



Regional General Permit 2

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG®

CITY OF ELK GROVE ROUTINE CHANNEL MAINTENANCE ACTIVITIES

EFFECTIVE DATE: September 10, 2012

EXPIRATION DATE: September 10, 2017

NUMBER: SPK-2003-00397

ISSUING OFFICE: U.S. Army Engineer District, Sacramento Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922

PERMITTEE: City of Elk Grove

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee. The term "this office" refers to the issuing office.

In accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344) the District Engineer, U.S. Army Corps of Engineers, Sacramento District, hereby authorizes certain discharges of dredged and fill material associated with routine channel maintenance activities. This Regional General Permit (RGP) is applicable only to projects within and conducted by the City of Elk Grove.

Location: This RGP is applicable to waters of the U.S. limited to jurisdictional streams, drainage ditches and channels within the boundaries of the City of Elk Grove, Sacramento County, California. The waters of the U.S. authorized to be impacted under this RGP are shown on the attached map *Figure 2 Project Vicinity and Action Area* and include: Strawberry Creek, Whitehouse Creek, Laguna Creek, Laguna Creek Tributary #1, Laguna Creek Tributary #3, Sheldon Creek (Laguna Creek Tributary #4), Elk Grove Creek, and Grant Line Channel.

Purpose: The purpose of RGP 02 is to streamline the application and permitting process for the City of Elk Grove who must obtain a Department of the Army (DA) Permit before discharging dredged or fill materials into waters of the U.S. for routine channel maintenance activities.

Project Description: This RGP authorizes the discharge a total of approximately 2,700 cubic yards of riprap, soil, gravel and aggregate base into approximately 0.40 acre of waters of the U.S. for routine channel maintenance projects over a 5 year period. Specifically, this permit authorizes the following activities:

1. **Debris or Obstruction Removal:** discharges of dredged or fill material associated with the removal of debris, trash, rubbish, flood-deposited woody and herbaceous vegetation, beaver dams, fallen trees, dead trees which are in clear danger of falling in or across the channel, and branches and associated debris which reduces channel capacity, would result in accelerated erosion and/or cause pump damage, provided all excess material is disposed of in an upland location outside of the floodplain.

2. ***Silt, Sand or Sediment Removal:*** discharges of dredged or fill material into waters of the U.S. associated with the removal of silt, sand or sediment, that obstruct flow in the immediate vicinity of man-made facilities or structures such as bridges, concrete box culverts, culvert pipes and outfall pipes, provided the activity meets the following criteria:
 - a. Discharges shall be limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 200 feet in any direction from the structure, and.
 - b. All material removed shall be disposed of in an upland area, outside of the 100-year floodplain.
3. ***Vegetation Control:*** discharges of dredged or fill material into waters of the U.S. associated with the removal of aquatic and terrestrial vegetation creating obstructions within the channels.
4. ***Repair of Existing Erosion Control/Bank Protection:*** discharges of dredged or fill material into waters of the U.S. associated with repair of existing erosion control, including rock, concrete and gabion sections. Repair would be confined to the failed sections and immediately adjacent areas, not extending more than 20 linear feet from the failed section.
5. ***Minor Erosion Control/Bank Protection:*** discharges of dredged or fill material into waters of the U.S. associated with re-grading slopes and the installation of rock, gabions, or other erosion control measures from the toe of slope in the channel to a maximum of 30 vertical feet above the channel invert, provided the activity meets all of the following criteria:
 - a. No material shall be placed in excess of the minimum needed for erosion protection,
 - b. The activity shall be no more than 50 feet in length along the bank, unless this criterion is waived in writing by the district engineer;
 - c. The activity shall not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark, unless this criterion is waived in writing by the district engineer;
 - d. The activity shall not involve discharges of dredged or fill material into special aquatic sites, unless this criterion is waived in writing by the district engineer;
 - e. No fill material shall be placed in any location, or in any manner, that impairs surface water flow into or out of any water of the United States;
 - f. No material shall be placed in a manner that will be eroded by normal or expected high flows; and
 - g. The activity is not a stream channelization activity.
6. ***Temporary Construction, Access and Dewatering:*** discharges of dredged or fill material into waters of the U.S. associated with temporary construction, access and dewatering activities. This includes discharges associated with the installation of best management practices, staging areas and temporary dewatering.

Permit Conditions:

1. This RGP will expire on **September 10, 2017**. If this RGP is not modified or reissued by the expiration date, it automatically expires and becomes null and void. Activities which have commenced (i.e. are under construction) or are under contract to commence in reliance upon this RGP will remain authorized provided the activity is completed within twelve months of the date of the RGP's expiration.
2. Post-Construction Notification: You shall submit a report to this office twice a year for all activities conducted under this RGP. The reports shall be submitted on July 1 and December 31 of each year and shall include the following information:
 - a. A complete description of the work within waters of the U.S., including the type and amount (in cubic yards) of material and the area (in acres) of dredged and/or fill material discharged into waters of the U.S., at each location.
 - b. A description of any temporary access, construction and dewatering activities, including the methods for accomplishing dewatering, the area of impacts within waters of the U.S., and the methods for restoring all temporary construction areas.
 - c. A vicinity map depicting the location of each activity. The map shall be of sufficient detail to clearly identify the exact location and extent of each activity.
 - d. The cumulative amount of material (in cubic yards) and area (in acres) of material discharged into waters of the U.S. for all activities conducted under the RGP.
 - e. Pre-construction and post-construction plan-view and cross-section view drawings for each activity conducted. These drawings shall be to-scale or show the dimensions of the activity.
 - f. Pre-construction and post-construction photographs of any site in which greater than 25 cy of fill material has been discharged below the ordinary high water mark of waters of the U.S., or within the boundaries of any wetlands. The photographs shall be taken from the same location and shall show both the upstream and downstream portions of the site. Each photograph point shall be clearly depicted on the plan-view drawing.
3. Pre-Construction Notification: You shall submit a DA Permit Application Form 4345 to this office for review and approval, prior to initiation of construction activities under this RGP in the following circumstances:
 - a. Any activity that would result in the cumulative placement of greater than 2,700 cubic yards of dredged and/or fill material into greater than 0.40 acre of waters of the U.S.
 - b. A Section 401 Water Quality Certification has not been issued or waived for the activity.
 - c. The activity would involve minor erosion control work that: (a) exceeds 50 feet in length along the bank; (b) exceeds an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark; or (c) involves the discharge of dredged and/or fill material into a special aquatic site.

