
Central Valley Regional Water Quality Control Board

5 March 2021

Alex Xu
Bohn Valley, Inc
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Middletown, CA 95461

**NOTICE OF APPLICABILITY FOR COVERAGE UNDER ORDER SB12006GN,
AMENDED ORDER FOR CLEAN WATER ACT SECTION 401 GENERAL WATER
QUALITY CERTIFICATION FOR SMALL HABITAT RESTORATION PROJECTS,
BOHN VALLEY INC, MAHA FARMS EPHEMERAL TRIBUTARY ENHANCEMENTS
PROJECT (WDID#5A17CR00182), LAKE COUNTY**

On 12 October 2020, Bohn Valley, Inc submitted a Notice of Intent (NOI) to enroll under and comply with State Water Resources Control Board (State Water Board) Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File No. SB12006GN (Order SB12006GN).

The Central Valley Water Quality Control Board (Central Valley Water Board) has reviewed your enrollment materials and finds the Maha Farms Lagoon and Ephemeral Tributary Enhancement Project (Project) meets the requirements of, and is hereby enrolled under, Order SB12006GN. You may proceed with your Project in accordance with the Order.

A copy of [Order SB12006GN](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/s_hrpcert032713.pdf) (https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/s_hrpcert032713.pdf) can be found on the State Water Resources Control Board's General Orders webpage and is enclosed.

Please familiarize yourself with the requirements of Order SB12006GN. You are responsible for complying with all applicable Order requirements. Failure to comply with Order SB12006GN constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the Order.

PROJECT DESCRIPTION:

The purpose of the 17.98-acre Project is to enhance wildlife habitat and reduce erosion within the ephemeral drainages and sediment deposit within the Upper Bohn Lake, an irrigation water storage reservoir. The Project will enhance several unnamed ephemeral tributaries of Upper Bohn Lake. Three ephemeral stream channels feeding into a main ephemeral channel will be enhanced to improve water quality by reducing sediment inputs to Upper Bohn Reservoir and the lagoon, creating wide vegetated corridors that

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

establish buffer zones for site runoff. The ephemeral stream will be re-contoured to add sinuosity and include inset floodplains. Boulder step pools and outcroppings will be added to the stream to establish complexity and bed diversity. Gravel and cobble will be added to help maintain a stable grade and reduce sediment loads. Trees will be planted to provide shade in addition to a diverse suite of natives for the understory.

The approximately 1,300 linear foot main ephemeral stream will be supplied with supplemental water. Continuous water recirculation will improve water quality while providing new habitat opportunities along the length of the enhanced stream. Supplemental flows will convert a portion of the main ephemeral stream to a perennial stream. The lower reach of stream associated with a proposed lagoon will be created as a low gradient stream with hydrophyte filled habitat supported by the lagoon's water surface and supplemental stream flow. The stream corridor and inset pools will be planted with native trees and shrubs to shade the stream and provide wildlife habitat, and the active stream edge will be planted with sedges and rushes that transition into native grasslands with clusters of native shrubs. Additional enhancements and improvements to the main ephemeral stream includes work on the ephemeral tributaries that feed in from the south. The ephemeral streams from the south will be enhanced with rock, cobble and gravel to enhance grade stability while mimicking a native stream bed with the banks planted with more drought-tolerant native trees and shrubs. These side streams will remain ephemeral and convey winter runoff unchanged. The eroding diversion ditch to the north will be enhanced with the same elements with the upper portion of the ditch remaining ephemeral and the lower portion of the ditch receiving supplemental flow.

Project elements that affect aquatic resources include installing crushed rock, compost, sand, landscape boulders, and smaller aggregates and Class 2 Permeable Base Rock within the stream channel and wetland habitat.

No dewatering will occur within the Project area. No wet concrete will be placed into waters of the state. The Project will permanently impact 0.12 acre/2,491 linear feet of stream channel and 0.01 acre of wetland habitat.

PROJECT LOCATION:

The Project is located at the southwest side of Upper Bohn Reservoir in unincorporated Lake County. The approximate center of the Project area is located at Latitude 38.729063°N and Longitude 122.449692°W.

