THE INFORMATION IN THIS BOX IS NOT A PART OF THE CONTRACT AND IS FOR COUNTY USE ONLY

Contract Number 20-873

SAP Number

San Bernardino County
Flood Control District

Department Contract Representative	Harold Zamora – Division Chief
Telephone Number	909-387-8109
Contractor	Southwest Resource Management Association
Contractor Representative	Shelli Lamb
Telephone Number	951-300-2844
Contract Term	~~August 25, 2020 – October 24, 2020~~ Sept 15, 2020 to Nov 13, 2020
Original Contract Amount	$963,000
Amendment Amount	$0.00
Total Contract Amount	$963,000
Cost Center	1910002518, 1920002522, 1930002526

Briefly describe the general nature of the contract: Agreement with Southwest Resource Management Association for the purchase of credits for mitigation of impacts from the First Line of Defense Basins Project (Project). The Project consists of 39 regional flood control basins distributed along the foothills of the San Gabriel and San Bernardino Mountains from the City of Upland east to the City of Yucaipa, in the County of San Bernardino.

Contract amount for 3.21 acres of mitigation: $963,000

FOR COUNTY USE ONLY

Approved as to Legal Form	Reviewed for Contract Compliance	Reviewed/Approved by District
► Cynthia Neild for	► Andy Silao	►
Sophie A. Akins, County Counsel	Andy Silao, P.E.	Brendon Biggs, Chief Flood Control Engineer
Date 8/21/20	Date 8/24/2020	Date 8/24/2020

AGREEMENT FOR SALE OF CREDITS FROM THE SANTA RIVER WATERSHED IN-LIEU FEE PROGRAM

This Agreement is entered into this ___ day of _____, 2020 ("Execution Date") by and between Southwest Resource Management Association ("SRMA") and the San Bernardino County Flood Control District ("Project Proponent") (collectively the "Parties"), as follows:

RECITALS

A. SRMA is a cosponsor of the Santa Ana River Watershed In-Lieu Fee Program (the "Program"); and

B. The Program was approved by the Los Angeles District of the U.S. Army Corps of Engineers ("USACE"), Region IX of the U.S. Environmental Protection Agency ("USEPA"), and the California Regional Water Quality Control Board, Region 8 ("RWQCB") (jointly referred to as the Interagency Review Team (the "IRT")) on July 26, 2012 and is currently in good standing with the IRT; and

C. SRMA has received approval from the IRT to sell Credits from the Program to offset impacts associated with resource-impacting projects; and

D. Project Proponent is seeking to purchase Compensatory Mitigation Credits ("Credits") from the Program for impacts to the Waters of the U.S. that result from activities of the Project Proponent authorized under sections 401 and 404 of the Clean Water Act (Permits attached hereto as Exhibit "A").

E. The Project Proponent is purchasing Credits to offset impacts associated with the Project Proponent's plan to provide maintenance activities that are designed to return the flood control facilities to their as-built conditions. The activities are grouped into eight categories: federal maintenance, stockpiling, mechanized land clearing and excavation, vegetation management, ingress and egress, bank repair, flood control structure repair and stream gage maintenance between the cities of Rancho Cucamonga and Yucaipa ("Project"), and exact locations can be found in Table 2 of SARWQCB WDID 362015-32 to 362015-66, dated March 5, 2019 and email from Jason Bill dated July 1, 2020 ("Impact Location").

F. Pursuant to Special Condition No. 1 of Project Proponent's Clean Water Act Section 404 Individual Permit No. SPL-2015-00777-SLP dated May 28, 2020 and email dated June 30, 2020, USACE is requiring Project Proponent to purchase 3.21 acre mitigation credits for the reestablishment of Waters of the U.S. from SRMA to mitigate for impacts stemming from the Project at the Impact Location, which is described in Exhibit "B" attached hereto; and

G. Project Proponent desires to purchase from SRMA, and SRMA desires to sell and convey to Project Proponent, Credits from the Program.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Subject to the terms and conditions herein, SRMA agrees to sell to Project Proponent and Project Proponent agrees to purchase from SRMA 3.21 Re-Establishment Credits ("Credits") for the purchase price of NINE HUNDRED SIXTY THREE THOUSAND AND NO/100'S DOLLARS ($963,000.00). Project Proponent shall transfer the funds to SRMA either by wire or check. The Parties shall mutually agree to a "Closing Date" by which the Credit sale transaction will be completed, which shall be no later than sixty (60) days from the Execution Date. On the Closing Date, SRMA shall transfer to Project Proponent evidence that the Credits have been allocated to the Project by Bill of Sale in the form attached as Exhibit C, and Project Proponent shall pay the purchase price specified above.

2. In the event Project Proponent has not delivered the Purchase Price to SRMA on or before the Closing Date, this Agreement shall automatically terminate without need for any further action by SRMA and SRMA shall have no further obligations to Project Proponent under this Agreement.

3. The sale and transfer herein is not intended as a sale or transfer to Project Proponent of a security, license, lease, easement, or possessory or non-possessory interest in real property, nor the granting of any interest of the foregoing.

4. Project Proponent shall have no obligation whatsoever by reason of the purchase of the Credits to support, pay, fix, monitor, report on, sustain, continue in perpetuity, or otherwise be obligated or liable for the success or continued expense or maintenance in perpetuity of the mitigation property associated with Credits sold, or the Program.

5. The Credits herein sold and conveyed to Project Proponent shall be non-transferable and non-assignable, and shall be used as compensatory mitigation only in connection with the Project. Any excess Credits shall not be utilized for the benefit of any other project, nor shall they be traded or otherwise retained by SRMA for future use by the Project Proponent or any other person or entity.

6. All representations, warranties, and covenants embodied in this Agreement shall survive the transfer of the Credits hereunder.

7. SRMA shall cooperate and assist Project Proponent by providing documentation required by the IRT, and other regulatory agencies to establish that the Credits may be used to compensate for the Project's impacts described above. SRMA shall provide USACE with a Statement of Sale of Credit in the form of the attached Exhibit D no later than 30 days after the Closing Date of a successful sale.

8. Any notice or other written communication given pursuant to this Agreement shall be delivered to the other Party by first class U.S. mail, certified or registered U.S. mail or facsimile mail with mailed copy as follows:

Project Proponent: Harold Zamora, P.E., Division Chief
San Bernardino County Flood Control District
825 East Third Street, Room 123
San Bernardino, CA 92415-0835
Telephone: (909) 387-8109

Facsimile: (909) 387-7876

Copy To: Sophie A. Akins
Deputy County Counsel
385 North Arrowhead Avenue Fourth Floor
San Bernardino, CA 92415
Telephone: (909) 387-5455
Email: sophie.akins@cc.sbcounty.gov

SRMA: Shelli Lamb, Chief Executive Officer
4500 Glenwood Drive
Riverside, CA 92501-3042
Telephone: (951) 300-2844
Facsimile: (951) 683-3814

Copy To: Shaye Diveley, General Counsel, SRMA
Meyers Nave
555 12th Street, Suite 1500
Oakland, California 94607
Telephone: (510) 808-2000

9. It is agreed that all prior understandings and agreements between the Parties respecting the transactions contemplated by this Agreement are merged in this Agreement, which fully and completely expresses the agreement of the Parties. There are no representations, warranties, or agreements except as specified and expressly set forth herein, in the exhibits annexed hereto, or to be set forth in the instruments or other documents delivered or to be delivered hereunder.