4. You are responsible for all work authorized herein. To ensure that all on-site personnel, including contractors, are aware of the terms, conditions and limitations of this authorization, you shall post a copy of the permit authorization and associated drawings at the project site during all phases of construction.
5. For all activities resulting in temporary fill within waters of the U.S., you shall:
 - a. Utilize material consisting of clean and washed gravel.
 - b. Place a horizontal marker (e.g. fabric, certified weed free straw, etc.) to delineate the existing ground elevation of the waters temporarily filled during construction; and
 - c. Remove all temporary fill within 30 days following completion of construction activities, and re-vegetate the temporary fill area with native vegetation, as appropriate.
6. The project limits shall be clearly identified in the field with highly visible markers such as construction fencing or silt barriers prior to initiating construction work to ensure avoidance of impacts beyond permit limits. Such identification shall be properly maintained until construction is completed.
7. You shall use only clean fill material for any activity authorized under this RGP. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction material, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.
8. You shall employ best management practices (BMP's) on-site to prevent degradation to on-site and off-site 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. You shall submit a description of any photo-documentation of the BMP's to our office with the post-construction report required in Condition 2.
9. Appropriate soil erosion and sediment controls shall be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark of waters of the U.S., must be permanently stabilized at the earliest practicable date. You shall work within waters of the U.S. during periods of no-flow if possible. In cases where it is not possible to conduct work within waters of the U.S. during periods of no-flow, you shall implement alternate measures to ensure that downstream water quality is not negatively impacted during construction. These measures taken shall be described in detail in the post-construction report as required in Condition 2.
10. No activities authorized under this RGP may substantially disrupt the necessary life cycle movements of those species of wildlife indigenous to the waterbody, including those species that normally migrate through the area.
11. Activities in waters of the U.S. that serve as breeding areas for migratory birds shall be avoided to the maximum extent practicable.
12. The activities authorized under this RGP must comply with applicable FEMA-approved state or local floodplain management requirements.
13. The pre-construction course, condition, capacity, and location of open waters shall be maintained for each activity authorized under this RGP. The activity must not restrict or impede the passage of normal or high flows

14. You shall maintain any activity authorized by this RGP in good condition and in conformance with the terms and conditions of this permit. Should you wish to cease to maintain the authorized activity or should you desire to abandon it, you must obtain a modification of this permit from this office, which may require restoration of the area.
15. No activities authorized under this RGP or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
16. To ensure activities authorized under this RGP comply with the Federal Endangered Species Act, you must implement all of the mitigating measures identified in the enclosed U.S. Fish and Wildlife Service letter of concurrence (08ESMF00-2011-I-0880-1, dated January 5, 2012), including those ascribed to the Corps therein. If you are unable to implement any of these measures, you must immediately notify the Corps and the U.S. Fish and Wildlife Office so we may consult as appropriate, prior to initiating the work, in accordance with Federal law.
17. You shall comply with all terms and conditions of the attached August 31, 2012 Section 401 Water Quality Certification.
18. If you discover any previously unknown historic or archeological remains while accomplishing any activity authorized by this RGP, you shall immediately notify this office of what has been 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 of Historic Places.
19. You must allow representatives from this office to inspect any activity authorized under this RGP at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this RGP.

Further Information:

1. Limits of this authorization.
 - a. The District Engineer has authority to determine if an activity complies with the terms and conditions of this RGP.
 - b. This RGP does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - c. This RGP does not grant any property rights or exclusive privileges.
 - d. This RGP does not authorize any injury to the property or rights of others.
 - e. This RGP does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this RGP, 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.

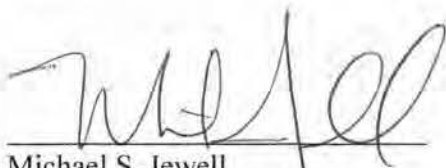
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this RGP.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data. The determination of this office that issuance of this RGP is not contrary to the public interest was made in reliance on the information you provided.
 4. Reevaluation of Permit Decision. This office may reevaluate its decision on this RGP 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 these activities authorized under this RGP.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Reevaluation of the RGP may result in the modification, reissuance, or revocation of the RGP, or may result in a determination that it is appropriate to use the enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost. This RGP may be revoked if it is determined that it is contrary to the public interest, provide the procedures of 33 CFR 325.7 are followed.