PROJECT SCHEDULE:

The project will begin construction in April 2021 and is expected to conclude in April 2024.

APPLICATION FEE RECEIVED:

\$1,949.00 was received on 12 October 2020. The remaining application fee balance of \$104,644.00 based on total Project impacts was received on 11 December 2020. 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 D - Ecological Restoration and Enhancement Projects (fee code 85) with the dredge and fill fee calculator. A refund in the amount of \$106,144.00 for overpayment of fees will be processed.

MITIGATION AND MINIMIZATION MEASURES:

You must implement the proposed mitigation and minimization measures proposed in your Mitigation Plan. The mitigation and minimization measures are as follows:

General Avoidance Measures

1. An environmental awareness training program shall be provided to personnel working on the Project. The training shall include materials that describe the sensitive habitats and species present and the measures that have been incorporated into the Project to protect those habitats and species. The training materials shall be prepared by a qualified biologist who will train a member of the contractor's crew to provide follow-up trainings to newly hired employees during the construction period. These materials may be updated as new information is available.
2. All work areas, including parking and staging areas, shall be the minimum size necessary to implement the Project and shall be clearly delimited prior to implementation of any work.
3. All trash and debris shall be confined in enclosed bins located within staging areas.
4. No pets shall be allowed within the construction area.
5. Any soil or other material stockpiled during construction that could be easily transported by wind or rain shall be covered when not actively in use.
6. No materials shall be placed where they may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wind or runoff erosion and dispersion.
7. Appropriate washout, track-out, and dust control BMPs shall be implemented during construction.
8. All vehicles and equipment scheduled for use in construction on the site shall be clean and free of mud or vegetation that could introduce plant pathogens or propagules of non-native plants. This includes equipment hauled into the site. The importance of this measure will be discussed in the environmental awareness training materials.
9. No construction vehicles or machinery shall be allowed outside of the delimited parking, staging, and work areas.
10. All vehicles and equipment used on site shall be well maintained and checked

upon site entry for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. Drip pans shall be used under all vehicles and equipment when not in active use.

11. All vehicle fueling and maintenance activities shall occur at least 100 feet away from any wetland, stream, or other water body.
12. Operation of vehicles and equipment shall be limited to the hours from 7:00 am to 7:00 pm or from half an hour after sunrise to half an hour before sunset.
13. A SWPPP shall be developed for the Project in accordance with the Lake County Clean Water Program and all measures included in the SWPPP shall be implemented during all phases of construction, as appropriate.
14. Temporary erosion control materials shall be inspected on a regular basis consistent with the SWPPP during construction, and any required repairs shall be implemented immediately.
15. For any work within aquatic features or their setback, the contractor shall be prepared to handle any localized hazardous waste spills (e.g. gas, oil, or pesticides). Spill control and clean-up materials (e.g., oil absorbent pads, fiber rolls) shall be kept on-site at all times in case a spill occurs. Any waste materials including, but not limited to, raw cement/concrete or washings thereof, asphalt, paint, construction waste, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, shall be prevented from contaminating the soil and/or entering any waterways.
16. All erosion control materials shall use certified weed-free straw or other biodegradable, weed-free materials. No materials containing monofilament netting shall be used.

Wetlands and Non-Wetland Waters

1. Prior to any impacts to protected aquatic resources, the Project proponent shall submit applications for necessary permits or agreements from the RWQCB, CDFW, and/or County of Lake. Any avoidance, minimization, or compensatory mitigation measures required by those permits or agreements shall be incorporated into the Project design. Mitigation shall occur consistent with the necessary permits or agreements and approval conditions required for the Project.
2. Appropriate BMP's listed in Bio Impact 01 shall be incorporated where/when appropriate.
3. Permanent impacts to jurisdictional features will be mitigated at a ratio approved by the agencies with jurisdiction over the impacted feature. Mitigation for permanent impacts will occur through the purchase of credits from the National Fish and Wildlife Foundation (NFWF) in-lieu fee program as approved by the

Sacramento District Corps of Engineers and the State Water Resources Control Board. A letter has been provided by NFWF stating that they have sufficient credits available to satisfy the mitigation requirement for this Project and is included in Part 12.

