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ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date: 13 June 2017

Expiration Date: 13 June 2022

Program Type: Fill/Excavation

Project Type: Roads and Highways

Project: Western Placerville Interchanges Project – Phase 2 (Project)

Applicant: City of Placerville

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If you have any questions, please call Central Valley Regional Water Quality Control Board (Central Valley Water Board) Staff listed above or (530) 224-4845 and ask to speak with the Water Quality Certification Unit Supervisor.

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I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of City of Placerville (herein after Permittee) for the Project. This Order is for the purpose described in application submitted by the Permittee. The application was received on 9 March 2017. The application was deemed complete on 16 May 2017.

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 17 March 2017 to 7 April 2017. The Central Valley Water Board did not receive any comments during the comment period. Public notice regarding the Environmental Impact Report is described in Attachment C, CEQA Findings of Fact.

III. Project Purpose

The project proposes to improve the interchange on an east to west corridor located on US Highway 50, just west of Placerville in El Dorado County, California; proposed to reduce congestion; improve connectivity; and increase transportation safety.

IV. Project Description

The proposed project includes an eastbound direct access from US Route 50 onto Ray Lawyer Drive by constructing an eastbound auxiliary lane between the existing eastbound access ramp at Forni Road in addition to a proposed eastbound off-ramp at Ray Lawyer Drive. Additional work includes construction of a retaining wall, resurfacing of mainline US Route 50 Interchange and construction of a park and ride facility to be located between the proposed off-ramp and Forni Road.

V. Project Location

Address: South of US 50, between Ray Lawyer Drive and the lumber yard on Forni Road.

County: El Dorado

Nearest City: Placerville

Section 12-14, Township 10 North, Range 10 East, MDB&M.

Latitude: 38.724°N and Longitude: -120.828°W

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, Fourth Edition, revised April 2016 (Basin Plan). The plan for the region and other plans and policies may be accessed online at: 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.

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

Construction of the off ramp to Ray Lawyer Drive from eastbound US 50, as well as the construction of the park and ride facility will fill in approximately 0.61 acres of wetlands. Approximately 13,610 cubic yards of soil will be used to fill the wetlands with an additional 574 cubic yards of material comprised of 14 cubic yards of concrete, 48 cubic yards concrete pipe, 178 cubic yards asphalt, and 334 cubic yards Class 2 aggregate base.

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

| Table 1: Total Project Fill/Excavation Quantity | | | | | | | | | |
|--|-------------------------------------|-----------------------|-----------------------|------------------------------|-----------|-----------|---|-----------|-----------|
| Aquatic Resource Type | Temporary Impact¹ | | | Permanent Impact | | | | | |
| | | | | Physical Loss of Area | | | Degradation of Ecological Condition Only | | |
| | Acres | CY² | LF² | Acres | CY | LF | Acres | CY | LF |
| Stream Channel | | | | | | | | | |
| Wetland | | | | 0.61 | 14,184 | 490 | | | |

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

IX. Avoidance and Minimization

The Project has been designed to avoid and minimize impacts to waters of the state to the maximum extent possible. The project shall comply with all County and State requirements established to reduce construction related erosion, sediment discharge, and discharge of other construction-related wastes and pollutants to the maximum extent possible.

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 22 November 2005, the City of Placerville, as lead agency, certified an Environmental Impact Report (EIR) (State Clearinghouse (SCH) No. 2003122137) for the Project and filed a Notice of Determination (NOD) at the SCH on 23 November 2005. 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

¹ Includes only temporary direct impacts to waters of the state and does not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

² Cubic Yards (CY); Linear Feet (LF)

Any person aggrieved by this action may petition the State Water Resources Control 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 \$1,440.00 was received on 9 March 2017. 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 B - Dredging Discharges (fee code 86) with the dredge and fill fee calculator.

An additional fee of \$4,786.00 based on total Project impacts was received on 8 June 2017.

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 Table 1.

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: centralvalleyredding@waterboards.ca.gov.

In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID. 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. **Annual Reporting:** The Permittee shall submit an Annual Report each year on the 1st day of the month one year after the effective date of the Certification. Annual reporting shall continue until a Notice of Project Complete Letter is issued 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. 20009-0009-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 and associated annual fees.
- c. Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete,³ and no further Project activities will occur. 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 and associated annual fees.
- 3. Conditional Notifications and Reports:** The following notifications and reports are required as appropriate.
- a. Accidental Discharges of Hazardous Materials⁴**
Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):
- i.** As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
 - first call – 911 (to notify local response agency)
 - then call – Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911
 - Lastly follow the required OES procedures as set forth in:
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 in accordance with section XIV.B.

³ 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.

⁴ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Saf. Code, § 25501.)

- 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 in accordance with section XIV.B.
 - 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 in accordance with section XIV.B.
 - 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:** 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). 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. **Post-Construction:** Visually inspect the Project site during the rainy season for one year to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the Project site. If water quality pollution is occurring, contact the Central Valley Water Board staff member overseeing the Project within three (3) working days. The Central Valley Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869. 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 (Wat. Code, § 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. § 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to 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 Central Valley 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) included in the Final Environmental Impact Report 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, 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 & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
3. The Permittee shall grant Central Valley Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at the Project site for the duration of this Order. The Permittee shall be responsible for work conducted by its consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at the Project site(s) during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.
6. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife's Lake and Streambed Alteration Agreement to the Central Valley Water Board immediately upon execution and prior to any discharge to waters of the state.

G. Construction

1. **Dewatering – Not Applicable**
2. **Directional Drilling**
 - a. If installation or relocation of dry and/or wet utility lines is anticipated, the Applicant shall develop and submit Dry and Wet Utility Work Plan to the Central Valley Water

Board Contact indicated in this Certification prior to commencement of dry and wet utility construction. The Dry and Wet Utility Plan must cover all phases of the certified project that will impact waters of the United States and waters of the state, and shall be consistent with this Certification.

The Dry and Wet Utility Plan shall include the types of dry and wet utilities to be removed and installed, method and duration of activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the location(s) of dry and wet utility work, as related to any water of the United States and waters of the state, in the Project area.

Should the methodology for dry and wet utility work include directional drilling, the Dry and Wet Utility Plan shall incorporate a Directional Drilling Plan to address potential frac-outs. The Directional Drilling Plan shall include, but not be limited to, a description of directional drilling activities, dry and wet utility routes, crossing locations and methods, and other geotechnical considerations (i.e., surficial overburden deposits, clays and shales, bedrock formations, hydrogeology), and a reporting procedure should any level of discharge from a frac-out occur, regardless of the discharge size.

The Directional Drilling Plan must be stamped by a California Registered Geologist or Engineer.

3. Dredging – Not Applicable

4. Fugitive Dust – Not Applicable

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. Concrete must be completely cured before coming into contact with waters of the United States and waters of the state. Surface water that contacts wet concrete must be pumped out and disposed of at an appropriate off-site commercial facility, which is authorized to accept concrete wastes.

7. Invasive Species and Soil Borne Pathogens – Not Applicable

8. In-Water Work

- a. In-water work shall occur during periods of no precipitation.

