ESTABLISHMENT-3 (Re-

Establishment/Establishment of Freshwater Marsh or Open Water near

Airports): During review of proposed re-establishment/ establishment individual projects for freshwater marsh or open water on SSHCP Preserves, the Implementing Entity shall consider the potential for the location of the reestablishment/establishment individual projects to increase the risk of wildlife

strikes or generation of ground fog at airports. If a re-establishment/establishment individual project would result in (1) a net increase in open water or freshwater marsh acreage over baseline conditions within 5 miles of Mather Field, Sacramento Executive Airport, or Franklin Field; or (2) replacement of open water/freshwater marsh habitat that is located 2 or more miles from Mather Field or Sacramento Executive Airport with open water/freshwater marsh habitat that is located less than 2 miles from those airports, a qualified biologist shall prepare a concise letter report. The letter report shall summarize the biologist's findings regarding (1) the species likely to use the reestablished/established habitat, (2) a rough order of magnitude estimate on the peak number of birds that might use the re-established/established habitat, and (3) potential movement patterns for birds using the re-established/established habitat and whether they might cross through the airport safety zones (e.g., to reach foraging habitat or another wildlife attractant). The letter report will also provide recommendations to the Implementing Entity on how they could reduce any of the identified wildlife hazards if there are any feasible means to do so that would not conflict with the biological goals and measurable objectives of the Conservation Plan.

Condition 7. Avoid and Minimize Impacts to Streams and Creeks

AMMs associated with Condition 7 must be applied to all Covered Activities where a stream or creek is located within an individual project footprint.

STREAM-1 (Laguna Creek Wildlife Corridor): A 150-foot setback measured from the top of the bank on both sides of the stream will be applied to Laguna Creek within the UDA (minimum 300-foot corridor width). If trails are located within the Laguna Creek Wildlife Corridor, the nearest edge of the trail will be located at least 80 feet from the top of the bank.

STREAM-2 (UDA Stream Setbacks): A 100-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all streams listed in Table 5-1 of the SSHCP document (see also Figure 2-4). If a stream reach supports woody riparian vegetation, the setback will be equal to the riparian edge plus 25 feet or will be the setback defined above, whichever is greater. If trails are located within the Stream Setback, the nearest edge of the trail will be located at least 50 feet from the top of the bank.

STREAM-3 (Minor Tributaries to UDA Streams): A 25-foot setback measured from the top of the bank on both sides of the stream channel will be applied to all avoided first and second order tributaries to the streams listed in Table 5-1 and Laguna Creek. Refer to Objective W6 in Chapter 7 of the SSHCP document (Table 7-1) regarding avoided first and second order tributaries. Trails are not permitted within headwater ephemeral Stream Setbacks.

STREAM-4 (Minimize Effects from Temporary Channel Re-Routing): When an Urban Development Covered Activity temporarily re-routes a stream, creek, or drainage, the re-routing will be completed in a manner that minimizes impacts to beneficial uses and habitat. The following measures will be

employed to minimize disturbances that will adversely impact water quality:

- No equipment will be operated in areas of flowing or standing water.
- Construction materials and heavy equipment must be stored outside of the active flow of any waters.
- When work within waters is necessary, the entire stream flow will be diverted around the work area.
- In the event of rain, the disturbed in-water work area will be temporarily stabilized before water body flow exceeds the capacity of the diversion structure. The disturbed water body will be stabilized so that the disturbed areas will not come in contact with the flow.
- Once construction is complete, all individual project-introduced material (e.g., pipes, gravel, cofferdam, sandbags) must be removed, leaving the water as it was before construction. Excess materials will be disposed of at an appropriate disposal site.
- All work areas will be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow will not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., cofferdam, geo-textile silt curtain) will not be removed until all disturbed areas are cleaned and stabilized.
- Any flow diversion used during construction will be designed in a manner to prevent pollution and minimize siltation, and will provide flows to downstream reaches. Flows will be maintained to support existing aquatic life, riparian wetlands, and habitat that may be located upstream and downstream from any temporary diversion.
- All surface waters, including ponded waters, will be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity that may result in a discharge to waters.
- All temporary dewatering methods will be designed to have the minimum necessary impacts to waters to isolate the immediate work area. All dewatering methods will be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams and diversions will be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods will be removed immediately upon completion of diversion activities.
- A method of containment must be used below any bridge, boardwalk, and/or temporary crossing to prevent debris from falling into the waters through the entire duration of an individual project.
- If temporary surface water diversions and/or dewatering are anticipated, the

Permit Applicant or their Third-Party Project Proponent will develop and maintain on site a surface water diversion and/or dewatering plan. The plan(s) must be developed prior to initiation of any water diversions and will include the proposed method and duration of diversion activities. The plan(s) must be made available to Central Valley Water Board staff upon request.

- When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water will be allowed at all times to pass downstream to maintain beneficial uses of waters below the dam. Construction, dewatering, and removal of temporary cofferdams will not violate the turbidity, settle-able matter, pH, temperature, or dissolved oxygen requirements of any Water Quality Control Plan.
- Any temporary dam or other artificial obstruction will only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel that will cause little or no siltation. Stream flow will be temporarily diverted using gravity flow through temporary culverts or pipes, or pumped around the work site with the use of hoses.

STREAM-5 (Design for Stream Channel Re-Routing, Widening, or Deepening): When an urban development Covered Activity alters a stream, creek, or drainage by re-routing, widening, or deepening a channel, the individual project design will include the following:

- The main channel of a re-routed channel will be free to migrate laterally over its active and terrace floodplain.
- Channel geometry (plan, profile, and cross-section) of the site will be appropriate for the watershed location and physical/hydrologic condition.
- Local, native materials will be used as fill material to the extent practicable.
- Bioengineering techniques will be used for construction and maintenance of bank stabilization. Bioengineered bank stabilization structures will use vegetation in combination with bank reshaping; biodegradable geotextile materials; and, in some cases, a minimal amount of rock or wood to the extent practicable to dissipate erosive energy. The Permit Applicant or their Third-Party Project Proponents will consult a professional engineer when considering using bioengineering techniques.
- All re-routed, widened, or deepened streams are required to establish Stream Setbacks with minimum widths required under STREAM-1, STREAM-2, or STREAM-3. All re-routed, widened, or deepened streams must re-establish/ establish and maintain native Woody Riparian land cover and/or native Grassland Riparian land cover in the entire Stream Setback.