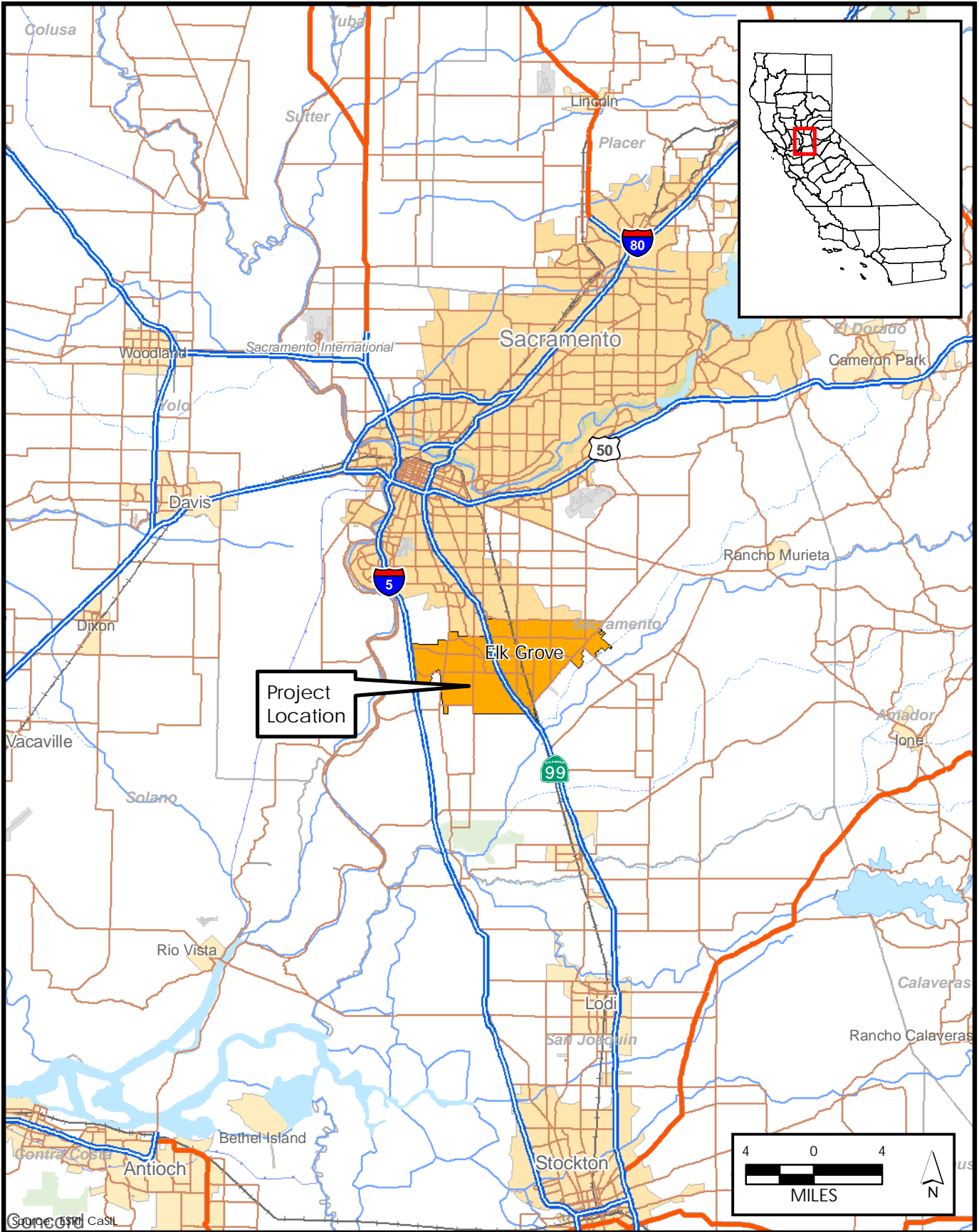
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below



Michael S. Jewell
Chief, Regulatory Division
Sacramento District
(For the District Engineer)