9. 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. Provide treatment BMPs to reduce pollutants in runoff;
 - iii. Ensure existing waters of the state (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - iv. Preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - v. Limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - vi. 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;
 - vii. 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
 - viii. 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 home owner'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.

10. Roads

- a. The Permittee shall develop and maintain a Transportation Management Plan (Plan) that includes soil stabilization practices, sediment control practices, tracking control practices, and wind erosion control practices. In addition, the Plan must include non-storm water controls, waste management and material pollution controls. The Plan must be developed prior to initiation of any activities that modify existing storm water drainage facilities. The Plan must be consistent with this Order and must be made available to the Central Valley Water Board staff upon request.

11. 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.

12. Special Status Species – Federally-threatened Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), California Red Legged Frog (*Rena draytonii*). California Department of Fish & Wildlife (CDFW) species of special concern western pond turtle (*Actinemys marmorata marmorata*) and Foothill yellow-legged frog (*Rana boylei*).

13. 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.

14. 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. The Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
- ii. 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.
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.

K. Compensatory Mitigation for Permanent Impacts⁵

1. **Compensatory Mitigation Plan** Prior to commencing construction, the Permittee shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts. Evidence of mitigation includes, but is not limited to, the purchase of mitigation credits, payment of in-lieu fees, recordation of a perpetual conservation easement grant, any combination as required by the United States Army Corps of Engineers.

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

⁵ Compensatory Mitigation is for permanent physical loss and permanent ecological degradation of a water of the state.

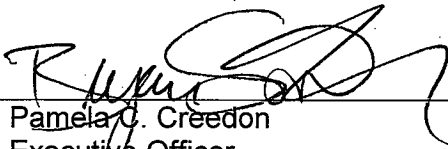
be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

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 Western Placerville Interchanges Project – Phase 2, WDID No. 5A09CR00171 certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