10. Any corporation signing this Agreement, and each agent, officer, director, or employee signing on behalf of such corporation, but in his or her individual capacity, represents and warrants that said Agreement is duly authorized by and binding upon said corporation, duly adopted by its Board of Directors and transcribed in full in the minutes of said corporation. Any individual signing this Agreement on behalf of a partnership or business entity other than a corporation represents that such other entity has power and authority to enter into this Agreement, and by such person's act is bound hereby.

11. Except as otherwise expressly provided herein, the execution and delivery of this Agreement shall not be deemed to confer any rights upon, nor obligate any of the parties hereto, to any person or entity other than the parties hereto.

12. This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

SIGNATURE PAGE FOR THE AGREEMENT FOR SALE OF CREDITS FROM THE SANTA ANA RIVER WATERSHED IN-LIEU FEE PROGRAM TO THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written,

SRMA:

By: _____
Paul Rodriguez
Chairperson, Board of Directors

PROJECT PROPONENT:

By: _____
Curt Hagman, Board Chairman
Board of ~~Directors~~ Supervisors
San Bernardino County Flood Control District

Dated: SEP 15 2020

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD

Clerk of the Board
Lynna Monell, ~~Secretary~~

By: _____
~~Deputy~~

APPROVED AS TO LEGAL FORM:

Michelle D. Blakemore, County Counsel

By: _____
Sophie A. Akins
Deputy County Counsel

EXHIBIT A

SLamb@SRMA-CA.org

From: Bill, Jason@Waterboards <Jason.Bill@Waterboards.ca.gov>
Sent: Wednesday, July 01, 2020 5:07 PM
To: Veronika Archer
Cc: Perry, Michael - DPW; Egle, Patrick
Subject: RE: FLOD - 362015-32 thru 332015-66

Ms. Archer,

Santa Ana Water Board staff find that the mitigation proposed in your July 1, 2020 email will offset the project impacts from the SBCFCD First Line of Defense Basins Maintenance Project (WDID 362015-32 though 362015-66). Please forward the receipts when the credits are purchased.

Thank you,

Jason Bill
Environmental Scientist
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501
Phone: 951-782-3295
Email: Jason.Bill@Waterboards.ca.gov

From: Veronika Archer <larcher@dudek.com>
Sent: Wednesday, July 1, 2020 4:47 PM
To: Bill, Jason@Waterboards <Jason.Bill@Waterboards.ca.gov>
Cc: Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov>; Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>
Subject: FLOD - 362015-32 thru 332015-66

EXTERNAL:

Hi Jason,
Apparently it's permit follow up day ☺
The SBCFCD has received permits from all the agencies for the FLOD project and is preparing a request for approval from the Board to purchase mitigation. Below is the mitigation that will be purchased in accordance with the requirements of the 404. This mitigation appears to meet the 401 mitigation requirement for the project of **10.49 acres of stream channel enhancement at an ILF or mitigation bank.**

The SBCFCD is purchasing 11.55 acres of WoUS mitigation as follows:

- 1.31 acres of perennial stream system enhancement credits at Soquel Canyon Mitigation Bank
- 7.03 acres intermittent stream system enhancement credits at Soquel Canyon Mitigation Bank
- 3.21 acres riparian perennial stream re-establishment credits at Santa Ana River Watershed In-Lieu Fee Program.

Can you please confirm the above meets the 401 requirements?
Thank you

Veronika

Veronika Archer
PROJECT MANAGER / SR. REGULATORY SPECIALIST

DUDEK | *Natural Resource Management | Infrastructure Development | Regulatory Compliance*
ENGINEERING + ENVIRONMENTAL
3544 University Avenue
Riverside, CA 92501
T 951.300.2181 C 909.677.3775

larcher@dudek.com

WWW.DUDEK.COM

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Santa Ana Regional Water Quality Control Board

March 5, 2019

Mr. Darren Meeka
San Bernardino County Department of Public Works
825 East Third Street, Room 123
San Bernardino, California 92415

Darren.Meeka@dpw.sbcounty.gov

DRAFT CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER FOR THE FIRST LINE OF DEFENSE BASIN MAINTENANCE (SARWQCB WDID #s 362015-32 THROUGH 362015-66)

Dear Mr. Meeka:

Enclosed please find an Amended Clean Water Act Section 401 Water Quality Certification and Order, authorized by Santa Ana Regional Water Quality Control Board Executive Officer, Hope A. Smythe. This Order is issued to you for First Line of Defense Basin Maintenance (Project). Attachments A through C of the Enclosure are also part of the Order.

This Order is issued in response to an application submitted by San Bernardino County Flood Control District for proposed Project discharges to waters of the State to ensure that the water quality standards for all waters of the State impacted by the Project are met. The original Order was issued on February 4, 2019 for this Project. As a result of changes in the Project the Order is amended. You may proceed with your Project according to the terms and conditions of the enclosed Amended Order.

Certain aspects of the Project involving weed and vector controls will require coverage under the State Water Resources Control Board Order Nos. 2013-0002-DWQ and 2016-0039-DWQ.

If you require further assistance, please contact me by phone at (951) 782-3295 or by email at Jason.Bill@waterboards.ca.gov. You may also contact David Woelfel, Chief of Regional Planning Programs Section, by phone at (951) 782-7960 or by email at David.Woelfel@waterboards.ca.gov.