Special-Status Plant Species

1. Pre-construction botanical surveys of herb-dominated habitats with the potential to support special-status plants (i.e., grasslands, wetlands) shall be conducted prior to groundbreaking. Pre-construction surveys of shrub or woodland dominated habitats with the potential to support special-status plants shall be surveyed if greater than three years have passed since the most recent survey. Pre-construction surveys shall be completed by a qualified biologist during the appropriate identification period for plants with the potential to occur in the area scheduled for groundbreaking. Edge of populations shall be mapped and visibly flagged prior to ground disturbance. Additionally, previously mapped occurrences of any special-status plant shall be visibly flagged. No federal- or State-listed plant species will be taken as a result of the Project.
2. In the event pre-construction surveys identify special-status plants within areas identified for ground disturbance and associated buffer, occurrences of special-status plants shall be avoided by a minimum of 20 feet. Where ground disturbance will occur within 100 feet upslope of occurrences of special-status plants during the wet season (October 1 through April 1), silt fencing or straw wattles shall be installed between the work area and the 20-foot setback and shall not be removed until the disturbed areas have been revegetated or otherwise stabilized and the risk of erosion has been minimized.
3. When avoidance is not feasible or practicable, species-specific mitigation shall be developed that minimizes impacts and compensates for any loss of plant occurrences through a combination of enhancement (e.g., weed management and supplemental seeding within existing stands of the species in question), restoration or creation (e.g., establishment of new populations), and preservation (e.g., placement of appropriate protective assurances over existing examples of high quality occurrences). Any mitigation shall follow generally acceptable rare plant mitigation guidelines and shall consider the specific ecology of the species in question, as well as the conservation status and the number of occurrences within the overall ranch. The mitigation shall also include regularly scheduled monitoring, an adaptive management component, and clear performance standards to ensure success. Mitigation for special-status plants shall follow the general outline below:
 - a. For compensatory plantings, in-kind species shall be planted at a minimum ratio of 2:1. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years. The qualified biologist shall prepare an annual report on the progress of mitigation with recommended management actions. Mitigation shall

be deemed complete once the qualified biologist has determined that the mitigation has achieved or exceeded 80 percent success following the minimum three years of monitoring. Additional years of monitoring and management shall occur should mitigation fail to meet success criteria.

- b. Should transplanting of individual plants be considered, the transplanting shall be completed by a qualified biologist. Plants shall be relocated to suitable habitats and shall be within designated open space as possible. A qualified biologist shall monitor all transplanted individuals for a minimum of three years to ensure successful establishment. The qualified biologist shall prepare an annual report on the success of transplanted plants. Should transplanting fail, compensatory actions shall occur as outlined under (i).
- c. Consultation with CDFW or USFWS shall occur as necessary, based on regulatory jurisdiction, should a special-status plant that does not have a history of successful transplantation and was not previously identified within the Study Area be observed. For species with a demonstrated history of successful transplantation, then mitigation shall follow steps (i) and (ii) above.

Special-status Mammals

Two special-status bat species and five non-status bat species were observed within the vicinity of the Project Area. There is moderate or high potential for an additional six bat species to occur within the oak woodland, riparian woodland and rock outcrops within the Project Area. The following measures are recommended to avoid impacts to roosting bats:

1. Pre-construction survey(s) for bat roosts shall be conducted by concentrating on large trees (DBH >12 inches), and cliffs/rocky outcroppings within 100 feet of any planned work areas. Surveys shall occur no more than 14 days prior to the start of work, and one or more surveys may be needed for the biologist to evaluate whether potential roost habitat occurs and to determine the type (i.e., maternity or non-maternity) and status (i.e., active or inactive) of the roost. If an active maternity or special-status bat roost is found and is proposed to be removed or directly impacted as a result of Project activities, consultation with CDFW may be required.
2. If large trees (DBH >12 inches) identified as potential bat roosts that are not active maternity or special-status roosts are to be removed, they shall be flagged by the surveying biologist. On the first day of removal of flagged trees, if weather conditions permit, limbs shall be removed in the late afternoon from flagged trees. This disturbance shall cause any roosting bats to locate an alternative roost during their nighttime foraging. As potentially roosting bats will have left over the course of the night, the rest of the tree can be harvested on the second day. On the second day, if weather conditions permit, the trees shall be felled as

late in the afternoon as is practicable. If weather conditions are not conducive to having the tree taken down on the second day and the procedure has been interrupted, an additional emergence survey shall be conducted the evening before taking the tree down in late afternoon.