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

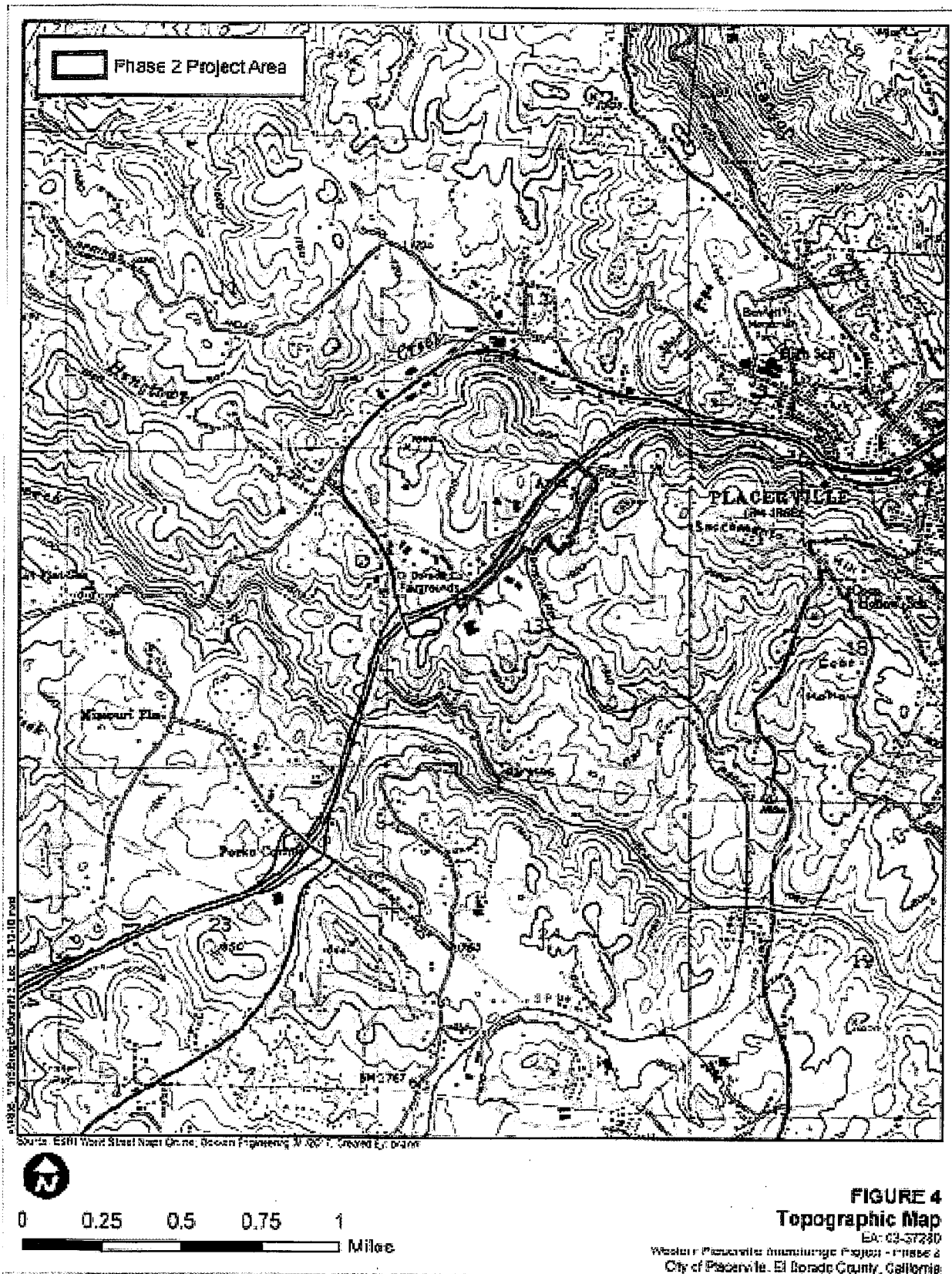

Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality Control Board

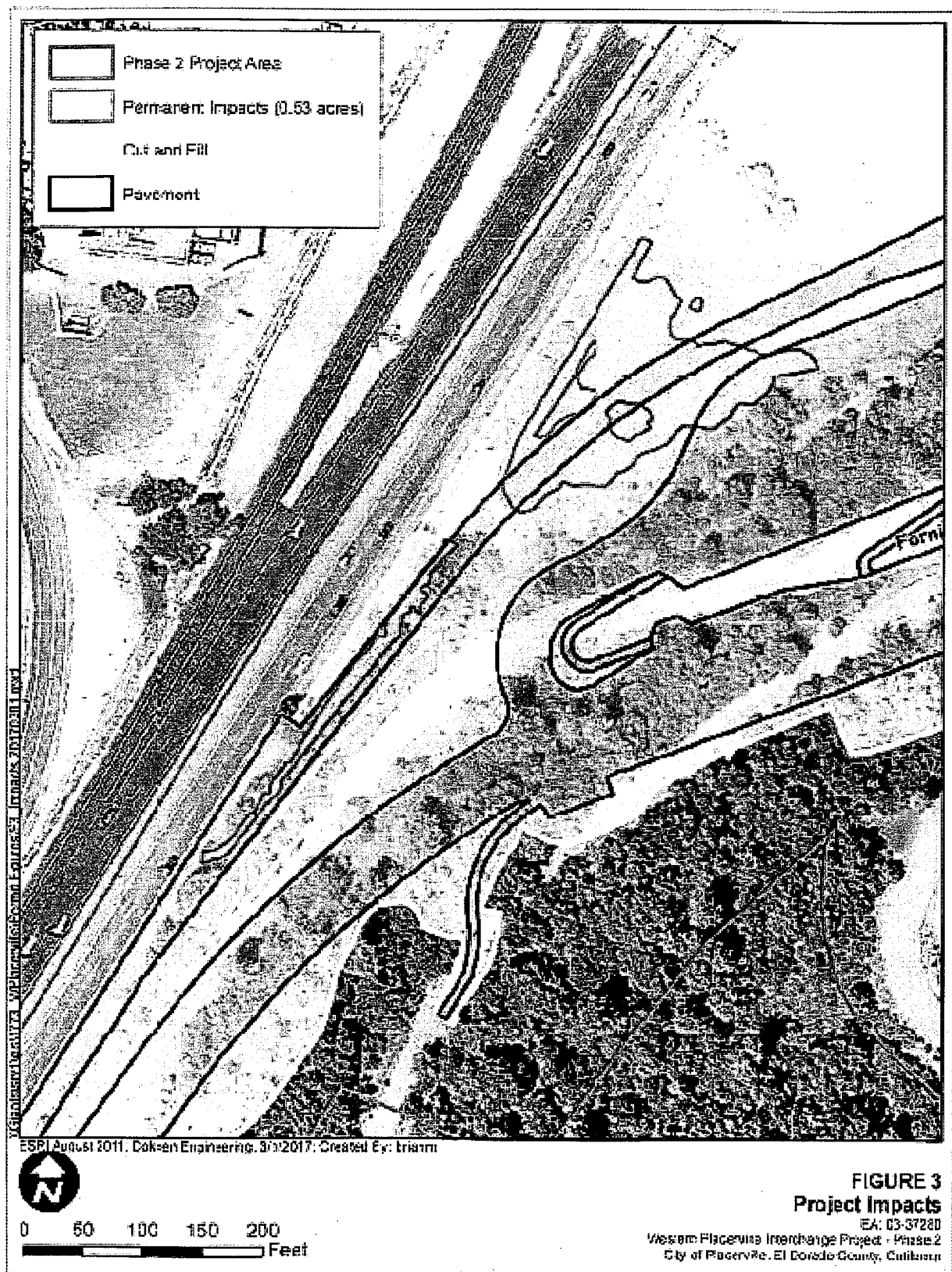
for

6/13/2017
Date

| | |
|---------------------|--|
| Attachment A | Project Map |
| Attachment B | Receiving Waters, Impact, and Mitigation Information |
| Attachment C | CEQA Findings of Facts |
| Attachment D | Report and Notification Requirements |
| Attachment E | Signatory Requirements |
| Attachment F | Certification Deviation Procedures |

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Receiving Waters

The following table shows the receiving waters associated with each impact and Permittee responsible mitigation site.

Table 1: Receiving Water(s) Information

| Site ID | Waterbody Name | Impacted Aquatic Resource Type | Water Board Hydrologic Units | Receiving Waters | Receiving Waters Beneficial Uses | 303d Listing Pollutant | CRAM AA ID ⁶ |
|-----------|-----------------|--------------------------------|--------------------------------------|------------------|--|------------------------|-------------------------|
| Wetland-1 | Unnamed Wetland | Wetland | 514.3 American River Hydrologic Unit | Hangtown Creek | MUN, POW, REC-1, REC-2, WARM, COLD, SPWN, and WILD | N/A | N/A |

Individual Direct Impact Locations

The following table shows individual impact locations.

Table 2: Individual Direct Impact Information

| Site ID | Latitude | Longitude | Indirect Impact Requiring Mitigation | | Direct Impact Duration | Dredge | | | Fill/Excavation | | |
|-----------|----------|-----------|--------------------------------------|-------------------------------------|------------------------|--------|-------------|-------------|-----------------|-------------|-------------|
| | | | Yes | No | | Acres | Cubic Yards | Linear Feet | Acres | Cubic Yards | Linear Feet |
| Wetland-1 | 38.724° | -120.828° | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Temporary | | | | | | |
| | | | | | Permanent | | | | 0.61 | 14,184 | 490 |

⁶ California Rapid Assessment Method (CRAM) score of impacted sites provided by the Permittee.

Compensatory Mitigation Information

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

In-Lieu Fee Compensatory Mitigation Information

| Table 3 In-Lieu Fee Program | | | |
|-------------------------------------|----------------------------|---|------------------------------------|
| In-Lieu Fee Program | Name: | National Fish and Wildlife Foundation/American River fund watershed | |
| | Website: | NFWF.org | |
| Contact Information | Name: | | |
| | Phone: | | |
| | Email: | | |
| Mitigation Location | County: | El Dorado County | |
| | Latitude: | | |
| | Longitude: | | |
| Aquatic Resource Credit Type | Mitigation Quantity | | |
| | Acres | Linear Feet | Number of Credits Purchased |
| | | | |

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A. Environmental Review

On 22 November 2005, the City of Placerville, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2003122137) for the Project and filed a Notice of Determination (NOD) at the SCH on 23 November 2005. The Central Valley Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that City of Placerville's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The Central Valley Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by City of Placerville addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by City of Placerville for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

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

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first tier document for the FEIR, is available at the City of Placerville Public Works Department, 3101 Center Street, Placerville, CA 95667.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at the City of Placerville Public Works Department, 3101 Center Street, Placerville, CA 95667.

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, 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. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 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:

Impact 3.7-1. Ground disturbance and the use of hazardous or toxic materials during construction would potentially result in increased amounts of sediment or other pollutants in storm water runoff from construction areas.

a.ii. Facts in Support of Finding:

Mitigation Measure 3.7-1. The City shall develop and implement a SWPPP for the project which identifies specific Best Management Practices for controlling storm water runoff to be implemented during construction.

b.i. Potential Significant Impact:

Impact 3.7-2. The project would increase the amounts of impermeable surfaces within the project area that would potentially increase storm water runoff.

Alternative A: 3.38 ha (8.35 ac)

Alternative B: 3.74 ha (9.23 ac)

Alternative C: 3.71 ha (9.17 ac)

Alternative D: 4.07 ha (10.05 ac)

b.ii. Facts in Support of Finding:

Mitigation Measure 3.7-2. The City shall develop and implement a Stormwater Data Report which identifies permanent storm water runoff treatment BMPs to be implemented for the project.

c.i. Potential Significant Impact:

Impact 3.10-1. The project could result in the loss of wetlands or waters regulated by the Corps under Section 404 of the Clean Water Act and the CDFG under Section 1600 of the California Fish and Game Code.

c.ii. Facts in Support of Finding:

Mitigation Measure 3.10-1. The City will obtain required permits, and purchase wetlands credits from an approved wetland mitigation bank, as necessary.

- (2) Findings regarding mitigation measures which are the responsibility of another agency. (Pub. Resources Code, § 21081, subd. (a)(2); Cal. Code Regs., tit. 14, § 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.

D. Determination

The Central Valley Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).)

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Copies of this Form

In order to identify your project, it is necessary to include a copy of the Project specific Cover Sheet below with your report: please retain for your records. If you need to obtain a copy of the Cover Sheet you may download a copy of this Order as follows:

1. Go to: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml
2. Find your Order in the table based on Applicant, Date, and Subject headers.

Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.
 - **Part A (Annual Report):** This report will be submitted annually from the anniversary of Project effective date until a Notice of Project Complete Letter is issued.
 - **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.
2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.
3. **Electronic Report Submittal Instructions:**
 - Submit signed Report and Notification Cover Sheet and required information via email to: centralvalleyredding@waterboards.ca.gov and cc: Daniel.Warner@waterboards.ca.gov
 - Include in the subject line of the email:
Subject: ATTN: Dan Warner; Reg. Measure ID: 412181_Report

Definition of Reporting Terms

1. **Active Discharge Period:** The active discharge period begins with the effective date of this Order and ends on the date that the Permittee receives a Notice of Completion of Discharges Letter or, if no post-construction monitoring is required, a Notice of Project Complete Letter. The Active Discharge Period includes all elements of the Project including site construction and restoration, and any Permittee responsible compensatory mitigation construction.
2. **Request for Notice of Completion of Discharges Letter:** This request by the Permittee to the 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 and a change in fees from the annual

active discharge fee to the annual post-discharge monitoring fee.

3. **Request for Notice of Project Complete Letter:** This request by the Permittee to the 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.
4. **Post-Discharge Monitoring Period:** The post-discharge monitoring period begins on the date of the Notice of Completion of Discharges Letter and ends on the date of the Notice of Project Complete Letter issued by the Central Valley Water Board staff. The Post-Discharge Monitoring Period includes continued water quality monitoring or compensatory mitigation monitoring.
5. **Effective Date:** Date of Order issuance.

Map/Photo Documentation Information

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

1. **Map Format Information:**

Preferred map formats of at least 1:24000 (1" = 2000') detail (listed in order of preference):

- **GIS shapefiles:** The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD38) in the California Teale Albers projection in feet.
- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project: Western Placerville Interchanges Project – Phase 2
Permittee: City of Placerville
Reg. Meas. ID: 412181 **Place ID:** 833657
Order Effective Date: 13 June 2017
Order Expiration Date: 13 June 2022

Report Type Submitted

Part A – Project Reporting

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

Part B - Project Status Notifications

Report Type 3 ☐ Commencement of Construction
Report Type 4 ☐ Request for Notice of Completion of Discharges Letter
Report Type 5 ☐ Request for Notice of Project Complete Letter

Part C - Conditional Notifications and Reports

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

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

Print Name ¹

Affiliation and Job Title

Signature

Date

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

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

Part A – Project Reporting

| | |
|------------------------|---|
| Report Type 1 | Monthly Report – Not Applicable |
| Report Purpose | Notifies Central Valley Water Board staff of the Project status and environmental compliance activities on a monthly basis. |
| When to Submit | On the 1st day of each month until a Notice of Project Complete Letter is issued to the Permittee. |
| Report Contents | <ol style="list-style-type: none">1. 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 (BMPs⁷). If construction has not started, provide estimated start date.2. Event Summary Describe distinct Project activities and occurrences, including environmental monitoring, surveys, and inspections.3. 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.4. Compliance Summary<ol style="list-style-type: none">a) List name and organization of environmental surveyors, monitors, and inspectors involved with monitoring environmental compliance for the reporting period.b) List associated monitoring reports for the reporting period.c) Summarize observed incidences of non-compliance, compliance issues, minor problems, or occurrences.d) Describe each observed incidence in detail. List monitor name and organization, date, location, type of incident, corrective action taken (if any), status, and resolution. |

⁷ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

| | |
|-----------------------------------|---|
| Report Type 2 | Annual Report |
| Report Purpose | Notify the Central Valley Water Board staff of Project status during both the active discharge and post-discharge monitoring periods. |
| When to Submit | Annual reports shall be submitted each year on the 1st day of July. Annual reports shall continue until a Notice of Project Complete Letter is issued to the Permittee. |
| Report Contents | <p>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.</p> <p><u>During the Active Discharge Period</u></p> <ul style="list-style-type: none"> • Topic 1: Construction Summary • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status <p><u>During the Post-Discharge Monitoring Period</u></p> <ul style="list-style-type: none"> • Topic 2: Mitigation for Temporary Impacts Status • Topic 3: Compensatory Mitigation for Permanent Impacts Status |
| Annual Report Topics (1-3) | |
| Annual Report Topic 1 | Construction Summary |
| When to Submit | With the annual report during the Active Discharge Period. |
| Report Contents | <ol style="list-style-type: none"> 1. Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. 2. Map showing general Project progress. 3. If applicable: <ol style="list-style-type: none"> 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. |
| 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 | <ol style="list-style-type: none"> 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. |
| Annual Report Topic 3 | Compensatory Mitigation for Permanent Impacts Status |

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| When to Submit | With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period. |
| Report Contents | <p>*If not applicable report N/A.</p> <p>Part A. Permittee Responsible</p> <ol style="list-style-type: none">1. Planned date of initiation of compensatory mitigation site installation.2. If installation is in progress, a map of what has been completed to date.3. If the compensatory mitigation site has been installed, provide a final map and information concerning attainment of performance standards contained in the compensatory mitigation plan. <p>Part B. Mitigation Bank or In-Lieu Fee</p> <ol style="list-style-type: none">1. Status or proof of purchase of credit types and quantities.2. Include the name of bank/ILF Program and contact information.3. If ILF, location of project and type if known. |

Part B – Project Status Notifications

| | |
|------------------------|---|
| Report Type 3 | Commencement of Construction |
| Report Purpose | Notify Central Valley Water Board staff prior to the start of construction. |
| When to Submit | Must be received at least seven (7) days prior to start of initial ground disturbance activities. |
| Report Contents | <ol style="list-style-type: none"> 1. Date of commencement of construction. 2. Anticipated date when discharges to waters of the state will occur. 3. Project schedule milestones including a schedule for onsite compensatory mitigation, if applicable. 4. Construction Storm Water General Permit WDID No. |

| | |
|------------------------|---|
| Report Type 4 | Request for Notice of Completion of Discharges Letter |
| 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. |
| When to Submit | Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project construction activities. |
| Report Contents | <ol style="list-style-type: none"> 1. Status of storm water Notice of Termination(s), if applicable. 2. Status of post-construction storm water BMP installation. 3. Pre- and post-photo documentation of all Project activity sites where the discharge of dredge and/or fill/excavation was authorized. 4. Summary of Certification Deviation discharge quantities compared to initial authorized impacts to waters of the state, if applicable. 5. An updated monitoring schedule for mitigation for temporary impacts to waters of the state and permittee responsible compensatory mitigation during the post-discharge monitoring period, if applicable. |

| | |
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| Report Type 5 | Request for Notice of Project Complete Letter |
| Report Purpose | Notify 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. |
| When to Submit | Must be received by Central Valley Water Board staff within thirty (30) days following completion of all Project activities. |
| Report Contents | <p>Part A: Mitigation for Temporary Impacts</p> <ol style="list-style-type: none"> 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. |

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).

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.