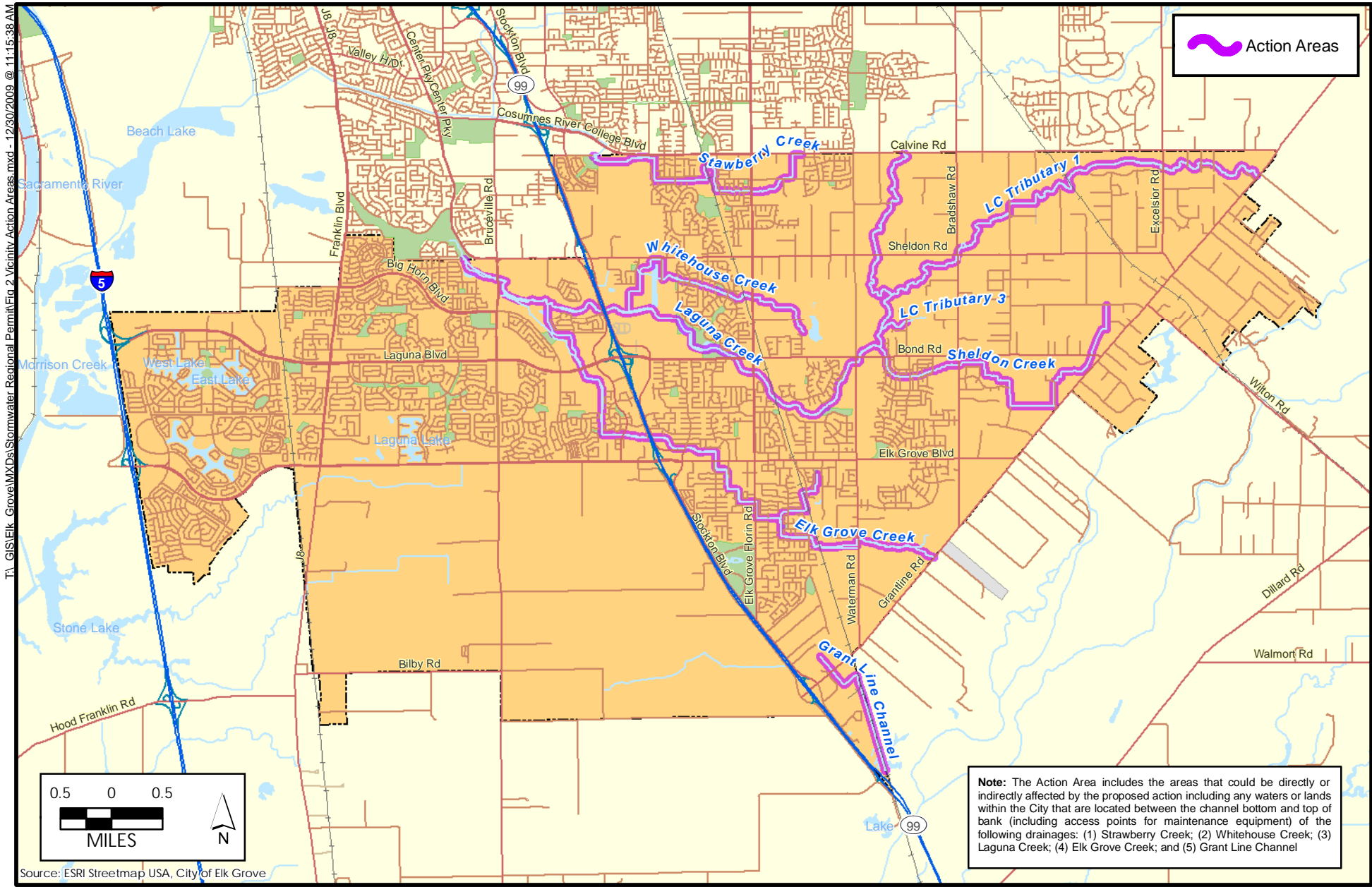
6 Sep 12
Date

TA_GIS.ELK_GROVE.MXD STORMWATER REGIONAL PERMIT FIG 1 REGIONAL.MXD - 9/24/2009 @ 4:04:51 PM



City of Elk Grove
Development Services

Figure 1
Regional Location



T:\GIS\Elk_Grove\MXD\Stormwater_Regional_Permit\Fig 2 Vicinity Action Areas.mxd - 12/30/2009 @ 11:15:38 AM

Source: ESRI Streetmap USA, City of Elk Grove



City of Elk Grove
Development Services

FIGURE 2
Project Vicinity and Action Area



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In reply refer to:
08ESMF00-2011-I-0880-1

JAN 5 2012

Dr. Kathleen A. Dadey
Chief, Delta Branch
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: City of Elk Grove Stream Maintenance General Permit Project (Corps File # SPK-2003-00397), Sacramento County, California

Dear Dr. Dadey:

This is in response to your April 29, 2011, letter received in our office on May 3, 2011, requesting initiation of informal consultation with the U.S. Fish and Wildlife Service (Service) on the proposed City of Elk Grove Stream Maintenance General Permit Project (project), Sacramento County, California. At issue are the potential effects of the proposed project on the federally-listed as threatened giant garter snake (*Thamnophis gigas*) (snake) and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) (beetle). You requested our concurrence with a determination that the project may affect, but is not likely to adversely affect the snake and beetle. Our primary concern and mandate is the protection of federally-listed species and this response has been prepared in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The Service reviewed the following information in response to your request: (1) your April 29, 2011 letter; (2) the October 2009 (Revised December 2009) *City of Elk Grove Routine Channel Maintenance Project (Regional General Permit) Biological Assessment (BA)*; and (3) other information available to the Service.

The City of Elk Grove is proposing to conduct routine stormwater maintenance activities in eight streams, creeks, and channels over a 5 year period. Streams, creeks, and channels in the project are Strawberry Creek, Whitehouse Creek, Laguna Creek, Laguna Creek Tributary #1, Laguna Creek Tributary #3, Sheldon Creek (Laguna Creek Tributary #4), Elk Grove Creek, and Grant Line Channel in the City of Elk Grove, California. The overall purpose of the project is to maintain intended design capacity and erosion control measures in these areas within the City

limits in order to increase flood safety and prevent property loss due to potential flooding. The routine stormwater maintenance activities require the removal of silt, sand, and/or organic matter, including beaver dams near outfalls, bridges, culverts, and channels. Specific activities will include: Debris or obstruction removal; silt, sand, or sediment removal; vegetation control; repair of previous erosion control work; and minor erosion control work. All sedimentation removal will take place at or below the Ordinary High Water Mark (OHWM) and will be performed using a small excavator, backhoe, and hand tools. It is anticipated that approximately 0.49 acre of aquatic and 0.34 acre of upland snake habitat may be temporarily affected by the project. All materials removed as part of the project will be transported to a landfill. Project activities will occur between May 1 and October 1, which is the active season for the snake, and are expected to take approximately 25 working days.

The City of Elk Grove has proposed the following avoidance and minimization measures to reduce effects to the beetle and snake. These measures are discussed in Chapter 4, Section 4.1.1.3 of the BA, beginning on Page 38 for the beetle and Section 4.1.2.3 beginning on page 50 for the snake:

1. Avoidance and minimization measures for the beetle will be in accordance with the July 9, 1999 USFWS *Conservation Guidelines for the Valley Elderberry Longhorn Beetle*.
2. Implementing Appendix C of the *Programmatic Formal Consultation for USACE 404 Permitted Projects with Small Effects on the Giant Garter Snake*, in order to minimize impacts to the snake. These measures include, but are not limited to: minimizing disturbed areas to only those required to complete maintenance activities; limiting work windows to warm months (between May 1 and October 1) when snakes are more likely to be active and avoid construction activities; and, restoration of the impacted areas after completion of construction.
3. Elderberry shrubs that will not be disturbed will be fenced and designated as avoidance areas during project construction. Signs will be erected along the edge of elderberry avoidance areas noticing construction crews that the area is beetle habitat and must not be disturbed. These signs will remain for the duration of construction activities.
4. Use of exclusionary fencing to avoid snake habitat, elderberry shrubs, and other areas outside of the proposed maintenance right-of-way.
5. A Service-approved biologist shall be on-site during project related activities that may affect the beetle, the snake, or their habitat and survey proposed project sites prior to the initiation of project activities.
6. Allowing any snakes encountered to move away from maintenance activities on their own.
7. Prohibiting the use of plastic, monofilament, jute, or similar erosion control matting that could entangle snakes at the project site.