Condition 9. Avoid and Minimize Impacts That Might Result From Removing or Breaching Levees to Establish or Re-establish Riparian Habitat

LEVEE-1 (Preparation of Hydrologic Analysis): Prior to approving a draft Preserve Management Plan that includes (1) modifying or breaching an existing levee, or (2) would place a potential impedance to high-water event flood-flows on the water side of an existing levee (including new riparian vegetation plantings or other new Preserve facilities), a hydrologic analysis will be conducted. The Preserve activity will only be implemented if the hydrologic analysis concludes that the activity will not result in a substantial increase in flood stage elevations or flood risk on lands outside the Preserve.

Condition 10. Avoid and Minimize Impacts That Might Result From Potential Residual Contamination of Preserves and Related Exposure of People to Such Hazardous Materials

HAZARDOUS MATERIALS-1 (Preparation of Phase I Environmental Site Assessment): Prior to the acquisition of preserve site or implementation of a stream or riparian restoration individual project, a Phase I Environmental Site Assessment shall be conducted in general accordance with the American Society for Testing and Materials Standard Practice E1527-05. The purpose of this Environmental Site Assessment is to identify, to the extent feasible pursuant to the American Society for Testing and Materials Standard, recognized environmental conditions in connection with the potential site. The term "recognized environmental condition" means the presence or likely presence of hazardous substances or petroleum products on the property under conditions that may indicate an existing release, a past release, or a material threat of release of these substances to the property. If the Phase 1 Environmental Site Assessment indicates the presence of a recognized environmental condition, the Implementing Entity shall consider the following options.

- Determine that the acquisition/ individual project can proceed on the basis that the Habitat Plan goals and objectives can be met on the site even with the presence of a recognized environmental condition.
- Conduct a Phase II Environmental Site Assessment, including soil and groundwater testing, to further study the potential for contamination to limit the Implementing Entity's management activities.
- If the results of the Phase I (or Phase II) Environmental Site Assessment indicate that the Habitat Plan goals and objectives cannot be met on the site, the Implementing Entity should not acquire the site.

HAZARDOUS MATERIALS-2 (Contingency Plan): As part of each Preserve Management Plan or site restoration plan, a Contingency Plan shall be prepared to address the actions that would be taken during construction in the event that unexpected contaminated soil or groundwater is discovered. The

Contingency Plan shall include health and safety considerations, handling and disposal of wastes, reporting requirements, and emergency procedures. The Contingency Plan shall include a requirement that if evidence of contaminated materials is encountered during construction, construction would cease immediately and applicable requirements of the Comprehensive Environmental Release Compensation and Liability Act and the California Code of Regulations Title 22 regarding the disposal of waste would be implemented.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Public Resources Code, section 21081, subd. (a)(2); California Code of Regulations, Title 14, section 15091, subd.(a)(2).)

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the Central Valley Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

a.i. Potential Significant Impact: The Project may result in potentially significant impacts to biological resources.

a.ii. Facts in Support of Finding: In addition to the Avoidance and Minimization Measures listed below, from Attachment D of the SSHCP EIR and Chapter 5 of the SSHCP document, the Project will implement mitigation measures for impacts to biological resources listed in the Sacramento County General Plan of 2005 – 2030, Sacramento County Swainson’s Hawk Ordinance, Sacramento County Tree Ordinance and Tree Preservation Ordinance, 2030 Galt General Plan, Galt Tree Ordinances, and Rancho Cordova General Plan.

General Covered Species Take Avoidance and Minimization Measures

SPECIES-1 (Litter Removal Program): A litter control program will be instituted for the entire individual project site. All workers will ensure that their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. All garbage will be removed from the individual project site at the end of each work day, and construction personnel will not feed or otherwise attract wildlife to the area where construction activities are taking place.

SPECIES-2 (No Pets in Construction Areas): To avoid harm and harassment of native species, workers and visitors will not bring pets onto a individual project site.

SPECIES-3 (Take Report): If accidental injury or death of any Covered Species occurs, workers will immediately inform the approved biologist or on-site monitor and site supervisor. The approved biologist or on-site monitor will phone the appropriate contact person at the Implementing Entity. The Implementing Entity will immediately contact the Wildlife Agencies by telephone. A memorandum will be provided to the Implementing Entity and Wildlife Agencies within 1 working day of the incident. The report will provide

the date and location of the incident, number of individuals taken, the circumstances resulting in the take, and any corrective measures taken to prevent additional take.

SPECIES-4 (Post-Construction Compliance Report): A post-construction compliance report will be submitted to the Implementing Entity within 30 calendar days of completion of construction activities or within 30 calendar days of any break in construction activity that lasts more than 30 days. The report will detail the construction start and completion dates, any information about meeting or failing to meet species take Avoidance and Minimization Measures (AMM), effectiveness of each AMM that was applied at the individual project site, and any known individual project effects to Covered Species.

Rare Plants

PLANT-1 (Rare Plant Surveys): If a Covered Activity individual project site contains modeled habitat for Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*), Bogg's Lake hedge-hyssop (*Gratiola heterosepala*), dwarf downingia (*Downingia pusilla*), Legenere (*Legenere limosa*), pincushion navarretia (*Navarretia myersii*), or Sanford's arrowhead (*Sagittaria sanfordii*), the Covered Activity individual project site will be surveyed for the rare plant by an approved biologist and following the California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or the most recent CDFW rare plant survey protocols. An approved biologist will conduct the field surveys and will identify and map plant species occurrences according to the protocols. See Chapter 10 of the SSHCP document for the process to submit survey information to the Permit Applicant and the Permitting Agencies.

PLANT-2 (Rare Plant Protection): If a rare plant listed in AMM PLANT-1 is detected within an area proposed to be disturbed by a Covered Activity or is detected within 250 feet of the area proposed to be disturbed by a Covered Activity, the Implementing Entity will assure one unprotected occurrence of the species is protected within a SSHCP Preserve before any ground disturbance occurs at the individual project site.

Sacramento and Slender Orcutt Grass

ORCUTT-1 (Orcutt Grass Surveys): If a Covered Activity individual project site is located within 1 mile of the Mather Core Recovery Area and contains the Vernal Pool land cover type, the individual project site will be surveyed for Sacramento and slender Orcutt grass by an approved biologist following California Department of Fish and Wildlife (CDFW) rare plant survey protocols (CDFG 2009) or most recent CDFW guidelines to determine if Sacramento and/or slender Orcutt grass is present. An approved biologist will conduct the field investigation to identify and map occurrences. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

ORCUTT-2 (Orcutt Grass Protection): Where known or new Sacramento or slender Orcutt grass occurrences are found, they will be protected within an

SSHCP Preserve that is at least 50 acres. The occurrence will be located interior to the Preserve at a distance of no less than 300 feet from the edge of the Preserve boundary. If a Third-Party Project Proponent encounters a previously undiscovered occurrence of Sacramento or slender Orcutt grass on a Covered Activity individual project site, the Third-Party Project Proponent will contact the Implementing Entity or Land Use Authority Permit Applicant with authority over the individual project, who will coordinate with the Wildlife Agencies for written concurrence of avoidance to ensure that the individual project does not cause take of the species.