Part C – Conditional Notifications and Reports

| | |
|------------------------|---|
| Report Type 6 | Accidental Discharge of Hazardous Material Report |
| Report Purpose | Notifies Central Valley Water Board staff that an accidental discharge of hazardous material has occurred. |
| When to Submit | Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Central Valley Water Board staff. |
| Report Contents | <ol style="list-style-type: none"> 1. The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. 2. If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. 3. Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring. |

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

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|------------------------|---|
| Report Type 8 | In-Water Work and Diversions Water Quality Monitoring Report – Not Applicable |
| 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. |
| When to Submit | Seven (7) days 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. |
| Report Contents | As required by the approved water quality monitoring plan or as indicated in XIV.C. |

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

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| Report Type 10 | Transfer of Property Ownership Report |
| Report Purpose | Notifies Central Valley Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area. |
| When to Submit | At least 10 working days prior to the transfer of ownership. |
| Report Contents | <ol style="list-style-type: none"> 1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: <ol style="list-style-type: none"> a. the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and b. responsibility for compliance with any long-term BMP⁸ maintenance plan requirements in this Order. 2. 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. |

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

⁸ Best Management Practices (BMPs) is a term used to describe a type of water pollution or environmental control.

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SIGNATORY REQUIREMENTS

*All Documents Submitted In Compliance With This Order
Shall Meet The Following Signatory Requirements:*

1. All applications, reports, or information submitted to the Central Valley Water Quality Control Board (Central Valley Water Board) must be signed and certified as follows:
 - a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
 - b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 - c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:
 - a) The authorization is made in writing by a person described in items 1.a through 1.c above.
 - b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
 - c) The written authorization is submitted to the Central Valley Water Board Staff Contact prior to submitting any documents listed in item 1 above.
3. Any person signing a document under this section shall make the following certification:

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

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Certification Deviation Procedures

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:

Process Steps

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

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

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

1. Describe the Project change or modification:
 - a. Proposed activity description and purpose;
 - b. Why the proposed activity is considered minor in terms of impacts to waters of the state;
 - c. How the Project activity is currently addressed in the Order; and,
 - d. Why a Certification Deviation is necessary for the Project.
2. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.
3. Provide all updated environmental survey information for the new impact area.
4. Provide a map that includes the activity boundaries with photos of the site.
5. Provide verification of any mitigation needed according to the Order conditions.
6. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

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.

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;
 - g. Mitigation to be provided (approved mitigation ratio and amount).



California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



JUN 15 2017

Date

Rebecca Neves
City of Placerville
3101 Center Street
Placerville, CA 95667

Dear Ms. Neves:

Final Lake or Streambed Alteration Agreement, Notification No. 1600-2017-0084-R2, Western Placerville Interchanges Project Phase 2.

Enclosed is the final Streambed Alteration Agreement (Agreement) for the Western Placerville Interchanges Project Phase 2 Project (Project). Before the California Department of Fish and Wildlife (CDFW) may issue an Agreement, it must comply with the California Environmental Quality Act (CEQA). In this case, CDFW acting as a responsible agency filed a Notice of Determination (NOD) within five working days of signing the Agreement. The NOD was based on information contained in the final Environmental Impact Report prepared by the lead agency.

Under CEQA, the filing of an NOD triggers a 30-day statute of limitations period during which an interested party may challenge the filing agency's approval of the Project. You may begin the Project before the statute of limitations expires if you have obtained all necessary local, state, and federal permits or other authorizations. However, if you elect to do so, it will be at your own risk.

If you have any questions regarding this letter, please contact Gabriele Quillman at (916) 358-2955 or by email at gabriele.quillman@wildlife.ca.gov.

Sincerely,


Tina Bartlett
Regional Manager

cc: California Department of Fish and Wildlife
Gabriele Quillman, Environmental Scientist

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
NORTH CENTRAL REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CA 95670



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2017-0084-R2
UNNAMED TRIBUTARY TO HANGTOWN CREEK

CITY OF PLACERVILLE
WESTERN PLACERVILLE INTERCHANGES PROJECT – PHASE 2

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the City of Placerville (Permittee), as represented by Rebecca Neaves.

RECITALS

WHEREAS, pursuant to Fish and Game Code section 1602, Permittee notified CDFW on March 10, 2017 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to Fish and Game Code section 1603, CDFW has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on an unnamed tributary to Hangtown Creek, in the County of El Dorado, City of Placerville, County of El Dorado, State of California; Latitude 38.724151, Longitude -120.827842.

PROJECT DESCRIPTION

The project is limited to activities associated with Phase 2 of the larger Western Placerville Interchange Project. Phase 2 includes the following improvements:

- Constructing a new eastbound off-ramp from US Highway on to Ray Lawyer Drive.
- Widening and realigning Ray Lawyer Drive to the west to improve the connections with Forni Drive and the new off-ramp.

- Widening and realigning Forni Road to the south to improve sight lines and the connection with Ray Lawyer Drive.
- Constructing a new park-n-ride parking lot between the new off-ramp, Ray Lawyer Drive, and Forni Road Drive.

Construction of the new interchange is expected to fill approximately 0.53 acre of wetlands and remove two (2) interior like oak trees (*Quercus wislizenii*).

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: nesting and migratory birds, fossorial mammals such as California ground squirrel (*Otospermophilus californicus*), amphibians such as California tree frog (*Pseudacris cadaverina*) and Western toad (*Anaxyrus boreus*), reptiles such as northern brown skink (*Plestiodon gilberti placerensis*), and all other fish and wildlife resources in the area.

The adverse effects the project could have on the fish or wildlife resources identified above include: loss of nesting and foraging habitat, disturbance of nesting or other breeding activities leading to loss of young, direct mortality or injury by heavy equipment, release of hazardous materials and/or sediment into wetlands, and change in water flow regime.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to CDFW personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.

- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 Does Not Authorize "Take". This Agreement does not authorize "take" of any listed (i.e. threatened, endangered, candidate, or rare) species. CDFW defines "take" as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. If there is potential for take of any listed species to occur, the Permittee shall consult with CDFW as outlined in FGC Section 2081 and shall obtain the required State and federal threatened and endangered species permits if necessary.
- 1.6 Nesting Bird Protection. Sections 3503, 3503.5, and 3513 of the FGC stipulate the following: Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act (MBTA).

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

Biological Resources

- 2.1 Nesting Birds. If vegetation removal and/or ground disturbing activities are scheduled between February 1 and August 31 then a breeding bird survey will be conducted no more than three (3) days prior to the start of construction by a qualified biologist. All active bird nests will be marked following the survey to avoid destruction by equipment, and a non-disturbance buffer will be established around the nest site. The size of the non-disturbance buffer and any other restrictions will be determined through consultation with CDFW following completion of the survey. If a lapse in project-related work of 15 days or longer occurs, another focused survey and if required, consultation with CDFW, shall be required before project work can be reinitiated. If, during the course of carrying out the project, an active nest is identified or becomes established, that was not previously identified during a breeding bird survey, a buffer or installation of appropriate barriers shall be established between the construction activities and the active nest so that nesting activities are not interrupted. The buffer shall be delineated and shall be in effect throughout construction or until the nest is no longer active. The buffer(s) shall be determined based upon the life history of the individual species, including their sensitivity to noise, vibration, ambient levels of human activity and general disturbance, the current site conditions (screening vegetation, terrain, etc.) and the

various project-related activities necessary to implement the project. This Agreement does not allow the Permittee, any employees, or agents to destroy or disturb any active bird nest (Section 3503 Fish and Game Code) or any raptor nest (Section 3503.5) at any time of the year.