Other Mammals

American badger and ringtail have moderate potential to occur in the Project Area. Direct impacts to open grassland and oak woodland could potentially impact habitat for American badger and impacts to riparian areas, rocky outcrops and oak woodlands have potential to impact ringtail. The following measures are recommended to avoid impacts to American badger and ringtail

1. No more than 14 days before the start of ground disturbance activities within open grassland and oak woodland, a biologist shall conduct pre-construction surveys to determine if American badger or ringtail dens are present.
2. If American badger dens are determined to be present, the biologist shall monitor them for activity to determine whether the den is active. If the den is determined to be occupied by a female with young, ground disturbance and construction activity shall be avoided within 50 feet of the den until the young have matured and dispersed. If the den is determined to be active, but a female with young are not present, burrow exclusion using passive measures such as one-way doors or equivalent shall be attempted for a minimum of three days to discourage their use prior to any Project-related ground disturbance. If the biologist determines that the dens have become inactive as a result of the exclusion methods, the dens shall be excavated by hand to prevent them from being re-occupied during construction.
3. If ringtail dens with young are determined to be present within the work area, the biologist shall establish a clearly marked exclusionary buffer of no less than 50 feet and no ground disturbance shall take place within the buffer until the biologist determines the den is no longer active with young.

Raptors

Targeted raptor surveys determined that golden eagle, bald eagle, white-tailed kite, and American peregrine falcon nest in portions of the larger Guenoc Ranch. However, of these species, only white-tailed kite was considered to have a moderate or high potential to nest within the Project Area. Though the Project Area provides foraging habitat for many raptor species, it is unlikely to support nesting due to the lack of suitable nesting trees and habitat elements for special-status raptors, other than white-tailed kite (Part 5. Biological Resources Assessment). Several common raptor species may also forage and nest within the Project Area.

1. Prior to starting construction activities during the nesting season, generally defined as February 1 through August 31, targeted surveys for active raptor

nests shall be conducted. An active nest contains eggs or young.

2. If a non-status raptor nest containing eggs or young is determined to be present within the work area, then a protective buffer shall be implemented and no Project work shall occur within the buffered area until the chicks have fledged and no longer require parental support for survival, or the nest has been determined to be inactive. Buffer size shall be determined by the biologist based on species, nest location, planned disturbance footprint, and presence of any visual or auditory buffers.
3. If a special-status raptor nest is determined to be present within the work area, or within 0.5 mile of the work area, consultation with the USFWS and/or CDFW shall occur and any measures recommended or required by those agencies shall be incorporated into the Project design.
4. No special-status raptor nests are documented within 0.5 miles of the Study Area. However, if a nest of a special-status raptor nest is detected within 0.5 miles, for construction activities planned within 0.5 miles of a documented nest, pre-construction surveys shall be conducted in accordance with the most current guidance available from USFWS and CDFW.

Burrowing Owl

While burrowing owl was not observed during site assessments, ground squirrels and potentially suitable habitat was present, and suitable burrows may exist in the future. This species is migratory and may occur in portions of the Project Area. Project activities that would remove or destroy burrows and impact grassland habitat containing suitable burrows, may result in a direct impact to burrowing owl. The following measures are recommended to avoid impacts to burrowing owls:

1. A pre-construction survey shall be performed prior to start of ground disturbance activities where ground squirrel burrow complexes are present. This survey shall occur regardless of the time of year, as burrowing owls may use the Study Area during the non-nesting season. The survey shall be performed according to the standards set forth by the Staff Report for Burrowing Owl Mitigation (CDFW 2012), unless more current guidance has been released.
2. If the species or its sign, which includes feathers, pellets, or whitewash, are found at a burrow during the nesting period, Project activities shall be excluded from within a 250-foot buffer surrounding the occupied burrows until the owls are no longer present or the burrows have been abandoned. The nesting period is defined as February 1 through August 31.
3. Passive exclusion techniques, such as one-way doors, can be used to exclude burrowing owl from occupied burrows outside the nesting season or if a burrow is determined not to support an active nest. An active nest includes those with eggs or young. Once exclusion is completed, the burrows shall be collapsed to

avoid attracting owl back to the planned or active work area.