Sincerely,

Jason Bill
Environmental Scientist
Regional Planning Programs
Santa Ana Regional Water Quality Control Board

Enclosures (1): Amended Order for First Line of Defense Basin Maintenance

cc: [Via email only] (w/ enclosure)

U.S Army Corps of Engineers, North Coast Branch, Los Angeles and San Bernardino Counties Section, Los Angeles District –
Shannon Pankratz – Shannon.L.Pankratz@usace.army.mil
U.S. Environmental Protection Agency, Region 9 – Wetlands Section –
Megan Fitzgerald – Fitzgerald.Megan@epa.gov
Melissa Scianni – Scianni.Melissa@epa.gov
U.S. Fish and Wildlife Service – Palm Springs Field Office –
Kai Palenscar - kai_palenscar@fws.gov
California Department of Fish and Wildlife – Brandy Wood – Brandy.Wood@cdfw.ca.gov
State Water Resource Control Board, Office of Chief Counsel –
Teresita Sablan – Teresita.Sablan@waterboards.ca.gov
State Water Resources Control Board, Division of Water Quality -- Water Quality Certification Unit
Santa Ana Regional Water Quality Control Board – David Woelfel

Santa Ana Regional Water Quality Control Board

AMENDED CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

Effective Date:	March 5, 2019
Program Type:	Fill/Excavation
Project Type:	Channel Construction and Maintenance

Reg. Meas. ID:	Various
Place ID:	Various
SARWQCB WDID:	362015-32 to -66
USACE #:	SPL-2015-00777-SLP

Project: First Line of Defense Basin Maintenance Project (Project)

Federal Permit: United States Army Corps of Engineers (USACE) Nationwide Permit (NWP) 31, Maintenance of Existing Flood Control Facilities

Applicant: San Bernardino County Flood Control District

Applicant Contact: Mr. Darren Meeka
825 East Third Street, Room 123
San Bernardino, California 92415
Phone: (909) 387-8109
Email: Darren.Meeka@dpw.sbcounty.gov

Applicant's Agent: Mr. Patrick Egle
825 East Third Street, Room 123
San Bernardino, California 92415
Phone: (909) 387-1865
Email: Patrick.Egle@dpw.sbcounty.gov

Water Board Staff: Jason Bill
Environmental Scientist
3737 Main Street, Suite 500
Riverside, California 92501
Phone: (951) 782-3295
Email: Jason.Bill@Waterboards.ca.gov

Water Board Contact Person: If you have any questions, please call Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) staff listed above or (951) 782-4130 and ask to speak with the Regional Programs Section Chief.

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Attachment A Project Map(s)
Attachment B Report and Notification Requirements
Attachment C Signatory Requirements

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of San Bernardino County Flood Control District (herein after Permittee) for the Project. This Order is for the purpose described in the application and supplemental information submitted by the Permittee. The application was received on October 27, 2015. On November 20, 2015, Santa Ana Water Board staff stated that the application appeared to be complete. Subsequently, the Santa Ana Water Board requested additional materials. As a result of on-going coordination, the Permittee provided updated application materials that minimized and avoided additional impacts to Waters of the United States (WOTUS) on March 8, 2018. An Order was issued on February 4, 2019 for this Project. Since that issuance, the Permittee identified additional minimization measures, and the original Order has been amended. This amended Order supersedes the Order issued on February 4, 2019.

Santa Ana Water Board staff requested additional information necessary to supplement the contents of the complete application, and the Permittee responded to the request for supplemental information on the following dates as summarized in Table 1.

Table 1: Record of Supplemental Application Information

Date of Request for Supplemental Information	Date Requested Information Received
6/24/2016	1/25/2017
1/25/2017	3/8/2018
1/11/2019	1/14/2019
1/15/2019	1/16/2019

II. Public Notice

The Santa Ana Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from December 10, 2018 to February 4, 2019. The Santa Ana Water Board did not receive any comments during the comment period.

III. Project Purpose

The Permittee is responsible for providing flood protection to the citizens of San Bernardino County. To meet the goals of flood protection, the Permittee has constructed a system of flood control facilities (dams, basins, and spreading grounds) throughout San Bernardino County. Routine maintenance of these flood control facilities is needed so they can function at their design capacity. The Permittee intends to perform maintenance in its high priority First Line of Defense (FLOD) flood control facilities. During storm events, these facilities provide protection to the residents of the areas surrounding the facilities by containing flows and collecting large amounts of debris that flush down from the mountains. Routine maintenance of the Project facilities would provide flood protection to public and private property, as well as downstream flood control facilities.

IV. Project Description

Maintenance activities are designed to return the flood control facilities to their as-built conditions. The activities are grouped into eight categories: federal maintenance, stockpiling,

mechanized land clearing and excavation, vegetation management, ingress and egress, bank repair, flood control structure repair, and stream gage maintenance.

- Federal maintenance includes all activities in areas where a federal agency dictates maintenance activities. These activities generally involve vegetation management, though the Permittee has separated them into their own category. Federal maintenance standards tend to require the removal of all vegetation except for grasses.

- Maintenance of stockpile locations includes placement of debris and sediment from maintenance activities at specific locations for use in repairs and temporary storage. Only this part of the activity is covered under the Certification, while treatment of stockpiles is not. Stockpiles are often treated to avoid the spread of invasive plants and are generally treated with herbicide at strategic points within various seasons to minimize the potential for pollutants to enter an aquatic resource. As part of the spraying of the stockpiles, pre-emergent is applied prior to predicted rain in an effort to activate the product and allow it to be more effective. Potential pesticide application to waters of the United States is regulated under CWA section 402 and would require separate approval.

- Mechanized land clearing and excavation activities include establishing a centerflow channel to convey and guide low-volume storm and dry weather (including urban runoff) flows within the center of an earthen channel or basin to keep flows away from the slopes and for guiding flows. A centerflow channel is established by clearing sediment and vegetation within the center of the channel or basin. Also covered is the grading of channel inverts and basin bottoms to properly convey flows downstream. Debris and sediment removal activities include the removal of dead vegetation, such as fallen boughs and leaves, as well as illegally dumped trash. Basin bottom silt and clays are removed, and soil is typically broken up and kept free of vegetation to restore groundwater recharge. Illegally dumped trash, vehicles, and homeless camps are removed from Permittee facilities, and material is taken to a landfill or appropriate recycling facility for disposal.

- Ground-disturbing vegetation management activities include mowing and disking within facilities to remove vegetation that prevents the proper conveyance of storm flows downstream. Equipment to be used includes but is not limited to tractor mowers, tractor and disk trailer, and boom mowers. The Permittee will employ manual vegetation management where sensitive resources are present or where ground-disturbing vegetation management is not necessary for flood control purposes. Manual vegetation management will consist of trimming and pruning vegetation with hand tools, such as power trimmers, weed eaters, pruning loppers, saws, and clippers, to trim and thin vegetation.

- Ingress and egress projects will be conducted to maintain access roads into flood control facilities. Potential activities include fencing and gate repairs, signage, road grading, and pavement repair.

- Bank repair activities include removing excess sediment and sand from the bottom of the channel or basin or from an on-site/off-site stockpile location and placing this excess onto the side slopes of the channel or basin needing repair. Additional riprap or

gabion placement may be required for banks that experience frequent erosion resulting in high frequency of maintenance. Riprap repair includes repositioning, replacing, or placing incidental riprap to stabilize the slopes and also includes the repair of grouted and ungrouted sections of rock. Additionally, existing steel revetment on channel or basin sides may be repaired or replaced with new steel revetment or riprap.