California Tiger Salamander

CTS-1 (California Tiger Salamander Daily Construction Schedule):

Ground-disturbing Covered Activities within California tiger salamander modeled habitat (Figure 3-16 of the SSHCP document) will occur outside the breeding and dispersal season (occur after July 31 and before October 15), to the maximum extent practicable. If Covered Activities must be implemented in modeled habitat (Figure 3-16 of the SSHCP document) during the breeding and dispersal season (after October 15 and before July 31), construction activities will not start until 30 minutes after sunrise and must be complete 30 minutes prior to sunset.

CTS-2 (California Tiger Salamander Exclusion Fencing): If a Covered Activity must be implemented in modeled habitat (Figure 3-16 of the SSHCP document) during the breeding and dispersal season (after October 15 and before July 31), exclusion fencing will be installed around the individual project footprint before October 15. Temporary high-visibility construction fencing will be installed along the edge of work areas, and exclusion fencing will be installed immediately outside of the temporary high-visibility construction fencing to exclude California tiger salamanders from entering the construction area or becoming entangled in the construction fencing. Exclusion fencing will be at least 1 foot tall and be buried at least 6 inches below the ground to prevent salamanders from going under the fencing. Fencing will remain in place until all construction activities within the construction area are complete. No individual project activities will occur outside the delineated individual project footprint. An approved biologist must inspect the exclusion fencing and individual project site every morning before 7:00 a.m. for integrity and for any entrapped California tiger salamanders. If a California tiger salamander is encountered, refer to CTS-5, below. (However, the Implementing Entity may, with approval of the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), determine that it is appropriate for a Covered Activity individual project to not implement CTS-2 for certain long and linear roadway Covered Activity individual projects if it appears that the exclusion fencing will likely trap individuals or cause more take of California tiger salamander than it would prevent.)

CTS-3 (California Tiger Salamander Monitoring): If Covered Activities must be implemented in modeled habitat (Figure 3-16 of the SSHCP document), an

approved biologist experienced with California tiger salamander identification and behavior will monitor the individual project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place, and will inspect the individual project site for California tiger salamander every morning before 7:00 a.m., or prior to construction activities. As required by AMM BMP-8 (Training of Construction Staff), the approved biologist will also train construction personnel on the required California tiger salamander avoidance procedures, exclusion fencing, and correct protocols in the event that a California tiger salamander enters an active construction zone. If a California tiger salamander is encountered, refer to CTS-5, below.

CTS-4 (Avoid California Tiger Salamander Entrapment): If Covered Activities must be implemented in modeled habitat, all excavated steep-walled holes or trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes or trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within California tiger salamander modeled habitat will be inspected for California tiger salamanders by the approved biologist prior to being moved. If a California tiger salamander is encountered, refer to CTS-5, below.

CTS-5 (California Tiger Salamander Encounter Protocol): If a California tiger salamander is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately (California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS)). Construction activities will be suspended in a 100-foot radius of the animal until the animal is relocated by an approved biologist with appropriate handling permits from the Wildlife Agencies. Prior to relocation, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the salamander, within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to USFWS and CDFW immediately. Any worker who inadvertently injures or kills a California tiger salamander or who finds dead, injured, or entrapped California tiger salamander(s) must immediately report the incident to the approved biologist.

CTS-6 (Erosion Control Materials in California Tiger Salamander Habitat): If erosion control (BMP-2) is implemented within California tiger salamander modeled habitat (Figure 3-16 of the SSHCP document), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that salamanders are not trapped (no monofilament). Coconut

coir matting and fiber rolls with burlap are examples of acceptable erosion control materials. This limitation will be communicated to the contractor through use of special provisions included in the bid solicitation package.

CTS-7 (Rodent Control): CTS-7 only applies to individual projects that are within California tiger salamander modeled habitat (Figure 3-16 of the SSHCP document) and on Covered Activities. Rodent control will be allowed only in developed portions of a Covered Activity individual project site. Where rodent control is allowed, the method of rodent control will comply with the methods of rodent control discussed in the 4(d) Rule published in the U.S. Fish and Wildlife Service's (2004) final listing rule for tiger salamander.

Western Spadefoot

WS-1 (Western Spadefoot Work Window): Ground-disturbing Covered Activities within western spadefoot modeled habitat (Figure 3-17 of the SSHCP document) will occur outside the breeding and dispersal season (after May 15 and before October 15), to the maximum extent practicable.

WS-2 (Western Spadefoot Exclusion Fencing): If Covered Activities must be implemented in modeled habitat (Figure 3-17 of the SSHCP document) after October 15 and before May 15, exclusion fencing will be installed around the individual project footprint before October 15, and the individual project site must be monitored by an approved biologist following rain events. Temporary high-visibility construction fencing will be installed along the edge of work areas, and silt fencing will be installed immediately behind the temporary high-visibility construction fencing to exclude western spadefoot from entering the construction area. Fencing will remain in place until all construction activities within the construction area are completed. No individual project activities will occur outside the delineated individual project footprint. If a western spadefoot is encountered, refer to WS-6, below.

WS-3 (Western Spadefoot Monitoring): If Covered Activities must be implemented in modeled habitat (Figure 3-17 of the SSHCP document) in the breeding and dispersal season (after October 15 and before May 15), an approved biologist experienced with western spadefoot identification and behavior will monitor the individual project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place, and will inspect the individual project site daily for western spadefoot prior to construction activities. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western spadefoot enters an active construction zone (i.e., outside the buffer zone). If a western spadefoot is encountered, refer to WS-6, below.

WS-4 (Avoid Western Spadefoot Entrapment): If a Covered Activity occurs in western spadefoot modeled habitat (Figure 3-17 of the SSHCP document), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape

ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within western spadefoot modeled habitat will be inspected for western spadefoot by the approved biologist prior to being moved. If a western spadefoot is encountered, refer to WS-6, below.