Nesting Birds

In addition to the aforementioned raptor species, the site assessment determined that special status bird species Allen's hummingbird, Nuttall's woodpecker, and oak titmouse, may be present in the Project Area. Other special status bird species, in addition to burrowing owl previously discussed, were determined to have a moderate to high potential to occur within the Project Area. A variety of native bird species protected may use the Project Area for nesting. Avoidance of nesting birds is considered a general biological resources "best practice" in California and avoids potential enforcement action by the CDFW. Nesting bird pre-construction survey obligations are a common component of various permits and authorizations, including local grading permits, and such, may be deemed applicable to Project activities. Initial vegetation removal, clearing, grubbing activities, along with building removal and demolition of structures, have the potential to affect nesting migratory birds. The following measures are recommended to avoid impacts to nesting birds:

1. If vegetation removal, demolition of buildings or work on bridges, or initial ground disturbance activity occur during the nesting season, defined as February 1 through August 31, then a pre-construction nesting bird survey within the work area shall be completed by a biologist no more than 14 days (or the time interval set by Department permits issued for the Project) prior to the start of work.
2. If active nests (nests with eggs and/or chicks) are observed during the pre-construction survey, Project activities shall avoid the area as determined by the biologist and resume the protective buffer only after the young have fledged the nest or the nest otherwise becomes inactive. Buffer size shall be determined by the biologist based on species, nest location, planned disturbance footprint, and presence of any visual or auditory buffers.

Special-Status Reptiles and Amphibians

Western pond turtle (WPT) has a high potential to occur in the Project Area. Direct impacts to stream features, floodplains, wetlands, ponds, and reservoirs may result in the loss of suitable habitat or potential take of WPT. Work taking place within any stream or lake in the Project Area has potential to impact this species. The following measures are recommended to avoid impacts to WPT when working within the aquatic features in the Project Area.

1. To the extent possible, initial ground disturbance, vegetation clearing, and associated Project activities within 300 feet of ponds, reservoirs, or wetted streams which may support western pond turtle shall occur between July 1 and October 31 to avoid the peak nesting season and winter inactivity periods for western pond turtle.
2. No more than 14 days prior to the start of work within 300 feet of ponds,

reservoirs, or wetted streams with the potential to support western pond turtle, a pre-construction survey for western pond turtle shall be completed. If the species is observed, the biologist shall provide measures to avoid direct impacts based on the planned work. Such measures may include a protective no-work buffer, exclusion fencing, monitoring, or coordination with CDFW if relocation is required.

NOTICE OF COMPLETION:

Upon completion of the Project, you shall submit a Notice of Completion (NOC) no later than 30 days after Project completion. The NOC shall demonstrate the Project was carried out in accordance with the Project description, include a map of the Project location with final boundaries of the restoration area, and include post-project photographs. More information on the NOC is listed in section B.6 of the Order.

If you have questions concerning this matter, please contact Angela Nguyen-Tan by phone at (916) 464-0335 or by email at Angela.Nguyen-Tan@waterboards.ca.gov

Original Signed By Bryan J. Smith for:

Patrick Pulupa
Executive Officer

Attachments: Figure 1—Project Location Map
Figure 2—Stream Locations Map
Figure 3—Stream Restoration Details

Enclosure: Amended Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects File # SB12006GN

cc: [Via email only]