8. Prior to the initiation of construction, all workers involved in the implementation of the proposed project shall participate in an environmental awareness training instructed by a Service-approved biologist. The program shall provide workers with information on their responsibilities with regards to the snake, an overview of the life-history of this species, information on take prohibitions, and an explanation of the relevant conservation measures to avoid potential take of the snake associated with the proposed project.
9. Equipment will be staged in existing staging areas and site access will occur on existing access routes above the OHWM.
10. A Service-approved biological monitor will ensure that all construction related activities occur within existing access routes and staging areas. Additionally, the monitor will guide all equipment in order to avoid rodent burrows that may provide habitat for the snake.

Based on our review of your request, the Service concurs that the project, as proposed, is not likely to adversely affect the snake and beetle. Until such time that new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered, or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary.

Please address any questions or concerns regarding this response on the proposed City of Elk Grove Routine Stream Maintenance General Permit Project to Terry Adelsbach, Senior Fish and Wildlife Biologist or Kellie Berry, Chief, Sacramento Valley Division at (916) 414-6600.

Sincerely,



Kenneth Sanchez
Assistant Field Supervisor

cc:

Lisa Gibson, Army Corps of Engineers, Sacramento, CA
Todd Gardner, California Department of Fish and Game, Rancho Cordova, CA
Jeannette Owen, PMC, Rancho Cordova, CA

Central Valley Regional Water Quality Control Board

31 August 2012

Darren Wilson, P.E.
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

CERTIFIED MAIL
7011 2970 0003 8939 5192

CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY PROGRAMMATIC CERTIFICATION; CITY OF ELK GROVE, ROUTINE STORM WATER MAINTENANCE PROJECT (WDID#5B34CR00044), SACRAMENTO COUNTY

This Order responds to your 28 March 2012 application submittal for the Water Quality Certification of a programmatic routine storm water maintenance project permanently impacting 0.40 acre of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Regional General Permit (SPK# 2003-00397) under § 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act.

This Programmatic Water Quality Certification (Certification) provides regulatory coverage for routine storm water maintenance projects within the City of Elk Grove. The City of Elk Grove proposes to conduct routine storm water maintenance activities on land owned and/or managed by the City. Coverage under this programmatic Certification is for routine maintenance conducted on waterways within the City of Elk Grove which include: Laguna Creek, tributaries 1, 2, 3 to Laguna Creek, Strawberry Creek, Whitehouse Creek, Sheldon Creek, portions of Shed A channel, portions of Shed B channel, and several unnamed tributaries within the City limits. City of Elk Grove staff will also maintain four pump stations and 19 detention basins.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This Order serves as a Water Quality Certification action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to § 13330 of the California Water Code and § 3867 of the California Code of Regulations.
2. This Certification action is not intended and shall not be construed to apply to any discharge from 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 § 3855(b) of the California Code

of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under § 3833 of the California Code of Regulations, unless otherwise stated in writing by the certifying agency.
4. This Certification is valid for the duration of the described project. This Certification is no longer valid if the project (as currently described) is modified, or coverage under § 404 of the Clean Water Act has expired.
5. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.
 - (a) For a corporation: by a responsible corporate officer such as (1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; (2) any other person who performs similar policy or decision-making functions for the corporation; or (3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
 - (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

6. Any person signing a document under Standard Condition number 5 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

ADDITIONAL PROGRAMMATIC CERTIFICATION CONDITIONS:

The City of Elk Grove shall satisfy the following:

1. The City of Elk Grove must submit an Annual Notification of proposed routine maintenance projects for each following year, by 1 April of each year.

The Annual Notification of proposed routine maintenance projects shall include the following:

- (a) A Notice of Intent (NOI) to enroll in and comply with the conditions of this Certification for each individual routine maintenance project at least 30 days prior to initiating work; or construction;
 - (b) A description of all routine maintenance activities planned for the following construction season. When applicable, include the U.S. Army Corps of Engineer's Nationwide Permit (NWP) that will have authorized each project;
 - (c) Individual project locations, scope and purpose;
 - (d) The amount of fill proposed to waters of the United States and State for each individual project, in acreage and/or linear feet as appropriate; and
 - (e) A description of all on-site mitigation (e.g., stabilization of disturbed surfaces, re-vegetation of disturbed surfaces, planting of riparian vegetation, etc.) for the proposed projects.
2. The City of Elk Grove must obtain a separate Water Quality Certification for all projects that do not meet the routine maintenance criteria of this Certification.
 4. The Central Valley Water Board staff will review the NOI for each individual routine maintenance project and evaluate whether it meets the eligibility criteria set forth in this Certification. The Central Valley Water Board reserves the authority to request additional information or exclude an individual project from coverage if it can not determine that the project meets the eligibility criteria. In such case, the Central Valley Water Board Executive Office will issue a Notice of Exclusion (NOE) stating that the individual routine maintenance project is not authorized or enrolled in this Certification.
 5. The City of Elk Grove shall submit Annual Post-Maintenance Reports for completed routine maintenance activities from the previous calendar year to the Central Valley Water Board by 15 February of each year.

The Annual Post-Maintenance Reports shall include the following:

- (a) A complete description of the work conducted within waters of the United States, including the amount and type (in cubic yards) of material and the area (in acres) of dredge and/or fill material discharged into waters of the United States, at each location;
- (b) A vicinity map depicting the location of each activity. The map shall clearly identify the exact location and extent of each activity;
- (c) A description of the stabilization method used at bank stabilization sites;
- (d) A list of all Best Management Practices implemented to the maintenance projects, and the methods for restoring all temporary construction areas;
- (e) Any changes to the planned maintenance projects, as they were described in the Annual Notification of Proposed Routine Maintenance Projects; and

- (f) The cumulative amount of material (in cubic yards) and area (in acres) of material discharged into waters of the United States for all activities conducted under this Certification.