WS-5 (Erosion Control Materials in Western Spadefoot Habitat): If erosion control (BMP-2) is implemented within western spadefoot modeled habitat (Figure 3-17 of the SSHCP document), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that western spadefoots are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

WS-6 (Western Spadefoot Encounter Protocol): If Covered Activities must be implemented in modeled habitat (Figure 3-17 of the SSHCP document) during the breeding and dispersal season (after October 15 and before May 15), and a western spadefoot is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the individual project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the western spadefoot within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately. Any worker who inadvertently injures or kills a western spadefoot or who finds dead, injured, or entrapped western spadefoot(s) must immediately report the incident to the approved biologist.

Giant Garter Snake

GG-1 (Giant Garter Snake Surveys): If the SSHCP giant garter snake modeled habitat maps (Figure 3-18 of the SSHCP document) show that modeled habitat for giant garter snake is present within a Covered Activity's individual project footprint or within 300 feet of a individual project footprint, then an approved biologist will conduct a field investigation to delineate giant garter snake aquatic habitat within the individual project footprint and adjacent areas within 300 feet of the individual project footprint. In addition to the SSHCP land cover types shown in Figure 3-18 of the SSHCP document, giant garter snake aquatic habitat includes, but is not limited to, low-gradient streams and creeks, open water, freshwater marsh, agricultural ditches, and rice fields. Adjacent parcels under different land ownership will be surveyed only if access

is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential sites and provide these maps to the Local Land Use Permit Applicants and the Implementing Entity. Locations of delineated giant garter snake habitat must also be noted on plans that are submitted to a Local Land Use Permit Applicant. The applicant will use this information to finalize individual project design. Covered Activities may occur throughout the year as long as giant garter snake habitat is identified and fully avoided. Otherwise, Covered Activities must comply with GGS-2 through GGS-8, below. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

GG-2 (Giant Garter Snake Work Window): Covered Activities that do not fully avoid giant garter snake modeled habitat (Figure 3-18 of the SSHCP document) will be conducted during the snake's active season. Construction and ground-disturbing activities will be initiated after May 1 and will end prior to September 15. If it appears that construction activities may go beyond September 15, the Local Land Use Permit Applicant or their Third-Party Project Proponent will contact the Implementing Entity as soon as possible, but not later than September 1. The Local Land Use Permit Applicant and the Implementing Entity will discuss with the Wildlife Agencies additional measures necessary to minimize take.

GG-3 (Giant Garter Snake Monitoring): If a Covered Activity is occurring in giant garter snake modeled habitat (Figure 3-18 of the SSHCP document), an approved biologist experienced with giant garter snake identification and behavior will monitor the individual project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place in aquatic habitat or within 300 feet of aquatic habitat, and will inspect the individual project site daily for giant garter snake prior to construction activities. If a giant garter snake is encountered, refer to GGS-7. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a giant garter snake enters an active construction zone (i.e., outside the buffer zone).

GG-4 (Giant Garter Snake Habitat Dewatering and Exclusion): If construction activities will occur in giant garter snake aquatic habitat, aquatic habitat will be dewatered and then remain dry and absent of aquatic prey (e.g., fish and tadpoles) for 15 days prior to initiation of construction activities. If complete dewatering is not possible, the Implementing Entity will be contacted to determine what additional measures may be necessary to minimize effects to giant garter snake. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing will be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing will be erected 36 inches above ground and buried at least 6 inches below the ground to prevent snakes from attempting to move under the fence into the construction area. In addition, high-

visibility fencing will be erected to identify the construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Giant garter snake habitat outside construction fencing will be avoided by all construction personnel. The fencing and the work area will be inspected by the approved biologist to ensure that the fencing is intact and that no snakes have entered the work area before the start of each work day. The fencing will be maintained by the contractor until completion of the individual project. If giant garter snake is encountered, refer to GGS-7, below.

GGGS-5 (Avoid Giant Garter Snake Entrapment): If a Covered Activity occurs in giant garter snake modeled habitat (Figure 3-18 of the SSHCP document), all excavated steepwalled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within giant garter snake modeled habitat will be inspected for giant garter snake by the approved biologist prior to being moved. If a giant garter snake is encountered, refer to GGS-7.

GGGS-6 (Erosion Control Materials in Giant Garter Snake Habitat): If erosion control (BMP-2) is implemented within giant garter snake modeled habitat (Figure 3-18 of the SSHCP document), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure snakes are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

GGGS-7 (Giant Garter Snake Encounter Protocol): If a giant garter snake is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the individual project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the giant garter snake within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service immediately. Any worker who inadvertently injures or kills a giant garter snake or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

GGGS-8 (Giant Garter Snake Post-Construction Restoration): After completion of ground-disturbing Covered Activities, the applicant will remove any temporary fill and construction debris and will restore temporarily disturbed areas to pre-project conditions. Restoration work includes such activities as re-

vegetating the banks and active channels with a seed mix similar to pre-project conditions. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the Implementing Entity. Restoration work may include replanting emergent aquatic vegetation. Refer to the U.S. Fish and Wildlife Service's (USFWS) Guidelines for the Restoration and/or Replacement of Giant Garter Snake Habitat (USFWS 1997), or the most current USFWS guidelines at the time of the activity. A photo documentation report showing pre- and post-project conditions will be submitted to the Implementing Entity 1 month after implementation of the restoration.

Western Pond Turtle

WPT-1 (Western Pond Turtle Surveys): If the SSHCP western pond turtle modeled habitat maps (Figure 3-19 of the SSHCP document) show that modeled habitat for western pond turtle is present within a Covered Activity's individual project footprint or within 300 feet of an individual project footprint, then an approved biologist will conduct a field investigation to delineate western pond turtle aquatic habitat within the individual project footprint and within 300 feet of the individual project footprint. In addition to the SSHCP land cover types shown in Figure 3-19 of the SSHCP document, western pond turtle aquatic habitat includes, but is not limited to, low-gradient streams and creeks, open water, freshwater marsh, and rice fields. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential sites and provide those maps to the Local Land Use Permit Applicants and the Implementing Entity. Locations of delineated western pond turtle habitat must also be noted on plans that are submitted to a Local Land Use Permit Applicant. The applicant will use this information to finalize design. Covered Activities may occur throughout the year as long as western pond turtle habitat is identified and fully avoided. Otherwise, Covered Activities must comply with WPT-2 through WPT-9. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

WPT-2 (Western Pond Turtle Work Window): Maintenance and improvements to existing structures may occur throughout the year as long as western pond turtle habitat is identified and avoided, and movement of equipment is confined to existing roads. Otherwise, construction and ground-disturbing Covered Activities must be conducted outside of western pond turtle's active season. Construction and ground-disturbing activities will be initiated after May 1 and will commence prior to September 15. If it appears that construction activities may go beyond September 15, the appropriate Permit Applicant will contact the Local Land Use Permit Applicant and the Implementing Entity as soon as possible, but not later than September 1, to determine if additional measures are necessary to minimize take.