- Flood control structure repair or in-kind replacement includes but is not limited to structures associated with flood control channels or basins, such as inlets, outlets, culverts, spillways, bottom controls, water quality structures, riprap, and channel inverts.

- Maintenance of stream gages and stream gage sites will also include the maintenance of other scientific measurement devices, including water quality monitoring sites, wells, and sampling stations.

Other proposed categories include vector control and herbicide and rodenticide, which are not covered by this Certification. As noted earlier, these activities are regulated under CWA section 402 permits.

V. Project Location

Locations of each flood control facility to be maintained are found in Table 2. Maps showing the Project locations are found in Attachment A of this Order.

Table 2. Flood Control Facility Location

Maintenance Area	WDID	City	Latitude Longitude	T/R/S	USGS Quad
San Antonio Heights Basin # 1 (Frankish)	362015-32	Unincorporated San Bernardino County	34.16053° N, -117.65901° W	Cucamonga Land Grant	Mt. Baldy
San Antonio Heights Basin # 2 (Meryl)	362015-33	Unincorporated San Bernardino County	34.16035° N, -117.65629° W	Cucamonga Land Grant	Mt. Baldy
San Antonio Heights Basin # 3 (Cherbak)	362015-34	Unincorporated San Bernardino County	34.16069° N, -117.65372° W	Cucamonga Land Grant	Mt. Baldy
San Antonio Heights Basin # 4 (Gray)	362015-35	Unincorporated San Bernardino County	34.16053° N, -117.65015° W	Cucamonga Land Grant	Mt. Baldy
San Antonio Heights Basin # 5 (Marble)	362015-36	Unincorporated San Bernardino County	34.16178° N, -117.64733° W	Cucamonga Land Grant and Sec 19, T1N, R7W	Mt. Baldy
San Antonio Heights Basin # 6	362015-37	Unincorporated San Bernardino County	34.16152° N, -117.64393° W	Cucamonga Land Grant and Sec 19, T1N, R7W	Mt. Baldy
San Antonio Heights Basin (West Frankish)	362015-38	Unincorporated San Bernardino County	34.15862° N, -117.66174° W	Cucamonga Land Grant	Mt. Baldy

Cucamonga Dam	362015-39	Upland and Rancho Cucamonga	34.14798° N, -117.63654° W	Cucamonga Land Grant	Mt. Baldy
Demens Basin # 1	362015-40	Rancho Cucamonga	34.15793° N, -117.60275° W	Cucamonga Land Grant	Cucamonga Peak
Hillside Basin	362015-41	Rancho Cucamonga	34.16452° N, -117.57840° W	Secs 14 and 23, T1N, R7W	Cucamonga Peak
Deer Creek Debris Basin	362015-42	Unincorporated San Bernardino County	34.17398° N, -117.56936° W	Sec 13, T1N, R7W	Cucamonga Peak
Day Creek Dam	362015-43	Unincorporated San Bernardino County	34.17642° N, -117.54010° W	Secs 08, 17 and 18 T1N, R6W	Cucamonga Peak
Day Creek Spreading Basins	362015-44	Unincorporated San Bernardino County	34.15977° N, -117.54645° W	Sec 24, T1N, R7W and Sec 19, T1N, R6W	Cucamonga Peak
Etiwanda Debris Basin	362015-45	Rancho Cucamonga	34.15301° N, -117.50918° W	Secs 21 and 22, T1N, R6W	Cucamonga Peak
Rich Basin	362015-46	Fontana	34.15941° N, -117.47593° W	Sec 23, T1N, R6W	Devore
Devil Canyon Dam (Basin # 1)	362015-47	San Bernardino	34.18979° N, -117.33672° W	Muscupiabe Land Grant	San Bernardino North
Devil Basin # 2	362015-48	San Bernardino	34.19298° N, -117.33611° W	Muscupiabe Land Grant	San Bernardino North
Devil Basin # 3	362015-49	San Bernardino	34.19564° N, -117.33592° W	Muscupiabe Land Grant	San Bernardino North
Wiggins Basin # 1	362015-50	San Bernardino	34.18657° N, -117.33934° W	Muscupiabe Land Grant	San Bernardino North
Little Mountain Dam	362015-51	San Bernardino	34.16247° N, -117.29680° W	Muscupiabe Land Grant	San Bernardino North
MacQuiddy Basin # 1	362015-52	San Bernardino	34.17898° N, -117.29064° W	Muscupiabe Land Grant	San Bernardino North
Brush Canyon Basin	362015-53	San Bernardino	34.17924° N, -117.28509° W	Muscupiabe Land Grant and Secs 10 and 15, T1N, R4W	San Bernardino North
Harrison Basin	362015-54	Unincorporated San Bernardino County	34.16568° N, -117.26191° W	Muscupiabe Land Grant and Secs 13 and 14, T1N, R4W	San Bernardino North

Twin Creek Spreading Grounds	362015-55	San Bernardino	34.15730° N, -117.26700° W	Muscupiabe Land Grant	San Bernardino North
Daley Basin	362015-56	San Bernardino	34.16623° N, -117.24526° W	Sec 13, T1N, R4W	Harrison Mountain
Little Sand Canyon Basin	362015-57	San Bernardino	34.157233° N, -117.23782° W	Sec 19, T1N, R3W	Harrison Mountain
Sand Canyon Basin	362015-58	San Bernardino	34.15317° N, -117.22679° W	Sec 19, T1N, R3W	Harrison Mountain
Small Canyon Dam	362015-59	San Bernardino	34.14702° N, -117.19981° W	Sec 28, T1N, R3W	Harrison Mountain
Dynamite Basin	362015-60	San Bernardino	34.14306° N, -117.19202° W	Sec 28, T1N, R3W	Harrison Mountain
Cook Canyon Basin	362015-61	San Bernardino	34.136340° N, -117.17551° W	Sec 27, T1N, R3W	Harrison Mountain
Oak Creek Basin	362015-62	Highland	34.11502° N, -117.12922° W	Sec 6, T1S, R2W	Redlands
Wilson Creek Basin # 1	362015-63	Yucaipa	34.05031° N, -117.02659° W	Sec 30, T1S, R1W	Yucaipa
Oak Glen Creek Basin # 1	362015-64	Yucaipa	34.04434° N, -117.03369° W	Sec 36, T1S, R2W and Sec 31, T1s, R1W	Yucaipa
Oak Glen Creek Basin # 2	362015-65	Yucaipa	34.04439° N, -117.03143° W	Sec 31, T1s, R1W	Yucaipa
Oak Glen Creek Basin # 3	362015-66	Yucaipa	34.04446° N, -117.02952° W	Sec 31, T1s, R1W	Yucaipa

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the Santa Ana Water Board. Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the Water Quality Control Plan for the Santa Ana Basin (1995) and subsequent amendments (Basin Plan) and other plans and policies, which 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.