6. The City of Elk Grove shall annually submit the base processing fee of \$944.00 with the Annual Notification of Proposed Routine Maintenance Projects. The corresponding dredge and fill fees for permanent fill areas of completed projects must be submitted with the Annual Post-Maintenance Reports.

TECHNICAL CERTIFICATION CONDITIONS:

The City of Elk Grove shall satisfy the following:

1. The City of Elk Grove shall notify the Central Valley Water Board in writing 7 days in advance of the start of any work within waters of the United States or State. The notification shall include the name of the project and the WDID number, and shall be sent to the Central Valley Water Board Contact indicated in this Certification.
2. Except for activities permitted by the United States Army Corps of Engineers under § 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. The City of Elk Grove shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work covered by this Certification shall be adequately informed and trained regarding the conditions of this Certification.
4. The City of Elk Grove shall perform surface water sampling: 1) when performing any in-water work; 2) in the event that project activities result in any materials reaching surface waters; or 3) when any activities result in the creation of a visible plume in surface waters. The monitoring requirements in Table 1 shall be conducted upstream out of the influence of the project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1:

Parameter	Unit	Type of Sample	Minimum Sampling Frequency	Required Analytical Test Method
Turbidity	NTU	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Settleable Material	mL/L	Grab ⁽¹⁾	Every 4 hours during in-water work	(2)
Visible construction related pollutants ⁽³⁾	Observations	Visual Inspections	Continuous throughout the construction period	—

⁽¹⁾ Grab sample shall not be collected at the same time each day to get a complete representation of variations in the receiving water.

⁽²⁾ Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, method shall be approved by Central Valley Water Board staff.

⁽³⁾ Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

A surface water monitoring report shall be submitted to the Central Valley Water Board Contact indicated in this Certification within two weeks of initiation of sampling and every two weeks thereafter. In reporting the monitoring data, the City of Elk Grove shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the project complies with Certification requirements. The report shall include surface water sampling results and visual observations, laboratory reports and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

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

- i. where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTUs;
- ii. where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
- iii. where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
- iv. where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs; and

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

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTUs over background turbidity. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be used with prior approval of the Central Valley Water Board staff.

- B. Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within 300 feet downstream of the project.
6. The City of Elk Grove shall notify the Central Valley Water Board immediately if the above criteria for turbidity or settleable matter are exceeded.
 7. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or 300 feet downstream of the work area. The City of Elk Grove shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
 8. Activities shall not cause degradation of waters of the State.
 9. The City of Elk Grove shall comply with all California Department of Fish and Game requirements and recommendations, including but not limited to those requirements and recommendations described in Streambed Alteration Agreement No. 1600-2004-0473-R2.
 10. The City of Elk Grove shall comply with all United States Fish and Wildlife Service requirements and recommendations, including but not limited to those requirements and recommendations described in Biological Opinion (08ESMF00-2011-I-0880-1) provided to United States Army Corps of Engineers, dated 5 January 2012.
 11. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within project areas.
 12. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
 13. All areas disturbed by project activities shall be protected from washout or erosion.
 14. In-stream work will occur during periods of no or low flow and no precipitation.
 15. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.
 16. This Certification expires 1 October 2017.
 17. Hydroseeding shall be performed with California native seed mix.

18. 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, strict 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 City of Elk Grove 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.
19. If temporary surface water diversions and/or dewatering are anticipated, the City of Elk Grove shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) shall include the proposed method and duration of diversion activities. The Surface Water Diversion and/or Dewatering Plan(s) must be consistent with this Certification.
20. When work in a flowing stream is unavoidable and any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the State below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Conditions 5 through 7 of this Certification.
21. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.
22. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating the soil and/or entering waters of the United States or waters of the State.
23. During construction, 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 United States and/or waters of the State.
24. All materials resulting from the project shall be removed from the site and disposed of properly.
25. If unanticipated discharges to the waters of the State and/or waters of the United States and/or soil occur, the City of Elk Grove shall notify the Central Valley Water Board Contact indicated in this Certification in writing within 5 calendar days of occurrence. Unanticipated discharges may include, but are not limited to, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt,

paint, coating material, drilling fluids, or other construction-related potentially hazardous substances.

26. The City of Elk Grove shall obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ 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.
27. The Conditions in this Certification are based on the information in the attached "Project Information Sheet." If the actual project, as described in the attached Project Information Sheet, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.
28. The City of Elk Grove shall implement each of the mitigation measures specified in the approved Mitigated Negative Declaration for the project, as they pertain to biology, hydrology and water quality impacts as required by § 21081.6 of the Public Resource Code and CEQA Guidelines, § 15097 of the California Code of Regulations.
29. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.
 - (a) If the City of Elk Grove or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.
 - (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the City of Elk Grove to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) The City of Elk Grove shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the project.
30. The City of Elk Grove shall provide a Notice of Completion (NOC) no later than 30 days after each project completion. The NOC shall demonstrate that the subject project has been

carried out in accordance with the project description in the Certification and in any amendments approved. The NOC shall include a map of the project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

STORM WATER QUALITY CONDITIONS:

The City of Elk Grove shall satisfy the following storm water quality condition:

1. During the construction phase, the City of Elk Grove must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include implementing appropriate erosion and sediment control Best Management Practices (BMPs) during all phases of land disturbance and construction work throughout the year.

CENTRAL VALLEY WATER BOARD CONTACT:

Skyler Anderson, Environmental Scientist
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114
sanderson@waterboards.ca.gov
(916) 464-4849

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Elk Grove is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Elk Grove Routine Storm Water Maintenance Project pursuant to § 21000 et seq. of the Public Resources Code. The City of Elk Grove certified a Mitigated Negative Declaration on 17 December 2004 (State Clearinghouse Number 2004102071).