WPT-3 (Western Pond Turtle Monitoring): If a Covered Activity is occurring in western pond turtle modeled habitat (Figure 3-19 of the SSHCP document), an

approved biologist experienced with western pond turtle identification and behavior will monitor the individual project site, including the integrity of any exclusion fencing. The approved biologist will be on site daily while construction-related activities are taking place in aquatic habitat or within 300 feet of aquatic habitat, and will inspect the individual project site daily for western pond turtle prior to construction activities. The approved biologist will also train construction personnel on the required avoidance procedures, exclusion fencing, and protocols in the event that a western pond turtle enters an active construction zone (i.e., outside the buffer zone).

WPT-4 (Western Pond Turtle Habitat Dewatering and Exclusion): If construction activities will occur in western pond turtle aquatic habitat, aquatic habitat for the turtle will be dewatered and then remain dry and absent of aquatic prey (e.g., crustaceans and other aquatic invertebrates) for 15 days prior to the initiation of construction activities. If complete dewatering is not possible, the Implementing Entity will be contacted to determine what additional measures may be necessary to minimize effects to western pond turtle. After aquatic habitat has been dewatered 15 days prior to construction activities, exclusion fencing will be installed extending a minimum of 300 feet into adjacent uplands to isolate both the aquatic and adjacent upland habitat. Exclusionary fencing will be erected 36 inches above ground and buried at least 6 inches below the ground to prevent turtles from attempting to burrow or move under the fence into the construction area. In addition, high-visibility fencing will be erected to identify construction limits and to protect adjacent habitat from encroachment of personnel and equipment. Western pond turtle habitat outside construction fencing will be avoided by all construction personnel. The fencing and work area will be inspected by the approved biologist to ensure that the fencing is intact and that no turtles have entered the work area before the start of each work day. Fencing will be maintained by the contractor until completion of the individual project. If, after exclusion fencing and dewatering, western pond turtles are found within the individual project footprint or within 300 feet of the individual project footprint, the Third-Party Project Proponent will discuss the next best steps with the Implementing Entity and Wildlife Agencies.

WPT-5 (Avoid Western Pond Turtle Entrapment): If a Covered Activity occurs within western pond turtle modeled habitat (Figure 3-19 of the SSHCP document), all excavated steep-walled holes and trenches more than 6 inches deep will be covered with plywood (or similar material) or provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each work day or 30 minutes prior to sunset, whichever occurs first. All steep-walled holes and trenches will be inspected by the approved biologist each morning to ensure that no wildlife has become entrapped. All construction pipes, culverts, similar structures, construction equipment, and construction debris left overnight within western pond turtle modeled habitat will be

inspected for western pond turtle by the approved biologist prior to being moved.

WPT-6 (Erosion Control Materials in Western Pond Turtle Habitat): If erosion control (BMP-2) is implemented within western pond turtle modeled habitat (Figure 3-19 of the SSHCP document), non-entangling erosion control material will be used to reduce the potential for entrapment. Tightly woven fiber netting (mesh size less than 0.25 inch) or similar material will be used to ensure that turtles are not trapped (no monofilament). Coconut coir matting and fiber rolls containing burlap are examples of acceptable erosion control materials.

WPT-7 (Western Pond Turtle Modeled Habitat Speed Limit): Covered Activity construction and maintenance vehicles will observe a 20-mile-per-hour speed limit within western pond turtle modeled upland habitat (Figure 3-19 of the SSHCP document).

WPT-8 (Western Pond Turtle Encounter Protocol): If a western pond turtle is encountered during construction activities, the approved biologist will notify the Wildlife Agencies immediately. Construction activities will be suspended in a 100-foot radius of the animal until the animal leaves the individual project site on its own volition. If necessary, the approved biologist will notify the Wildlife Agencies to determine the appropriate procedures related to relocation. If the animal is handled, a report will be submitted, including date(s), location(s), habitat description, and any corrective measures taken to protect the turtle, within 1 business day to the Wildlife Agencies. The biologist will report any take of listed species to the U.S. Fish and Wildlife Service immediately. Any worker who inadvertently injures or kills a western pond turtle or who finds one dead, injured, or entrapped must immediately report the incident to the approved biologist.

WPT-9 (Western Pond Turtle Post-Construction Restoration): After completion of ground-disturbing Covered Activities, the applicant will remove any temporary fill and construction debris and will restore temporarily disturbed areas to pre-project conditions. Restoration work includes such activities as re-vegetating the banks and active channels with a seed mix similar to pre-project conditions. Appropriate methods and plant species used to re-vegetate such areas will be determined on a site-specific basis in consultation with the Implementing Entity. Restoration work may include replanting emergent aquatic vegetation and placing appropriate artificial or natural basking areas in waterways and wetlands. A photo documentation report showing pre- and post-project conditions will be submitted to the Implementing Entity 1 month after implementation of the restoration.

Tricolored Blackbird

TCB-1 (Tricolored Blackbird Surveys): If modeled habitat for tricolored blackbird is present within a Covered Activity's individual project footprint or within 500 feet of a individual project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting or

foraging sites are present within the individual project footprint and adjacent areas within 500 feet of the individual project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Within the SSHCP boundary, potential tricolor blackbird nest sites are often associated with freshwater marsh and seasonal wetlands, or in thickets of willow, blackberry, wild rose, thistle, and other thorny vegetation. Tricolored blackbirds are also known to nest in crops associated with dairy farms. Foraging habitat is associated with annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields (such as large tracts of alfalfa and pastures with continuous haying schedules and recently tilled fields), cattle feedlots, and dairies. The Third-Party Project Proponent will map all existing or potential nesting or foraging sites and provide these maps to the Local Land Use Permit Applicants and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permit Applicant. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

TCB-2 (Tricolored Blackbird Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present within an individual project footprint or within 500 feet of an individual project footprint if existing or potential nest sites were found during design surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct preconstruction surveys within 30 days and within 3 days of ground-disturbing activities, and within the proposed individual project footprint and 500 feet of the proposed individual project footprint to determine the presence of nesting tricolored blackbird. Preconstruction surveys will be conducted during the breeding season (March 1 through August 31). Surveys conducted in February (to meet pre-construction survey requirements for work starting in March) must be conducted within 14 days and 3 days in advance of ground-disturbing activities. If a nest is present, then TCB-3 and TCB-4 will be implemented. The approved biologist will inform the Land Use Authority Permit Applicant and the Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

TCB-3 (Tricolored Blackbird Nest Buffer): If active nests are found within the individual project footprint or within 500 feet of any project-related Covered Activity, the Third-Party Project Proponent will establish a 500-foot temporary buffer around the active nest until the young have fledged.