- 2.2 Special-Status Species Encountered During Work. If during the course of project activity Permittee encounters a species which is listed under the California Endangered Species Act as rare, threatened, or endangered, or which is designated a candidate for listing, work shall be immediately suspended, CDFW shall be notified, and conservation measures shall be developed in Agreement with CDFW prior to re-initiating the activity.
- 2.3 Leave Wildlife Unharmd. If any wildlife is encountered during the course of construction, said wildlife shall be allowed to leave the construction area unharmed.
- 2.4 Demarcate Work Area to Avoid Vegetation. Demarcation of the work area shall consider and avoid vegetation to the greater extent possible. Vegetation shall not be removed or damaged beyond the work area, except for trimming with hand tools to the extent necessary to gain access to the work sites. No trees over four (4) inches in diameter at breast height shall be removed from the stream bed, banks, or channel without prior written approval from CDFW, except as allowed by this Agreement.
- 2.5 Vegetation Removal. Disturbance or removal of vegetation shall be kept to the minimum necessary to complete project related activities. No trees with a trunk diameter at breast height (DBH) in excess of two (2) inches shall be removed or damaged without prior consultation and approval of a CDFW representative. Vegetation marked for protection may only be trimmed with hand tools to the extent necessary to gain access to the work sites.
- 2.6 Prohibited Plant Species. Permittee shall not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the California Exotic Pest Plant Council's database, which is accessible at: <http://www.cal-ipc.org/paf>.

Work Period

- 2.7 Work Period in Low Rainfall / Dry Weather Only. The work period within the tributary to Hangtown Creek shall be restricted to periods of low rainfall (less than 1/4" per 24 hour period) and periods of dry weather (with less than a 20% chance of rain). All erosion control measures shall be initiated prior to all storm events. Revegetation, restoration and erosion control work is not confined to this work period.

Erosion and Sediment Control

- 2.8 Stabilize Bare Soil. Loose or compacted soil areas in need of stabilization shall be seeded with a locally native seed mix, unless otherwise agreed upon with CDFW. Permittee shall apply seed mix to such sites shall be completed as soon as possible after project activities in those areas cease. Following placement of the seed mix, Permittee shall cover the seeded area with broadcast straw, jute netting, coconut fiber blanket or similar erosion control blanket.
- 2.9 Best Management Practices. Permittee shall actively implement Best Management Practices (BMPs) to prevent erosion and the discharge of sediment and pollutants into streams during project activities. BMPs shall be monitored and repaired if necessary to ensure maximum erosion, sediment, and pollution control. Permittee shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (found in materials such as straw wattles/fiber rolls or erosion control matting) or similar material, within and adjacent to the work area. All fiber rolls, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of nonnative plant seed. **Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.**

Debris and Waste

- 2.10 Remove Cleared Material from Watercourse. All excavated sediment, vegetation, and any other material shall be either replaced in the excavation site or removed from the area and deposited where it cannot re-enter the stream and/or pond.
- 2.11 No Dumping. Permittee and all of its contractors, subcontractors, and employees shall not dump any litter or construction debris within the stream, or where it may pass into the stream.
- 2.12 Remove Temporary Flagging, Fencing, and Barriers. Permittee shall remove all temporary flagging, fencing, and/or barriers from the project area and vicinity of the stream immediately upon completion of project activities.

Equipment and Vehicles

- 2.13 Minimize Vehicle Parking. Vehicles may enter and exit the work area as necessary for project activities, but may not be parked overnight within ten (10) feet of the drip line of any trees; nor shall vehicles be parked where mechanical fluid leaks may potentially enter the waters of the state.
- 2.14 Operating Equipment and Vehicle Leaks. Any equipment or vehicles driven and/or operated within or adjacent to the stream/pond shall be checked and maintained

daily to prevent leaks of materials that could be deleterious to aquatic and terrestrial life or riparian habitat.

- 2.15 Equipment Maintenance and Fueling. No equipment maintenance or fueling shall be done within or near any stream channel or lake margin where petroleum products or other pollutants from the equipment may enter these areas
- 2.16 Clean Equipment Prior to Entering Watercourse. All heavy equipment that will be entering the watercourse shall be cleaned of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Cleaning of equipment shall take place outside of the area adjacent to the watercourse where runoff may enter the stream or pond, and prior to entering the water.
- 2.17 Stationary Equipment Leaks. Stationary equipment such as motors, pumps, generators, and welders, located within or adjacent to the stream/pond shall be positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak.
- 2.18 Equipment Storage. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the stream channel and banks.

Use of Concrete/Hazardous Materials

- 2.19 Isolate Wet Concrete from Stream. If any structure is cast in place, the area poured shall be completely bermed and isolated to contain all and any wet cement, even if water is not present. The pH of hot concrete may be as high as 13 which is toxic to wildlife. The berm may be made of sandbags or dirt, but it shall be lined with plastic to prevent any material from seeping past the berm. Permittee shall maintain the berm in place until the concrete is fully cured.
- 2.20 No Pouring in Advance of Rain. No concrete or any cement product may be poured if measurable rain is forecasted within 15 days. If any concrete is poured after October 15, a quick cure ingredient shall be added to the concrete mix to ensure a faster set or drying time.
- 2.21 Concrete – Designated Monitor. At all times when Permittee is pouring or working with wet concrete there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures.
- 2.22 Hazardous Materials. Debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, wildlife, or riparian habitat resulting from the project related activities shall be prevented from contaminating the soil and/or entering the stream.

3. Compensatory Measures

To compensate for adverse impacts to fish and wildlife resources identified above that cannot be avoided or minimized, Permittee shall implement each measure listed below.

- 3.1 Habitat Restoration. Permittee shall restore a minimum of 1.59 acres of riparian or wetland habitat within the Hangtown Creek Watershed, at a location approved by CDFW. **Some or all of the restoration may be substituted with the purchase of wetland or riparian habitat credits from a CDFW-approved mitigation bank.** Restoration activities shall include, but are not limited to, installation of locally native plant materials by seed, container stock, cut poles, or a combination thereof; removal of non-native plant species, removal of garbage and debris, and light grading and irrigation if necessary. The restoration site(s) shall be monitored for a minimum of five years, and until CDFW concurs that it has met its success criteria.
- 3.2 Tree Replacement. Permittee shall plant, or fund the planting of, **a minimum of thirty (30) interior live oak (*Quercus wislizenii*) acorns** either on-site or at another location as approved by CDFW in writing. Oaks planted by acorn tend to grow more successfully than oaks transplanted from containers. CDFW strongly recommends consulting with a horticulturist, arborist, or ecological restoration expert familiar with oak woodlands prior to planting the acorns, as they require specific environmental circumstances in order to germinate successfully.
- 3.3 Habitat Protection. The restoration area(s) and oak planting area shall be preserved via a conservation easement, or other legal protection method as approved in writing by CDFW.