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

A summary of the receiving waters and associated beneficial uses are provided in Table 3.

Table 3. Receiving Waters		
Receiving Water	Facilities	Beneficial Uses[1]
Cucamonga Creek, Reach 2, Mountain Reach	San Antonio Heights Basin (West Frankish), San Antonio Heights Basin # 1 (Frankish), San Antonio Heights Basin # 2 (Meryl), San Antonio Heights Basin # 3 (Cherbak), San Antonio Heights Basin # 4 (Gray), San Antonio Heights Basin # 5 (Marble), San Antonio Heights Basin # 6, Cucamonga Dam	MUN, IND, PROC, GWR, POW, REC1, REC2, COLD, WILD, SPWN
Thorpe, Angalls, and Demens Creeks, Mountain Reaches	Demens Basin # 1	MUN, GWR, REC1, REC2, COLD, WILD
Deer Creek, Mountain Reach	Hillside Basin, Deer Creek Debris Basin, Day Creek Spreading Basins	MUN, GWR, REC1, REC2, COLD, WILD
Day Creek, Mountain Reach	Day Creek Dam, Day Creek Spreading Basins	MUN, PROC, GWR, REC1, REC2, COLD, WILD
East Etiwanda Creek, Mountain Reach	Etiwanda Debris Basin, Rich Basin	MUN, PROC, GWR, REC1, REC2, COLD, WILD, RARE
Devil Canyon Creek, Mountain Reach	Devil Canyon Dam (Basin # 1), Devil Basin # 2, Devil Basin # 3, Wiggins Basin # 1	MUN, GWR, REC1, REC2, COLD, WILD
East Twin Creek, Mountain Reach	Little Mountain Dam, MacQuiddy Basin # 1, Twin Creek Spreading Grounds, Harrison Basin	MUN, AGR, GWR, REC1, REC2, COLD, WILD, SPWN
Waterman Canyon Creek	Brush Canyon Basin	MUN, GWR, REC1, REC2, COLD, WILD
Borea Canyon Creek	Daley Basin	MUN, GWR, REC1, REC2, COLD, WILD
Little Sand Canyon Creek	Little Sand Canyon Basin	MUN, GWR, REC1, REC2, COLD, WILD
Sand Canyon Creek	Sand Canyon Basin	MUN, GWR, REC1, REC2, COLD, WILD
City Creek, Mountain Reach	Small Canyon Dam, Dynamite Basin, Cook Canyon Basin	MUN, AGR, GWR, REC1, REC2, COLD, WILD, RARE, SPWN
Oak Creek	Oak Creek Basin	MUN, GWR, REC1, REC2, COLD, WILD
Oak Glen Creek	Wilson Creek Basin # 1, Oak Glen Creek Basin # 1, Oak Glen Creek Basin # 2, Oak Glen Creek Basin # 3	MUN, GWR, REC1, REC2, WARM, WILD

[1] Beneficial Use abbreviations in Table 3 include Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PROC), Groundwater Recharge (GWR), Hydropower Generation (POW), Water Contact Recreation (REC 1), Non-contact Water Recreation (REC 2), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), and Spawning, Reproduction, and Development (SPWN)

VII. Description of Direct Impacts to Waters of the State

Total Project fill and excavation quantities for all impacts are summarized in Tables 4 and 5. All Project impacts are considered temporary for the length of the Certification.

Table 4: Impacts by Facility

Maintenance Area	Land Cover	Non-Wetland Waters of the US	Wetland Waters of the US	Total
San Antonio Heights Basin # 1 (Frankish)	Vegetated	0.06 acre	--	0.06 acre
	Unvegetated	0.66 acre	--	0.66 acre
San Antonio Heights Basin # 2 (Meryl)	Vegetated	0.27 acre	--	0.27 acre
	Unvegetated	--	--	--
San Antonio Heights Basin # 3 (Cherbak)	Vegetated	0.24 acre	--	0.24 acre
	Unvegetated	--	--	--
San Antonio Heights Basin # 4 (Gray)	Vegetated	0.06 acre	--	0.06 acre
	Unvegetated	0.17 acre	--	0.17 acre
San Antonio Heights Basin # 5 (Marble)	Vegetated	--	--	--
	Unvegetated	0.69 acre	--	0.69 acre
San Antonio Heights Basin # 6	Vegetated	0.03 acre	--	0.03 acre
	Unvegetated	0.23 acre	--	0.23 acre
San Antonio Heights Basin (West Frankish)	Vegetated	0.07 acre	--	0.07 acre
	Unvegetated	0.27 acre	--	0.27 acre
Cucamonga Dam	Vegetated	0.02 acre	--	0.02 acre
	Unvegetated	1.34 acres	--	1.34 acres
Demens Basin # 1	Vegetated	0.08 acre	--	0.08 acre
	Unvegetated	2.16 acres	--	2.16 acres
Hillside Basin	Vegetated	0.10 acre	--	0.10 acre
	Unvegetated	1.93 acres	--	1.93 acres
Deer Creek Debris Basin	Vegetated	--	---	--
	Unvegetated	2.89 acres	--	2.89 acres
Day Creek Dam	Vegetated	0.92 acres	--	0.92 acres
	Unvegetated	13.94 acres	--	13.94 acres
Day Creek Spreading Basins	Vegetated	--	--	--
	Unvegetated	7.85 acres	--	7.85 acres
Etiwanda Debris Basin	Vegetated	--	--	--
	Unvegetated	22.49 acres	--	22.49 acres
Rich Basin	Vegetated	--	--	--
	Unvegetated	7.82 acres	--	7.82 acres
	Vegetated	2.07 acres	--	2.07 acres