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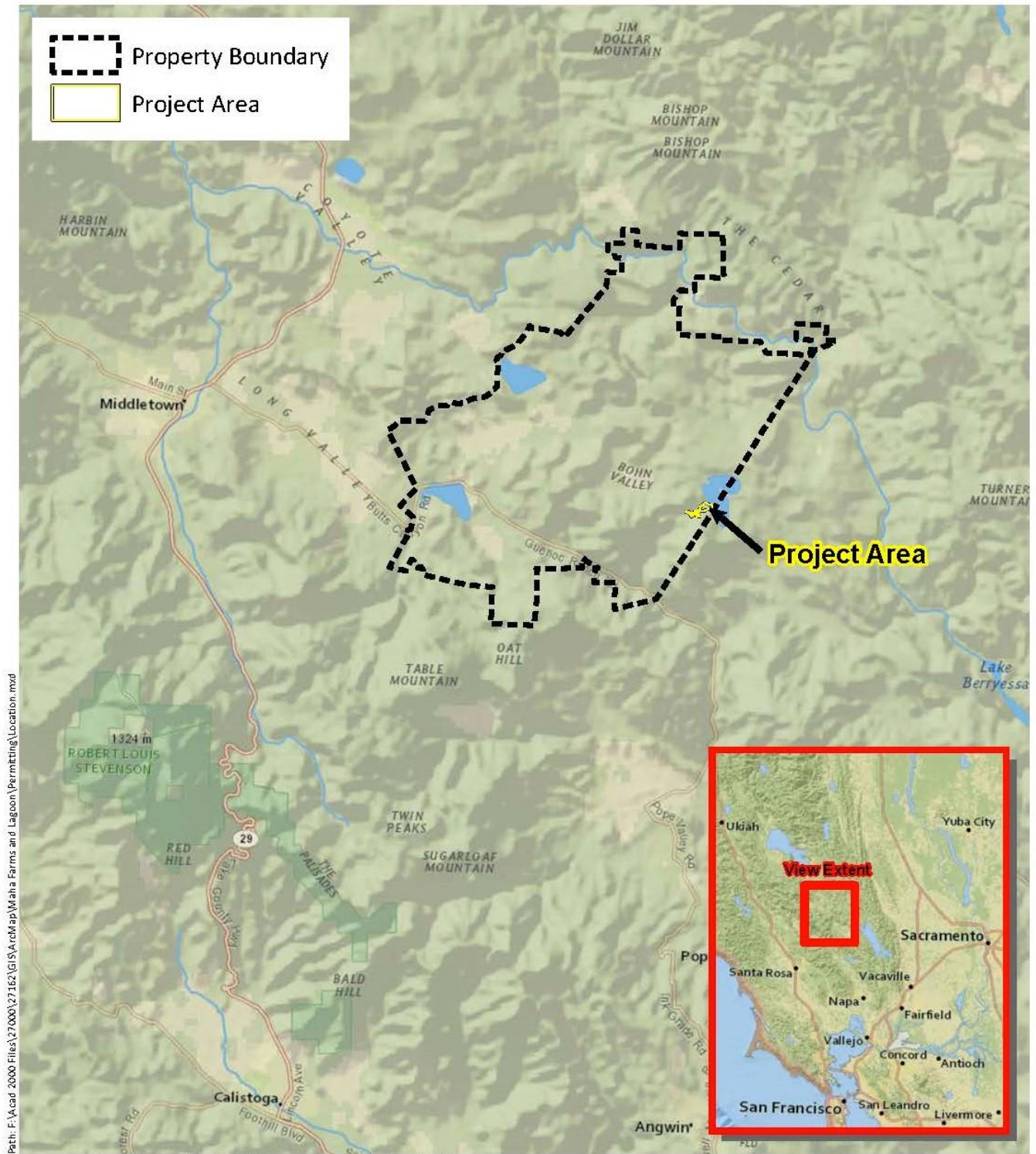