TCB-4 (Tricolored Blackbird Nest Buffer Monitoring): If nesting tricolored blackbirds are present within the individual project footprint or within 500 feet of any project-related Covered Activity, then an approved biologist experienced with tricolored blackbird behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place near the disturbance buffer. Work within the nest disturbance buffer will not be permitted. If the approved

biologist determines that tricolored blackbirds are exhibiting agitated behavior, construction will cease until the buffer size is increased to a distance necessary to result in no harm or harassment to the nesting tricolored blackbirds. If the biologist determines that the colonies are at risk, a meeting with the Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will be held to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a tricolored blackbird flies into an active construction zone (i.e., outside the buffer zone).

TCB-5 (Timing of Pesticide Use and Harvest Timing on Agricultural Preserves): On SSHCP Farmland/Agricultural Preserves, pesticides (including herbicides) will not be applied from January 1 through July 15.

Swainson's Hawk

SWHA-1 (Swainson's Hawk Surveys): If modeled habitat for Swainson's hawk (Figure 3-25 of the SSHCP document) is present within a Covered Activity's individual project footprint or within 0.25 mile of a individual project footprint, then an approved biologist will conduct a survey to determine if existing or potential nesting sites are present within the individual project footprint and adjacent areas within 0.25 mile of the individual project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Nest sites are often associated with Riparian land cover, but also include lone trees in fields, trees along roadways, and trees around structures. Nest trees may include, but are not limited to, Fremont's cottonwood (*Populus fremontii*), oaks (*Quercus* spp.), willows (*Salix* spp.), walnuts (*Juglans* spp.), eucalyptus (*Eucalyptus* spp.), pines (*Pinus* spp.), and Deodar cedar (*Cedrus deodara*). The Third-Party Project Proponent will map all existing and potential nesting sites and provide these maps to the Local Land Use Permit Applicants and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permit Applicant. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

SWHA-2 (Swainson's Hawk Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present within a individual project footprint or within 0.25 mile of an individual project footprint if existing or potential nest sites were found during initial surveys and construction activities will occur during the breeding season (March 1 through September 15). An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities to determine presence of nesting Swainson's hawk. Pre-construction surveys will be conducted during the breeding season (March 1 through September 15). If a nest is present, then SWHA-3 and SWHA-4 will be implemented. The approved biologist will inform the Land Use Authority Permit Applicant and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

SWHA-3 (Swainson's Hawk Nest Buffer): If active nests are found within the individual project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.25 mile disturbance buffer around the active nest until the young have fledged, with concurrence from the Wildlife Agencies.

SWHA-4 (Swainson's Hawk Nest Buffer Monitoring): If nesting Swainson's hawks are present within the individual project footprint or within 0.25 mile of any project-related Covered Activity, then an approved biologist experienced with Swainson's hawk behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the buffer. Work within the temporary nest disturbance buffer can occur with the written permission of the Implementing Entity and Wildlife Agencies. If nesting Swainson's hawks begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a Swainson's hawk flies into an active construction zone (i.e., outside the buffer zone).

Greater Sandhill Crane

GSC-1 (Greater Sandhill Crane Surveys): If modeled habitat for greater sandhill crane (Figure 3- 22 of the SSHCP document) is present within a Covered Activity's individual project footprint or within 0.5 mile of an individual project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential roosting sites are present within the individual project footprint and adjacent areas within 0.5 mile of the individual project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. Roosting sites within the SSHCP boundary are often associated with flooded fields, seasonal wetlands, and freshwater marsh. The Third-Party Project Proponent will map all existing or potential roosting sites and provide these maps to the Local Land Use Permit Applicants and Implementing Entity. Roosting sites must also be noted on plans that are submitted to a Local Land Use Permit Applicant. See Chapter 10 for the process to conduct and submit survey information.

GSC-2 (Greater Sandhill Crane Pre-Construction Surveys): Pre-construction surveys will be required to determine if active roosting sites are present within a individual project footprint or within 0.5 mile of an individual project footprint if existing or potential roosting sites were found during initial surveys and construction activities will occur when wintering flocks are present

within the SSHCP boundary (September 1 through March 15). An approved biologist will conduct pre-construction surveys within 15 days of ground-disturbing activities, and within 0.5 mile of an individual project footprint, to determine presence of roosting greater sandhill cranes. Pre-construction surveys will be conducted September 1 through March 15, when wintering flocks are present within the SSHCP boundary. If birds are present, then GSC-3, GSC-4, and GSC-5 will be implemented. The approved biologist will inform the Land Use Authority Permit Applicant and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

GSC-3 (Greater Sandhill Crane Roosting Buffer): If active roosting sites are found within the individual project footprint or within 0.5 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.5 mile temporary roosting disturbance buffer around the roosting site until the cranes have left.

GSC-4 (Greater Sandhill Crane Visual Barrier): Greater sandhill cranes have low tolerance for human disturbance, and such disturbance has caused cranes to abandon foraging and roosting sites. Repeat disturbance affects their ability to feed and store energy needed for survival. If project-related activities occur within 0.5 mile of a known roosting site as identified by surveys conducted during implementation of GSC-1 or GSC-2, a visual barrier will be constructed.

GSC-5 (Greater Sandhill Crane Roosting Buffer Monitoring): If roosting sites are found within the individual project footprint or within 0.50 mile of any project-related Covered Activity, an approved biologist experienced with greater sandhill crane behavior will be retained by the Third-Party Project Proponent to monitor the roosting site throughout the roosting season and to determine when the birds have left. The approved biologist will be on site daily while construction-related activities are taking place within the disturbance buffer. Work within the temporary disturbance buffer can only occur with the written permission of the Implementing Entity and Wildlife Agencies. If greater sandhill cranes are abandoning their roosting and/or forage sites, the approved biologist will have the authority to shut down construction activities. If roost abandonment occurs, the approved biologist, Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid harm and harassment of individuals. The approved biologist will also train construction personnel on the avoidance procedures, buffer zones, and protocols in the event that greater sandhill cranes move into an active construction zone (i.e., outside the buffer zone).