Devil Canyon Dam (Basin # 1)	Unvegetated	1.80 acres	--	1.80 acres
Devil Basin # 2	Vegetated	0.00 acre	0.00 acres	0.00 acres
	Vegetated Marsh	0.76 acre	2.05 acres	2.82 acres
	Unvegetated	0.01 acre	--	0.01 acre
Devil Basin # 3	Vegetated	--	--	--
	Unvegetated	1.98 acres	--	1.98 acres
Wiggins Basin # 1	Vegetated	0.16 acre	--	0.16 acre
	Unvegetated	8.90 acres	--	8.90 acres
Little Mountain Dam	Vegetated	--	--	--
	Unvegetated	20.51 acres	--	20.51 acres
MacQuiddy Basin # 1	Vegetated	--	--	--
	Unvegetated	1.39 acres	--	1.39 acres
Brush Canyon Basin	Vegetated	0.02 acre	0.00 acre	0.02 acre
	Vegetated Marsh	--	0.08 acre	0.08 acre
	Unvegetated	1.28 acres	0.14 acre	1.42 acres
Harrison Basin	Vegetated	0.46 acre	0.20 acre	0.66 acre
	Unvegetated and Non-native grassland	0.13 acre	--	0.13 acre
Twin Creek Spreading Grounds	Vegetated	0.43 acre	--	0.43 acre
	Unvegetated	11.18 acres	--	11.18 acres
Daley Basin	Vegetated	0.01 acre	--	0.01 acre
	Unvegetated	1.92 acres	--	1.92 acres
Little Sand Canyon Basin	Vegetated	0.02 acre	--	0.02 acre
	Unvegetated	0.77 acre	--	0.77 acre
Sand Canyon Basin	Vegetated	0.70 acre	--	0.70 acre
	Unvegetated	0.10 acre	--	0.10 acre
Small Canyon Dam	Vegetated	--	--	--
	Unvegetated	0.03 acre	0.25 acre	0.28 acre
Dynamite Basin	Vegetated	--	--	--
	Unvegetated	1.40 acres	0.05 acre	1.45 acres
Cook Canyon Basin	Vegetated	--	--	--
	Unvegetated and Non-native grassland	0.07 acre	--	0.07 acre
Oak Creek Basin	Vegetated	0.07 acre	--	0.07 acre
	Unvegetated	0.01 acre	--	0.01 acre
Wilson Creek Basin #1	Vegetated	1.61 acres	--	1.61 acres
	Unvegetated	--	--	--
Oak Glen Creek Basin # 1	Vegetated	--	--	--
	Unvegetated	0.70 acre	0.15 acre	0.85 acre
	Vegetated	--	--	--

Oak Glen Creek Basin # 2	Unvegetated	0.66 acre	--	0.66 acre
Oak Glen Creek Basin # 3	Vegetated	--	--	--
	Unvegetated	1.99 acres	0.00 acre	1.99 acre

Table 5: Total Project Fill/Excavation Quantity	
Aquatic Resource Type	Temporary Impacts Degradation of Ecological Condition Only Acres
Native Vegetated Non-wetland WOTUS	7.40 acres
Native Vegetated Wetland WOTUS	0.20 acres
Vegetated Marsh Non-wetland WOTUS	0.76 acre
Vegetated Marsh Wetland WOTUS	2.13 acres
Unvegetated or Non-native Grassland Non-wetland WOTUS	117.27 acres
Unvegetated Wetland WOTUS	0.59 acre

VIII. Description of Indirect Impacts to Waters of the State

The Santa Ana Water Board recognizes the potential for indirect impacts to waters of the State associated with the Project. Downstream impacts may occur when sediment, specifically coarse sediment, is removed from upstream stream systems. Such activity could degrade the RARE, WARM, and WILD beneficial uses of downstream waters.

IX. Compensatory Mitigation

The Permittee has agreed to provide, as described in section H, compensatory mitigation for direct temporary impacts to WOTUS.

X. California Environmental Quality Act (CEQA)

Pursuant to California Code of Regulations, Title 14, Chapter 3, section 15096, as a Responsible Agency, the Santa Ana Water Board is required to consider an Environmental Impact Report or Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the lead agency to determine whether to certify a Project. A responsible agency has responsibility to mitigate and avoid only the direct and indirect environmental effects of those parts of the project that it decides to carry out, finance, or approve. Further, the responsible agency must make findings as required by section 15091 and, if necessary, section 15093 for each and every significant impact of the project.

On October 6, 2015, the San Bernardino County Flood Control District, as lead agency, adopted an IS/MND for the Project and filed a Notice of Determination (NOD) with the Governor's Office of Planning and Research's State Clearinghouse on October 15, 2018. As required by section 15096, in approving this Certification, the Santa Ana Water Board has considered the IS/MND adopted by the San Bernardino County Flood Control District and subsequent information provided by the Permittee. More specifically, the Santa Ana Water Board considered those sections of the IS/MND pertaining to impacts to water quality standards. Based on the mitigation proposed in the IS/MND and the Conditions set forth in this Certification, potentially adverse impacts to water quality standards should be reduced to a less than significant level and beneficial uses protected, if all stated mitigation and conditions are performed.

XI. Petitions for Reconsideration

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.

XII. Fees Received

An application fee of $90,000 was received on October 27, 2015. The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

XIII. Conditions

The Santa Ana Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds 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 at each location shall not exceed quantities shown in Tables 4 and 5.

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 B, including specifications for photo and map documentation during Project construction. Written reports and notifications shall be submitted using the *Reporting and Notification Cover Sheet* located in Attachment B and signed by the Permittee or an authorized representative.

1. Project Reporting:

a. **Annual Reporting.** The Permittee shall submit an Annual Report each year on the anniversary of the effective date. The Annual Report shall describe any ongoing maintenance activities and restoration status. Amount of sediment removed shall be itemized by facility and destination of sediment shall be included in the annual report. Annual reporting shall continue until a *Notice of Project Complete Letter* is issued to the Permittee.

b. In conjunction with the annual report, a field visit with Permittee staff and Santa Ana Water Board staff shall be conducted upon request by Santa Ana Water Board staff to examine the facilities within this Certification.

2. Project Status Notifications:

a. **Commencement of Construction.** The Permittee shall submit a monthly notification to the Santa Ana Water Board by the first working day of the month identifying location, activities, and planned dates of activities permitted by this Certification planned in the month. Compliance with any location specific special conditions shall be included with the monthly notification.

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 Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities. Upon acceptance of the request, Santa Ana Water Board staff will issue to the Permittee a *Notice of Completion of Discharges Letter*, which will end the active discharge period and, if appropriate, 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 any required post-construction monitoring is complete[2] and no further Project activities will occur. This request shall be submitted to Santa Ana Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the Santa Ana Water Board staff will issue to the Permittee a *Notice of Project Complete Letter*, 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 Materials[3].** Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code section 13271):

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then the Permittee shall:
- 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 Santa Ana Water Board, as soon as practicable (ideally within twenty-four [24] hours). Notification may be via telephone, email, delivered written notice, or other verifiable means.

[2] Completion of post-construction monitoring will be determined by Santa Ana Water Board staff and will be contingent on successful attainment of restoration and mitigation performance criteria.