4. Reporting Measures

Permittee shall meet each reporting requirement described below.

- 4.1 Work Notification. Permittee shall notify CDFW at least five days prior to project commencement. Upon completion of the project activities described in this Agreement including revegetation, the work area shall be digitally photographed and the photographs shall be submitted to CDFW. Notification shall be made as described in the Contact Information section below.
- 4.2 Restoration Plan. Within 30 days following signature of this Agreement, Permittee shall submit a plan to plant a minimum of thirty (30) interior live oaks and, if applicable, restore 1.59 acres of wetland or riparian habitat within an area or areas approved in writing by CDFW. The restoration plan shall include, at a minimum, the following:
 - a. A description of the site(s) current conditions, complete with representative photographs from designated photo stations.

- b. A topographic or aerial photography map showing the details of where the restorations site(s) will be and where each species will be planted.
- c. A list of appropriate locally native species to be planted or seeded.
- d. Sources for the plant material (native plant nurseries, universities, etc.)
- e. A plan for the monitoring, maintenance, and protection of the plants.
- f. A plan for irrigation, if necessary.
- g. Contingency plans for catastrophic events such as disease outbreaks, fires, floods, or vandalism.
- h. Quantitative success criteria including target coverage by native species, target coverage by exotic species, and use by wildlife species.

4.3 Annual Reports. Permittee shall submit an annual report detailing the successes and failures of the compensatory mitigation. The reports shall contain at least, but shall not be limited to the following:

- a. A list of any plant materials that have died, likely reasons for their death, and plans for their replacement.
- b. Heights of all surviving trees and shrubs.
- c. A discussion of the successes and failures of the restoration, and proposed remedial measures to address any failures.
- d. A discussion of whether the restoration is meeting the success criteria, and corrective measures that will be taken if the success criteria are not being met.
- e. A list of wildlife species observed during maintenance and monitoring activities.
- f. Representative photographs of the restoration site, taken from designated photo stations that will remain in the same spaces for the entirety of the project.

The first Annual Report is due one year after the restoration is first installed, and will be due for a minimum of five years and until CDFW agrees that the site has met the success criteria.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other.

To Permittee:

Rebecca Neves
City of Placerville
3101 Center Street
Placerville, CA 95667

Phone (530) 642-5250

CC: Tim Chamberlain, Dokken Engineering
110 Blue Ravine Road, Suite 200
Folsom, CA 95630
Phone: (916) 858-0642

To CDFW:

Department of Fish and Wildlife
North Central Region
1701 Nimbus Road, Suite A
Attn: Lake and Streambed Alteration Program
Notification #1600-2017-0084-R2
Phone: 916-358-2885
Email: R2LSA@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before CDFW suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend the Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective,

unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with Fish and Game Code section 1605, subdivision (b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). CDFW shall process the extension request in accordance with Fish and Game Code section 1605, subdivisions (b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable Fish and Game Code section 711.4 filing fee listed at <https://www.wildlife.ca.gov/Conservation/CEQA/Fees>.

TERM

This Agreement shall expire five years after it is signed, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as Fish and Game Code section 1605, subdivision (a)(2) requires.

EXHIBITS

The documents listed below are included as exhibits to the Agreement and incorporated herein by reference.

A. Project Site Map

B. Impacts Map

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with Fish and Game Code section 1602

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR CITY OF PLACERVILLE



Rebecca Neves

6/13/17
Date

FOR DEPARTMENT OF FISH AND WILDLIFE

for 
Tina Bartlett

~~Environmental Program Manager~~
Regional Manager

6/15/17
Date

Prepared by: Gabriele Quillman, Environmental Scientist

Exhibit A:

Project Site Map

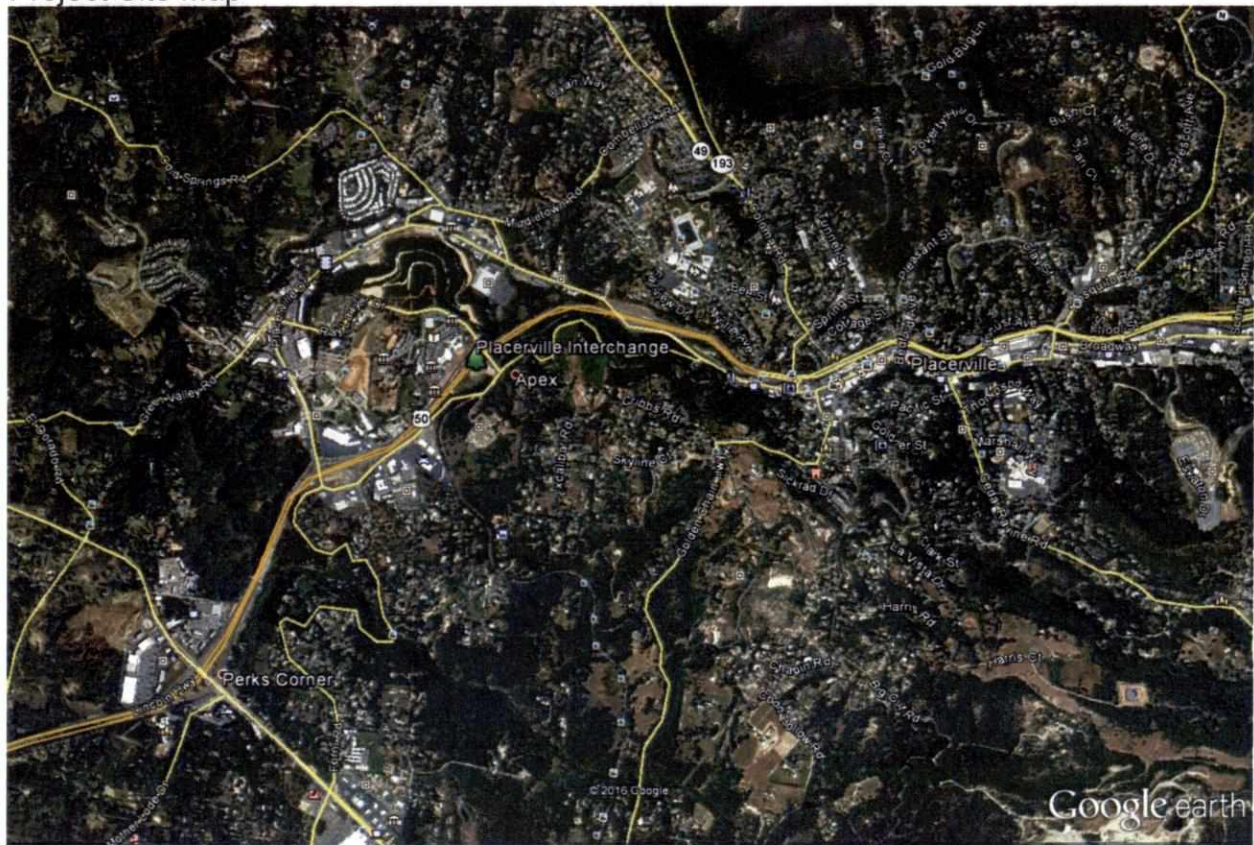
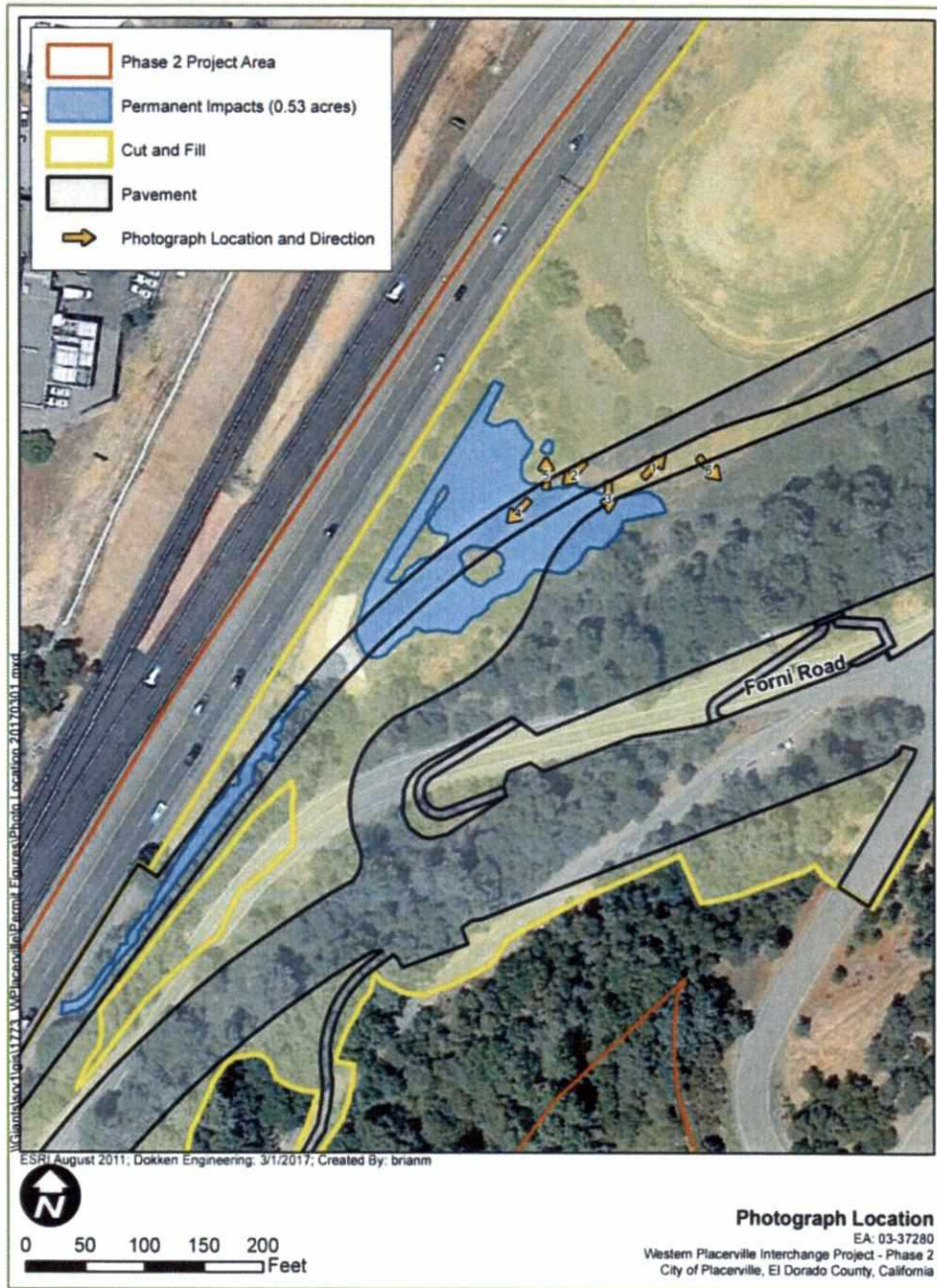


Exhibit B:

Impacts Map





DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

July 10, 2017

Regulatory Division (SPK-2004-00958)

City of Placerville
Attn: Ms. Rebecca Neves
487 Main Street
Placerville, CA 95667

Dear Ms. Neves:

This letter of permission (LOP) authorizes your proposed activities in approximately 0.61 acre of waters of the United States, including wetlands, for the Western Placerville Interchange project. The approximately 9-acre project site is located at the intersection of Highway 50 and Ray Lawyer Drive, in Section 13, Township 10 North, Range 10 East, Latitude 38.7245°, Longitude -120.8283°, Placerville, El Dorado County, California.

The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. **Work in waters of the United States must be in accordance with the following conditions of authorization:**

Special Conditions:

1. To mitigate for the loss of 0.61 acre of waters of the U.S. (WOUS), you shall purchase 0.634 acre of aquatic resource credits from the National Fish and Wildlife Foundation's (NFWF) Sacramento District California In-Lieu Fee Program for the American River - Aquatic Resource Service Area. Contact information for NFWF can be found on their website at: www.nfwf.org/ilf. Evidence of this purchase shall be provided to the Corps prior to initiation of construction activities within waters of the U.S.

2. Prior to initiation of any construction activities within waters of the U.S., you shall employ construction best management practices (BMPs) onsite to prevent degradation to waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. You shall maintain erosion control methods until all on-site soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to our office within 15 days of commencement of construction. Documentation and photos may be submitted electronically to regulatory-info@usace.army.mil.

General Conditions:

1. The time limit for completing the work authorized by this permit ends on July 7, 2022. If you find that you need more time to complete the authorized activity, submit a request for time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of these requirements if you abandon the permitted activity. This permit may be transferred upon request provided the work complies with the terms and conditions of this authorization. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Should you wish to cease to maintain the authorized activity or abandon it without a good faith transfer, you must obtain a permit modification from this office.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register.

4. You shall comply with all terms and conditions of the Section 401 Water Quality Certification for this project.

5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

6. You must sign the enclosed Compliance Certification and return it to this office within 45 days after completion of the authorized work.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

This letter contains an initially proffered permit for your proposed project. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this decision, submit a completed RFA form to the South Pacific Division Office at the following address: Tom Cavanaugh, Administrative Appeal

Officer, Army Engineer District-South Pacific (CESPD-PDS-O), 1455 Market Street, San Francisco, CA 94103-1399, Phone 415-503-6574, FAX 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP fact sheet. It is not necessary to submit an RFA for the Division Office if you do not object to the decision in this letter.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2004-00958 in any correspondence concerning this project. If you have any questions, please contact Jesse Stovall, by email at Jesse.T.Stovall@usace.army.mil, or telephone at 916-557-7506. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx

For and on the behalf of Colonel David G. Ray, P.E., District Engineer.

Sincerely,



Kathleen A. Dadey, PhD
Chief, California South Section
Regulatory Division

Enclosures

cc: (w/o encls)

Ms. Elizabeth Lee, Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board (5S); Elizabeth.Lee@waterboards.ca.gov

Ms. Tina Bartlett, California Department of Fish and Wildlife, R2CEQA@wildlife.ca.gov

Mr. Richard Kuyper, U.S. Fish and Wildlife Service, richard_kuyper@fws.gov

Mr. Tim Chamberlain, Dokken Engineering, tchamberlain@dokkenengineering.com