The Central Valley Water Board is a responsible agency for the project. In making the determinations and findings, the Central Valley Water Board has determined that the Mitigated Negative Declaration is in accordance with the requirements of the California Environmental Quality Act and is valid pursuant § 21167.3(b) of the Public Resources Code. The Central Valley Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The Central Valley Water Board has reviewed and evaluated the potentially significant impacts to water quality identified in the Mitigated Negative Declaration. The mitigation measures included in the Mitigated Negative Declaration are proposed to reduce and minimize project impacts, and are required by this Certification. The Central Valley Water Board finds that these mitigation measures, along with the conditions of this Certification, are adequate to reduce water quality impacts to less than significant levels.

With regard to the remaining impacts identified in the Mitigated Negative Declaration, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the City of Elk Grove, Elk Grove Programmatic Routine Storm Water Maintenance Project (WDID#5B34CR00044) will comply with the applicable provisions of § 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") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, The City of Elk Grove's project description, and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011.



AP Pamela C. Creedon
Executive Officer

Enclosure: Project Information

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 16

PROJECT INFORMATION SHEET

Application Date: 28 March 2011

Applicant: Darren Wilson, P.E.,
City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

Applicant Representatives: Summer Pardo
Associate Biologist
PMC World
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670

Project Name: Elk Grove Routine Storm Water Maintenance Project (Project)

Application Number: WDID#5B34CR00044

Type of Project: Routine maintenance project

Timeframe of Project Implementation (Construction Season): 1 May to 1 October, per the United States Fish and Wildlife Service.

Project Location: Township 7 North, Range 6 East, MDB&M.
Latitude: 38°25'14" N, Longitude: -121°20'36" W

County: Sacramento County

Receiving Water(s) (hydrologic unit): portions of Shed A channel, portions of Shed B, Grant Line Channel, Elk Grove Creek, Sheldon Creek, Strawberry Creek, Whitehouse Creek and Laguna Creek, San Joaquin Hydrologic Basin, North Valley Floor Hydrologic Unit #531.11, Herald HSA

Water Body Type: Streambed and Detention Basin

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised October 2011 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A

comprehensive and specific list of the Beneficial Uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Grant Line Channel, Elk Grove Creek, Sheldon Creek, Strawberry Creek, Whitehouse Creek and Laguna Creek portions of Shed A channel, portions of Shed B channel are the receiving waters for the Project. Elk Grove Creek is listed on the 303(d) list for diazinon and chlorpyrifos. The Project will not impact an already impaired water body. The most recent list of approved water quality limited segments can be found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml.

Project Description: The 5-year Elk Grove Routine Storm Water Maintenance Programmatic Certification (Certification) is for routine maintenance activities in water bodies throughout the City of Elk Grove. The purpose is to maintain the design capacity and erosion control of the channels and structures within the city limits.

Waterways within the City of Elk Grove covered under the Certification include Laguna Creek; tributaries 1, 2 and 3 to Laguna Creek, Elk Grove Creek, Strawberry Creek, Whitehouse Creek, Sheldon Creek, portions of Shed A channel, portions of Shed B channel, and several unnamed creeks. City staff will also maintain four pump stations and 19 detention basins. Maintenance activities involves the removal of any displaced silt, sand, gravel, or sediment within the immediate vicinity that substantially obstructs water flow and channel capacity for improved and un-improved channels, and other physical structures within the water bodies described above.

This Certification authorizes the discharge of approximately 2,700 cubic yards of rip rap, soil, gravel and aggregate base into approximately 0.40 acre of waters of the United States over a five year period. Specifically this Certification authorizes the following maintenance activities:

Maintenance Activities:

Debris and Obstruction Removal: Removal of debris, trash, rubbish flood-deposited woody and herbaceous vegetation, fallen trees, and dead trees which are in clear danger of falling in or across the channel, branches, and associated debris which noticeably reduces channel capacity and accelerates erosion and/or cause pump damage.

Sediment Removal, Sand and Silt: Removal and displacement of silt, sand or sediment, including beaver dams, that obstructs flows in the immediate vicinity of man-made facilities or structures such as bridges, concrete box culverts, and culvert pipes. Removal of silt, sand, or sediment may also be required below the ordinary high water mark in low flow channels.

Vegetation Control: Control of aquatic and terrestrial vegetation with the use of mechanical devices, chemicals, or hand labor as described below:

- Control of vegetation, including aquatic plants, weeds, grasses, shrubs and woody growth to remove obstructions to flow in both improved and unimproved channels;

- Management of weeds and grasses on maintenance roads within the banks, by mechanical means, hand labor, or labor applications;
- Maintenance of lower branches of woody growth, less than four inches diameter breast height, growing on lower stream banks from ground level to a distance of 6 feet above ground level; and
- Removal of non-native vegetation including stump and root removal between creek banks.

Repair of Previous Erosion Control Work: Repair of failed rock, concrete, or gabion sections. Maintenance activities shall be confined to the failed section and immediately adjacent areas not to exceed twenty linear feet from the affected area.

Minor Erosion Control Work: Re-grading or pulling back slopes, installation of rock, gabions, or other erosion control measures from the toe of the slope in the channel to a maximum of thirty feet, measured vertically, above the channel invert to stabilize the eroded area. The maximum length of routine channel maintenance work shall be fifty feet.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: The City of Elk Grove will implement Best Management Practices to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The City of Elk Grove will conduct turbidity and settleable matter testing during in-water work, stopping work if exceedance of Basin Plan criteria are exceeded or are observed.

Excavation/Fill Area: Approximately 2700 cubic yards of riprap, soil, and gravel will be placed into 0.40 acres of waters of the United States over the five year duration of this Certification.