Western Burrowing Owl

WBO-1 (Western Burrowing Owl Surveys): Surveys within modeled habitat are required for both the breeding and non-breeding season. If the individual project site falls within modeled habitat, an approved biologist will survey the individual project site and map all burrows, noting any burrows that may be occupied. Occupied burrows are often (but not always) indicated by tracks,

feathers, egg shell fragments, pellets, prey remains, and/or excrement. Surveying and mapping will be conducted by the approved biologist while walking transects throughout the entire individual project site plus all accessible areas within a 250-foot radius from the individual project site. The centerline of these transects will be no more than 50 feet apart and will vary in width to account for changes in terrain and vegetation that can preclude complete visual coverage of the area. For example, in hilly terrain with patches of tall grass, transects will be closer together, and in open areas with little vegetation, they can be 50 feet apart. This methodology is consistent with current survey protocols for this species (California Burrowing Owl Consortium 1993). Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. If suitable habitat is identified during the initial survey, and if the individual project does not fully avoid the habitat, pre-construction surveys will be required. Burrowing owl habitat is fully avoided if project-related activities do not impinge on a 250-foot buffer established by the approved biologist around suitable burrows. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

WBO-2 (Western Burrowing Owl Pre-Construction Surveys): Prior to any Covered Activity ground disturbance, an approved biologist will conduct pre-construction surveys in all areas that were identified as suitable habitat during the initial surveys. The purpose of the pre-construction surveys is to document the presence or absence of burrowing owls on the individual project site, particularly in areas within 250 feet of construction activities. To maximize the likelihood of detecting owls, the pre-construction survey will last a minimum of 3 hours. The survey will begin 1 hour before sunrise and continue until 2 hours after sunrise (3 hours total), or begin 2 hours before sunset and continue until 1 hour after sunset. Additional time may be required for large individual project sites. A minimum of two pre-construction surveys will be conducted (if owls are detected on the first survey, a second survey is not needed). All owls observed will be counted and their location will be mapped. Surveys will conclude no more than 2 calendar days prior to construction. Therefore, the Third-Party Project Proponent must begin surveys no more than 4 days prior to construction (2 days of surveying plus up to 2 days between surveys and construction). To avoid last-minute changes in schedule or contracting that may occur if burrowing owls are found, the Third-Party Project Proponent may also conduct a preliminary survey up to 15 days before construction. This preliminary survey may count as the first of the two required surveys as long as the second survey concludes no more than 2 calendar days in advance of construction.

WBO-3 (Burrowing Owl Avoidance): If western burrowing owl or evidence of western burrowing owl is observed on the individual project site or within 250 feet of the individual project site during pre-construction surveys, then the following will occur:

During Breeding Season: If the approved biologist finds evidence of western burrowing owls within an individual project site during the breeding season (February 1 through August 31), all project-related activities will avoid nest sites during the remainder of the breeding season or while the nest remains occupied by adults or young (nest occupation includes individuals or family groups foraging on or near the site following fledging). Avoidance is establishment of a minimum 250-foot buffer zone around nests. Construction and other project-related activities may occur outside of the 250-foot buffer zone. Construction and other project-related activities may be allowed inside of the 250-foot non-disturbance buffer during the breeding season if the nest is not disturbed, and the Third-Party Project Proponent develops an avoidance, minimization, and monitoring plan that is approved by the Implementing Entity and Wildlife Agencies prior to individual project construction based on the following criteria:

- The Implementing Entity and Wildlife Agencies approve of the avoidance and minimization plan provided by the Enrollee.
- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline nesting and foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl nesting and foraging behavior in response to construction activities.

If there is any change in owl nesting and foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer. Construction cannot resume within the 250-foot buffer until any owls present are no longer affected by nearby construction activities, and with written concurrence from the Wildlife Agencies.

If monitoring by the approved biologist indicates that the nest is abandoned prior to the end of nesting season and the burrow is no longer in use, the non-disturbance buffer zone may be removed if approved by the Wildlife Agencies. The approved biologist will excavate the burrow in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl to prevent reoccupation after receiving approval from the Wildlife Agencies.

The Implementing Entity and Wildlife Agencies will respond to a request from the Third-Party Project Proponent to review the proposed construction monitoring plan within 21 days.

During Non-Breeding Season: During the non-breeding season (September 1 through January 31), the approved biologist will establish a minimum 250-foot non-disturbance buffer around occupied burrows. Construction activities outside of this 250-foot buffer will be allowed. Construction activities within the non-disturbance buffer will be allowed if the following criteria are met to prevent owls from abandoning over-wintering sites:

- An approved biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
- The same approved biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
- If there is any change in owl foraging behavior as a result of construction activities, the approved biologist will have authority to shut down activities within the 250-foot buffer.
- If the owls are gone for at least 1 week, the Third-Party Project Proponent may request approval from the Implementing Entity and Wildlife Agencies that an approved biologist excavate usable burrows and install one-way exclusionary devices to prevent owls from re-occupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.

Monitoring must continue as described above for the non-breeding season as long as the burrow remains active.

WBO-4 (Burrowing Owl Construction Monitoring): During construction of Covered Activities, 250-foot construction buffer zones will be established and maintained around any occupied burrow. An approved biologist will monitor the site to ensure that buffers are enforced and owls are not disturbed. The approved biologist will also train construction personnel on avoidance procedures, buffer zones, and protocols in the event that a burrowing owl flies into an active construction zone.

WBO-5 (Burrowing Owl Passive Relocation): Passive relocation is not allowed without the express written approval of the Wildlife Agencies. Passive owl relocation may be allowed on a case-by-case basis on individual project sites during the non-breeding season (September 1 through January 31) with the written approval of the Wildlife Agencies if the other measures described in this condition preclude work from continuing. Passive relocation must be done in accordance with the latest California Department of Fish and Wildlife guidelines for burrowing owl. Passive relocation will only be proposed if the burrow needing to be removed or with the potential to collapse from construction activities is the result of a Covered Activity. If passive relocation is approved by the Wildlife Agencies, an approved biologist can passively exclude birds from their burrows during the non-breeding season by installing one-way doors in burrow entrances. These doors will be in place for 48 hours to ensure that owls have left the burrow, and then the biologist will excavate the burrow to prevent reoccupation. Burrows will be excavated using hand tools only. During excavation, an escape route will be maintained at all times. This may include inserting an artificial structure into the burrow to avoid having materials collapse into the burrow and trap owls inside. Other methods

of passive relocation, based on best available science, may be approved by the Wildlife Agencies over the SSHCP Permit Term.

WBO-6 (Burrowing Owl Timing of Maintenance Activities): All activities adjacent to existing or planned SSHCP Preserves, Preserve Setbacks, or Stream Setback areas will be seasonally timed, when safety permits, to avoid or minimize adverse effects on occupied burrows.