[3] "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 and Safety Code section 25501.)

iii. Within five (5) working days of notification to the Santa Ana Water Board, the Permittee shall submit an *Accidental Discharge of Hazardous Material Report.*

b. **Violation of Compliance with Water Quality Standards.** The Permittee shall notify the Santa Ana Water Board of any event causing a violation of compliance with water quality standards. Notification may be via telephone, email, delivered written notice, or other verifiable means.

i. Examples of noncompliance events include: lack of storm water treatment following a rain event, discharges causing a visible plume in a water of the State, and water contact with uncured concrete.

ii. This notification shall be followed within three (3) working days by submission of a *Violation of Compliance with Water Quality Standards Report* to the Santa Ana Water Board.

c. **In-Water Work.**

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

ii. Within three (3) working days following completion of work in water or stream diversions, the Permittee shall submit an *In-Water Work/Diversions Water Quality Monitoring Report* to Santa Ana Water Board staff.

d. **Modifications to Project.** Project modifications may require an amendment of this Order. The Permittee shall give advance notice to Santa Ana Water Board staff by submitting a *Modifications to Project Report*, 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. The Permittee shall inform Santa Ana 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 Santa Ana Water Board in accordance with the following terms:

i. The Permittee shall notify the Santa Ana 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 shall sign and date the notification and provide such notification to the Santa Ana Water Board at least ten (10) days prior to the transfer of ownership. The purchaser shall also submit a written request to the Santa Ana Water Board to be named as 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 Best Management Practices (BMPs) Maintenance.** If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee shall submit to the Santa Ana Water Board a copy of such documentation and shall provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee shall provide such notification to the Santa Ana Water Board with a *Transfer of Long-Term BMP Maintenance Report* at least ten (10) days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. **General:** If surface water is present, continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g., oil, grease, turbidity plume, or uncured concrete).

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, Santa Ana Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. **In-Water Work or Diversions:** During planned work in water or stream diversions any discharge(s) to waters of the State shall conform to the following water quality standards.

   a. **Oil and Grease.** Waste discharges shall not result in deposition of oil, grease, wax, or other material in concentrations that result in a visible film or in coating objects in the water, or that cause a nuisance or adversely affect beneficial uses.

   b. **Oxygen.** As a result of controllable water quality factors, the dissolved oxygen content of surface waters shall not be depressed below 5 mg/L for waters designated WARM. In addition, waste discharge shall not cause the median dissolved oxygen concentration to fall below 85% of saturation or the 95th percentile concentration or fall below 75% of saturation or the 95th percentile concentration or fall below 75% of saturation within a 30-day period.

   c. **pH.** The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharge.

   d. **Turbidity.** Increases in turbidity that result from controllable water quality factors shall comply with the following: where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 10 NTU, and where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent. Measurements of turbidity shall be taken 100 feet downstream of Project activities.

   e. **Temperature.** As a result of controllable water quality factors, the temperature of waters designated WARM shall not be raised above 90°F June through October or above 78°F during the rest of the year. The temperature of waters designated COLD shall not be increased by more than 5°F as a result of controllable water quality factors.

Sampling shall be conducted in accordance with Table 6 sampling parameters.[4]

Table 6: Sample Type and Frequency Requirements			
Parameter	Unit of Measurement	Type of Sample	Minimum Frequency
Oil and Grease	N/A	Visual	Continuous
Dissolved Oxygen	mg/L & % saturation	Grab	Once per day during in-water work
pH	Standard Units	Grab	Once per day during in-water work
Turbidity	NTU	Grab	Once per day during in-water work
Temperature	°F (or as °C)	Grab	Once per day during in-water work

Baseline sampling shall be conducted at least at one location within the Project boundary. All other sampling shall take place at a minimum of two locations; the sample locations shall be upstream and downstream of the construction area. Results of the analyses shall be submitted to the Santa Ana Water Board by the 15th day of each subsequent sampling month. A map or drawing indication the locations of sampling points shall be included with each submittal.

D. Standards

1. This Certification will remain valid until the USACE 2017 Nationwide Permits expire on March 18, 2022, or through an extended period beyond the expiration date that is authorized in writing by the USACE.

2. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, chapter 28, Article 6 commencing with sections 3867-3869, inclusive. Additionally, the Santa Ana Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the Santa Ana Water Board determines: that the Project fails to comply with any of the conditions of this Order; or when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Water Code sections 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of State law.

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

3. 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.

4. 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.

5. This Certification does not authorize emergency repair activities. The Permittee is required to apply for separate Certification authorization to perform emergency repairs, should they be necessary.

6. 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, processes, 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. If the conditions of this Order are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Santa Ana Water Board may require that the Permittee submit a *Report of Waste Discharge* and obtain *Waste Discharge Requirements*.

3. Permitted actions shall not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters, as adopted in the Basin Plan and subsequent Basin Plan Amendments or in any applicable State Water Resources Control Board water quality control plan or policy. The source of any such discharge shall be eliminated as soon as practicable.

4. In response to a suspected violation of any condition of this Order, the Santa Ana Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Santa Ana Water Board deems appropriate, provided that the burden, including costs, of the reports 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.

5. The Permittee shall, 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.

6. 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.

7. **Construction General Permit Requirement:** The Permittee shall maintain compliance with conditions described in and required by NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) and any subsequent approvals.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment C of this Order.

2. This Order does not authorize any act that results in the taking of a threatened, endangered, or candidate species, or any act that is now prohibited or becomes prohibited in the future under either the California Endangered Species Act (Fish and Game Code sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any act authorized under this Order held by the Permittee, the Permittee shall 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 Santa Ana 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. Electronic or hard copies of this Order shall be available 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 shall 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 location at the Project site.

6. **Lake and Streambed Alteration Agreement:** The Permittee shall submit a signed copy of the California Department of Fish and Wildlife's lake and streambed alteration agreement to the Santa Ana Water Board immediately upon execution and prior to any discharge to waters of the State.

G. Construction

1. **Dewatering:** Construction dewatering discharges, including temporary stream diversions necessary to carry out the Project, are subject to regulation by Santa Ana Water Board Order No. R8 2015-0004, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimis) Threat to Water Quality. For more information, please review Order No. R8-2015-0004 at https://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2015_orders.html.

2. **Good Site Management "Housekeeping":**

   a. BMPs for effective perimeter control shall be in place at all times to control the discharge of pollutants from the Project site during construction. Construction waste shall be contained and protected against wind and exposure to storm water at all times, unless being actively handled. Chemical, fuel, and lubricant containers shall be kept closed and protected from damage or upset at all times, unless being actively used. Dirt and landscaping material stockpiles shall have effective erosion control BMPs in place to prevent their transport in storm water or directly into the channel and shall not be located in any WOTUS. Discharges of wastewater from the Project site are prohibited.

   b. Substances resulting from Project-related activities and that could be harmful to aquatic life shall not be discharged to soils or waters of the State. These substances include but are not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof. All waste concrete shall be removed from the Project site.

   c. Motorized equipment shall not be maintained or parked in or near any stream crossing, channel, or lake margin in such manner that petroleum products or other pollutants from the equipment might enter these areas under any flow conditions. Vehicles shall not be driven, or equipment shall not be operated on-site in waters of the State onsite, except as necessary to complete the proposed Project.

   d. Prior to construction activities, the Permittee shall delineate WOTUS to be avoided with brightly colored fencing or other methods to ensure temporary impacts to WOTUS and waters of the State do not exceed the limits authorized in this Certification.