The Annual Post-Maintenance Reports will include the approximate volume of fill materials placed within waters of the United States at each site involving the discharge of material into waters of the United States.

Dredge Volume: Approximately 12,000 cubic yards of sediment will be dredged from 0.40 acre of waters of the United States over the five year duration of this Certification.

The Annual Post-Maintenance Reports will include the approximate volume of dredge materials removed within waters of the United States.

United States Army Corps of Engineers File Number: SPK# 2003-00397

United States Army Corps of Engineers Permit Type: Regional General Permit

California Department of Fish and Game Streambed Alteration Agreement:
1600-2004-0473-R2

Possible Listed Species: giant garter snake

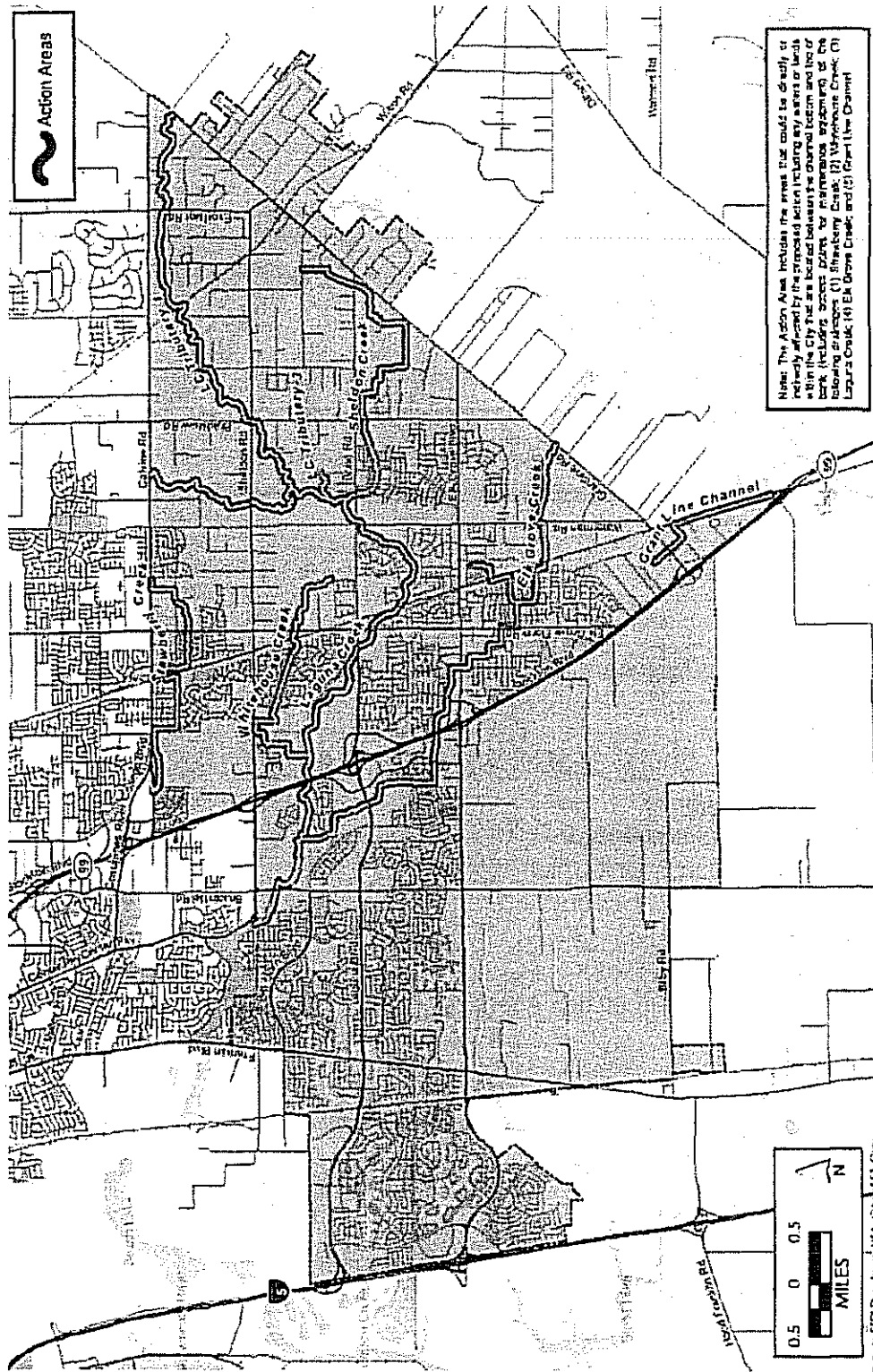
Status of CEQA Compliance: The City of Elk Grove approved a Mitigated Negative Declaration on 15 December 2004. The City of Elk Grove filed a Notice of Determination on 17 December 2004 (State Clearinghouse Number SCH2004102071).

The Central Valley Water Board filed a Notice of Determination with the State Clearinghouse as a responsible agency within 5 days of the date of this Certification.

Compensatory Mitigation: The Central Valley Water Board is not requesting compensatory mitigation for the Project.

Application Fee Provided: Total fees of \$ 640.00 have been submitted to the Central Valley Water Board as required by § 3833(b)(3)(A) and § 2200(a)(3) of the California Code of Regulations.

Figure 1 – Project Vicinity Map



DISTRIBUTION LIST

Lisa Gibson
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

Terry Adelsbach
United States Fish & Wildlife Service
Sacramento Fish & Wildlife Office
2800 Cottage Way
Sacramento, CA 95825

Isabel Baer
Department of Fish and Game
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670

Bill Jennings
CA Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Bill Orme (Electronic copy only)
State Water Resources Control Board
401 Certification and Wetlands Unit Chief

Jason A. Brush (Electronic copy only)
Wetlands Office Supervisor (WTR-8)
United States Environmental Protection Agency