WBO-7 (Rodent Control): Rodent control will be allowed only in developed portions of a Covered Activity individual project site within western burrowing owl modeled habitat. Where rodent control is allowed, the method of rodent control will comply with the methods of rodent control discussed in the 4(d) Rule published in the U.S. Fish and Wildlife Service's (2004) final listing rule for tiger salamander.

Covered Raptor Species

RAPTOR-1 (Raptor Surveys): If modeled habitat for a covered raptor species (Figures 3-20, 3-23, 3-24, or 3-28 of the SSHCP document) is present within a Covered Activity's individual project footprint or within 0.25 mile of a individual project footprint, then an approved biologist will conduct a field investigation to determine if existing or potential nesting sites are present within the individual project footprint and adjacent areas within 0.25 mile of the individual project footprint. Adjacent parcels under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. The Third-Party Project Proponent will map all existing or potential nesting sites and provide these maps to the Local Land Use Permit Applicants and Implementing Entity. Nesting sites must also be noted on plans that are submitted to a Local Land Use Permit Applicant. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

RAPTOR-2 (Raptor Pre-Construction Surveys): Pre-construction surveys will be required to determine if active nests are present with an individual project footprint or within 0.25 mile of an individual project footprint if existing or potential nest sites are found during initial surveys and construction activities will occur during the raptor breeding season. An approved biologist will conduct pre-construction surveys within 30 days and 3 days of ground-disturbing activities within the proposed individual project footprint and within 0.25 mile of the proposed individual project footprint to determine presence of nesting covered raptor species. Pre-construction surveys will be conducted during the raptor breeding season. If a nest is present, then RAPTOR-3 and RAPTOR-4 will be implemented. The approved biologist will inform the Land Use Authority Permit Applicant and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

RAPTOR-3 (Raptor Nest/Roost Buffer): If active nests are found within the individual project footprint or within 0.25 mile of any project-related Covered Activity, the Third-Party Project Proponent will establish a 0.25 mile temporary nest disturbance buffer around the active nest until the young have fledged.

RAPTOR-4 (Raptor Nest/Roost Buffer Monitoring): If project-related Covered Activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an approved biologist experienced with raptor behavior will be retained by the Third-Party Project Proponent to monitor the nest throughout the nesting season and to determine when the young have fledged. The approved biologist will be on site daily while construction-related activities are taking place within the disturbance buffer. Work within the temporary nest disturbance buffer can occur with the written permission of the Implementing Entity and Wildlife Agencies. If nesting raptors begin to exhibit agitated behavior, such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, the approved biologist/monitor will have the authority to shut down construction activities. If agitated behavior is exhibited, the biologist, the Third-Party Project Proponent, Implementing Entity, and Wildlife Agencies will meet to determine the best course of action to avoid nest abandonment or take of individuals. The approved biologist will also train construction personnel on the required avoidance procedures, buffer zones, and protocols in the event that a covered raptor species flies into an active construction zone (i.e., outside the buffer zone).

Western Red Bat

BAT-1 (Winter Hibernaculum Surveys): If modeled habitat (Figure 3-30 of the SSHCP document) for western red bat is present within 300 feet of a Covered Activity's individual project footprint, then an approved biologist will conduct a field investigation of the individual project footprint and adjacent areas within 300 feet of a individual project footprint to determine if a potential winter hibernaculum is present, and to identify and map potential hibernaculum sites. Adjacent **parcels** under different land ownership will be surveyed only if access is granted or if the parcels are visible from authorized areas. If potential hibernaculum sites are found, the Third-Party Project Proponent will note their locations on individual project designs and will design the individual project to avoid all areas within a 300-foot buffer around the potential hibernaculum sites. Winter hibernaculum habitat is fully avoided if project-related activities do not impinge on a 300-foot buffer established by the approved biologist around an existing or potential winter hibernaculum site. See Chapter 10 of the SSHCP document for the process to conduct and submit survey information.

BAT-2 (Winter Hibernaculum Pre-Construction Surveys): If the Third-Party Project Proponent elects not to avoid potential winter hibernaculum sites within the individual project footprint plus a 300-foot buffer, additional surveys are required. Prior to any ground disturbance related to Covered Activities, an approved biologist will conduct a pre-construction survey within 3 days of ground-disturbing activities within the individual project footprint and 300 feet of the individual project footprint to determine the presence of winter hibernaculum sites. Pre-construction surveys will be conducted during the winter hibernaculum season (November 1 through March 31). If a winter hibernaculum

is present, then BAT-3 and BAT-4 will be implemented. The approved biologist will inform the Land Use Authority Permit Applicant and Implementing Entity of species locations, and they in turn will notify the Wildlife Agencies.

BAT-3 (Winter Hibernaculum Buffer): If active winter hibernaculum sites are found within the individual project footprint or within 300 feet of the individual project footprint, the Third-Party Project Proponent will establish a 300-foot temporary disturbance buffer around the active winter hibernaculum site until bats have vacated the hibernaculum and the Implementing Entity and Wildlife Agencies concur.

BAT-4 (Bat Eviction Methods): An approved biologist will determine if non-maternity and non-hibernaculum day and night roosts are present on the individual project site. If necessary, an approved biologist will use safe eviction methods to remove bats if direct impacts to non-maternity and non-hibernaculum day and night roosts cannot be avoided. If a winter hibernaculum site is present, Covered Activities will not occur until the hibernaculum is vacated, or, if necessary, safely evicted using methods acceptable to the Wildlife Agencies.

E. Determination

The Central Valley Water Board has reviewed and considered the environmental document and supplemental information provided by the Sacramento County and has reached its own conclusion to approve this Project.

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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/)
(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: PeterG.Minkel@waterboards.ca.gov.
 - Include in the subject line of the email:
ATTN: Peter Minkel; Project Name; and WDID No. 5A34CR00849

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:

28 June 2022

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: Florin Vineyards Project
Permittee: Evergreen Communities
WDID: 5A34CR00849
Reg. Meas. ID: 447064
Place ID: 880080
Order Effective Date: 28 June 2022
Order Expiration Date: 27 June 2027

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 Name¹	Affiliation and Job Title
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Signature	Date
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¹STATEMENT 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
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*This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.
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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 submittal of the Commencement of Construction Notification 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 July, one year following the effective date of this 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. Part B – Project Status Notifications

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. Part C – Conditional Notifications and Reports

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.L 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 any other information required by Central Valley Water Board staff to determine whether the Project change or modification necessitates additional

environmental review. (California Code of Regulations, Title 14, sections 15061, 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, May 2018 (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 seq.), 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.

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

1. 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).