Figure 1: Project Location Map

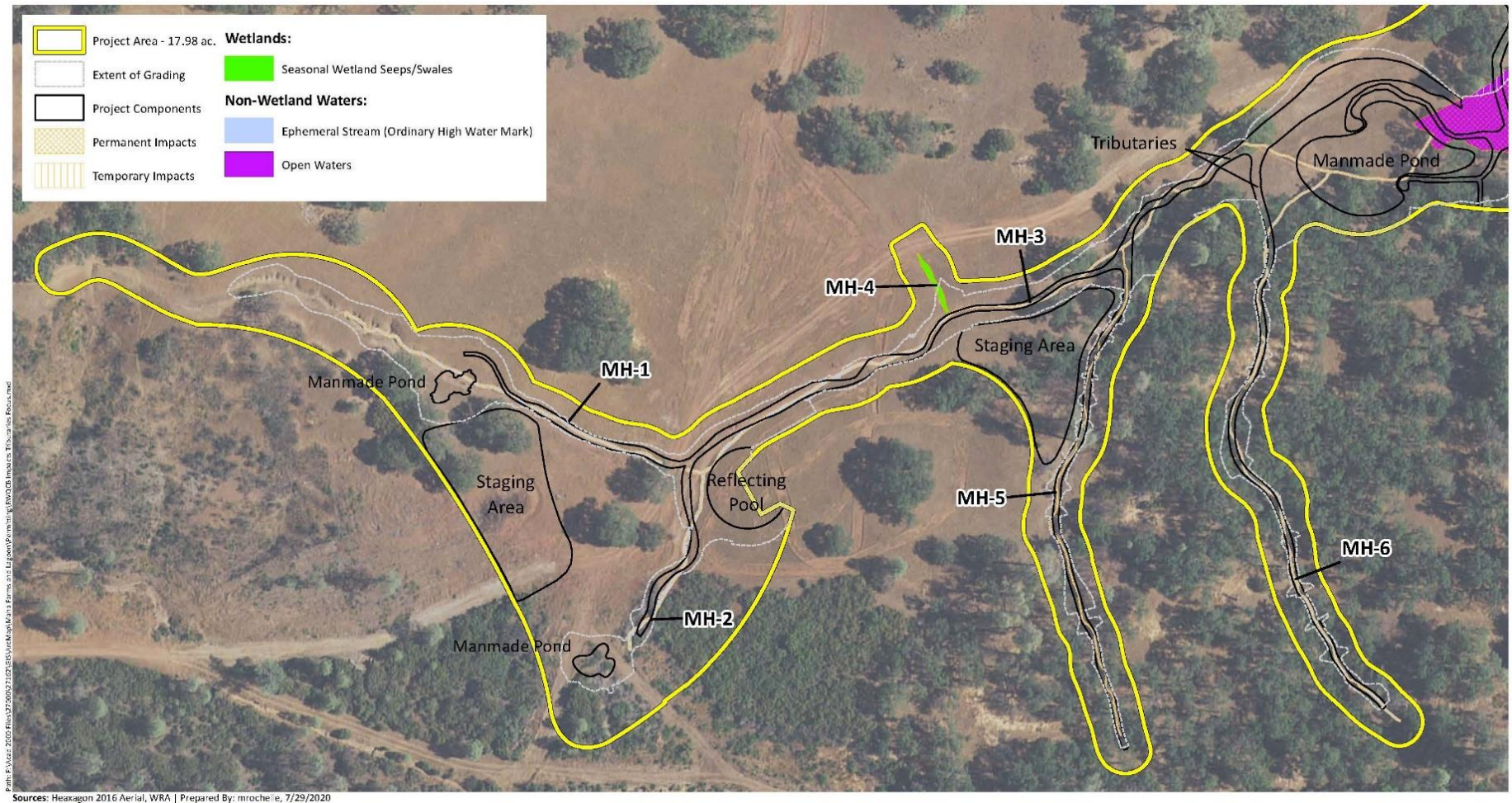
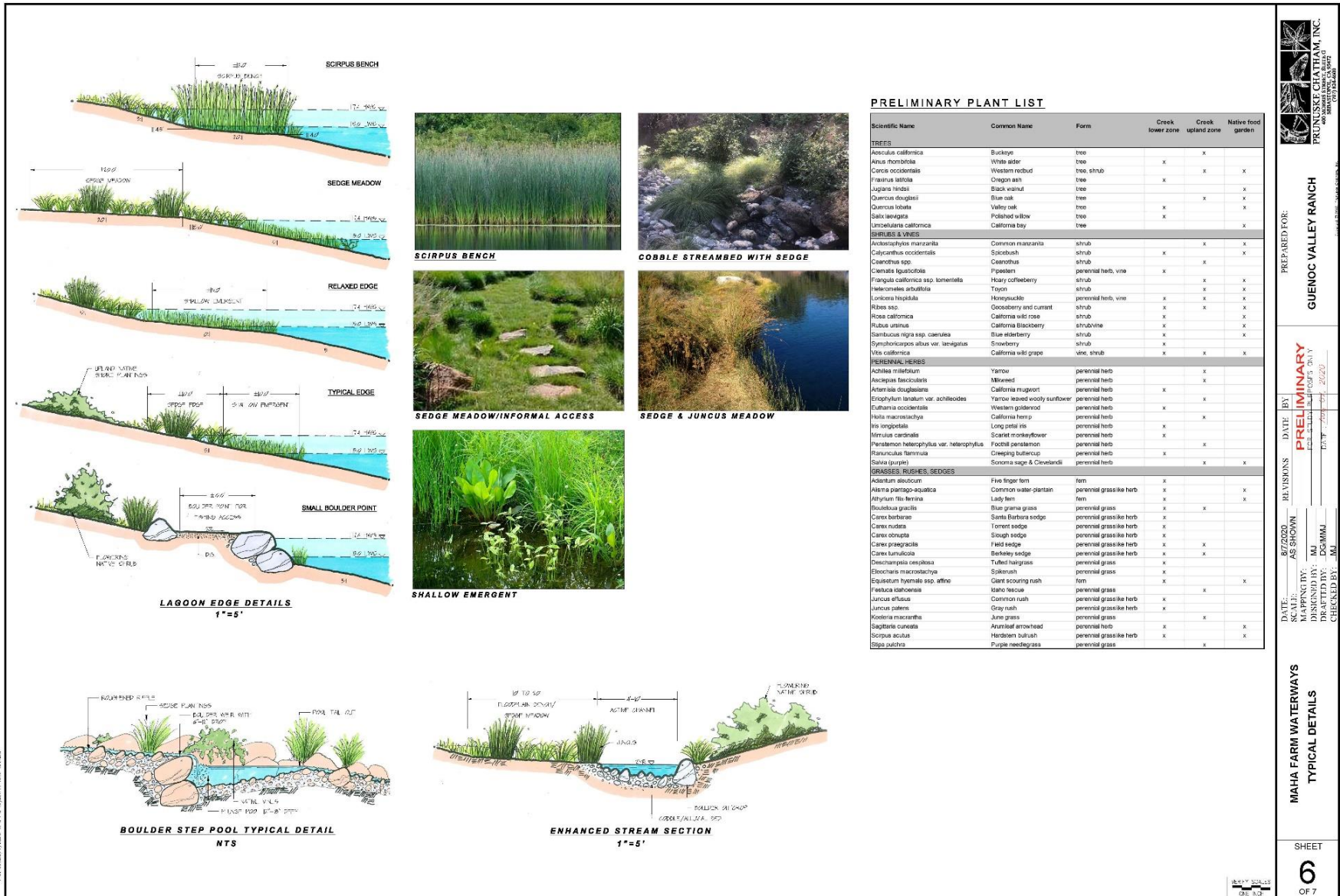


Figure 2: Stream Locations Map



PREPARED FOR:
GUENOC VALLEY RANCH

DATE: 03/05/2021
 APPROPRIATE FOR: PRELIMINARY
 DESIGNED BY: MJ
 DRAFTED BY: DGM/JJ
 CHECKED BY: MJ

REVISIONS: 01
 DATE: 03/05/2021
 BY: MJ

MAHA FARM WATERWAYS
 TYPICAL DETAILS

SHEET
6
 OF 7

Note: This drawing is based on the 01/25/2021 site visit. The information shown on this drawing is based on the information provided by the client. The client is responsible for providing accurate information. The information shown on this drawing is for informational purposes only and should not be used for construction without the approval of the design professional.

Figure 3: Stream Restoration Details