3. **Hazardous Materials:** During construction activities, the Permittee shall comply with local, State, and federal laws and regulations regarding the handling and storage of hazardous substances.

4. **Invasive Species and Soil Borne Pathogens:** BMPs to stabilize disturbed soils shall include the use of native plant species whenever feasible.

5. **Special Status Species:**

   a. To avoid impacts to the RARE beneficial use, a biologist familiar with southern California small mammals and their signs shall survey each area prior to soil disturbing activities at Deer Creek Debris Basin (362015-42), Day Creek Spreading Grounds (362015-44), Etiwanda Debris Basin (362015-45), Devil Canyon Dam (362015-47), Devil Basin # 2 (362015-48), Devil Canyon Basin # 3 (362015-49) and Wiggins Basin (362015-50). If burrows or other signs indicating the presence of San Bernardino kangaroo rat (Dipodomys merriami parvus) are observed, a work exclusion buffer of at least 250 feet shall be established from the burrow or sign, and the biologist shall monitor the work.

   b. A biologist familiar with all life stages of the arroyo toad (Anaxyrus californicus) shall survey any proposed work area prior to soil disturbing activities at Cucamonga Dam (362015-39). If any life stage of arroyo toad were to be detected in the work area, a plan to avoid impacts to the RARE beneficial use shall be developed by the Permittee for approval by the Santa Ana Water Board prior to the commencement of maintenance activities at Cucamonga Dam.

   c. An ornithologist familiar with southern California riparian bird species shall survey the proposed work area prior to soil disturbing activities at Little Sand Canyon Basin (362015-57). If any rare bird individuals (federally- or State-listed) were to be detected in the surveys, a plan to avoid impacts to the RARE beneficial use shall be developed by the Permittee for approval by the Santa Ana Water Board prior to the commencement of maintenance activities at Little Sand Canyon Basin.

6. **Storm Water:** The Project shall comply with the local regulations associated with the Santa Ana Water Board's Municipal Stormwater Permit issued to San Bernardino County and co-permittees under NPDES No. CAS618036 and Waste Discharge Requirements Order No. R8-2010-0036, and subsequent iterations thereof.

H. Mitigation for Temporary Impacts

1. Compensatory mitigation for Project temporary impacts to WOTUS shall be accomplished by the purchase of mitigation credits. In-lieu fee program or mitigation bank enhancement credits shall be purchased to offset temporary impacts to WOTUS. Information on the total required compensatory mitigation for temporal loss of area is summarized in Table 7.

Table 7: Required Project Mitigation Quantity for Temporary Impacts								
Aquatic Resource Type	Mit. Type[5]	Units	Method[6]					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Stream Channel	ILF/ MB	Acres	--	--	--	10.49	--	--

2. **Purchase of Mitigation Credits by Permittee for Compensatory Mitigation:**

   a. A copy of the fully executed agreement for the purchase of the waters enhancement credits shall be provided to the Santa Ana Water Board within thirty (30) days of authorized impacts.

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

XIV. Water Quality Certification

I hereby issue the Amended Order (SARWQCB WDID #s 362015-32 through 362015-66) for the *First Line of Defense Basin Maintenance* Project. This Order certifies that 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), as long as all of the conditions listed in the Order are met.

This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code sections 13000 et seq.).

[5] Mitigation type for onsite restoration of temporary impacts is Permittee Responsible (PR).

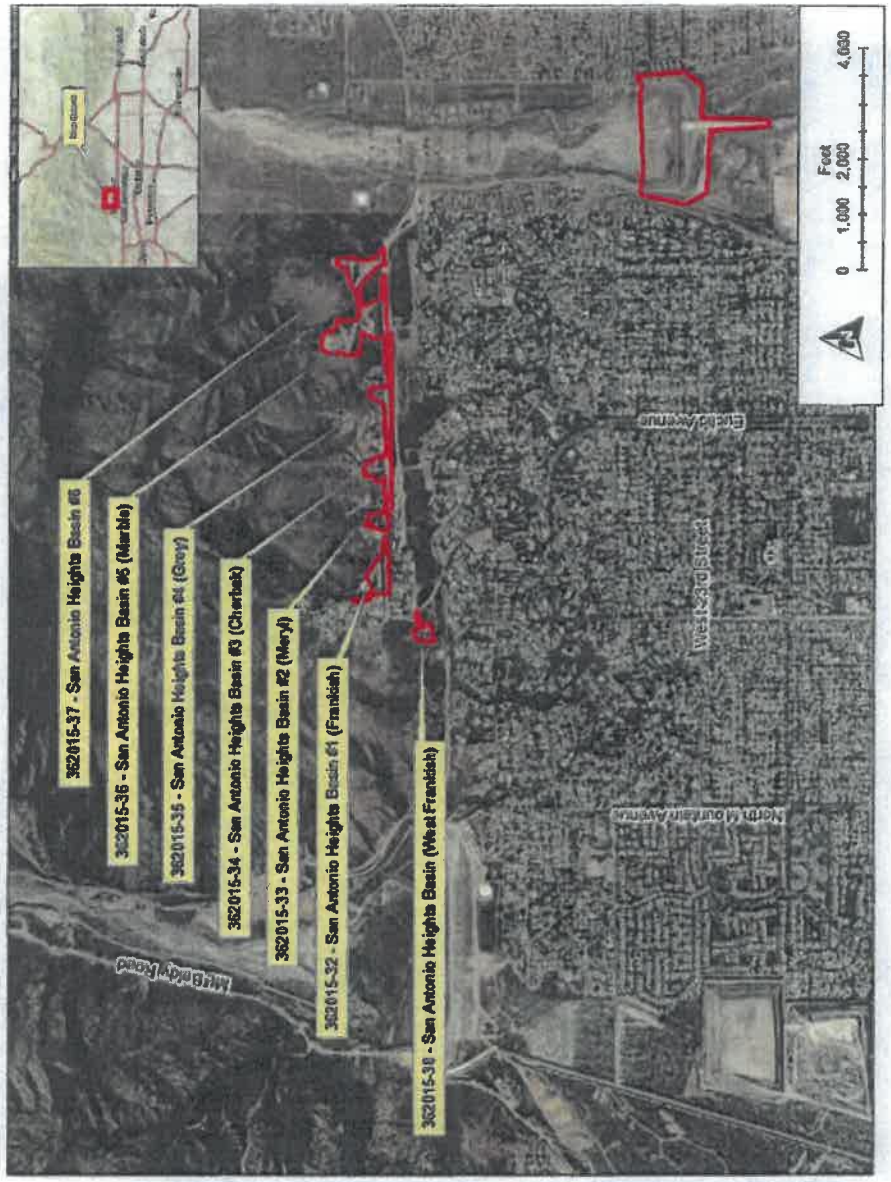
[6] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.). Unknown applies to advance credits with an unknown method and or location.

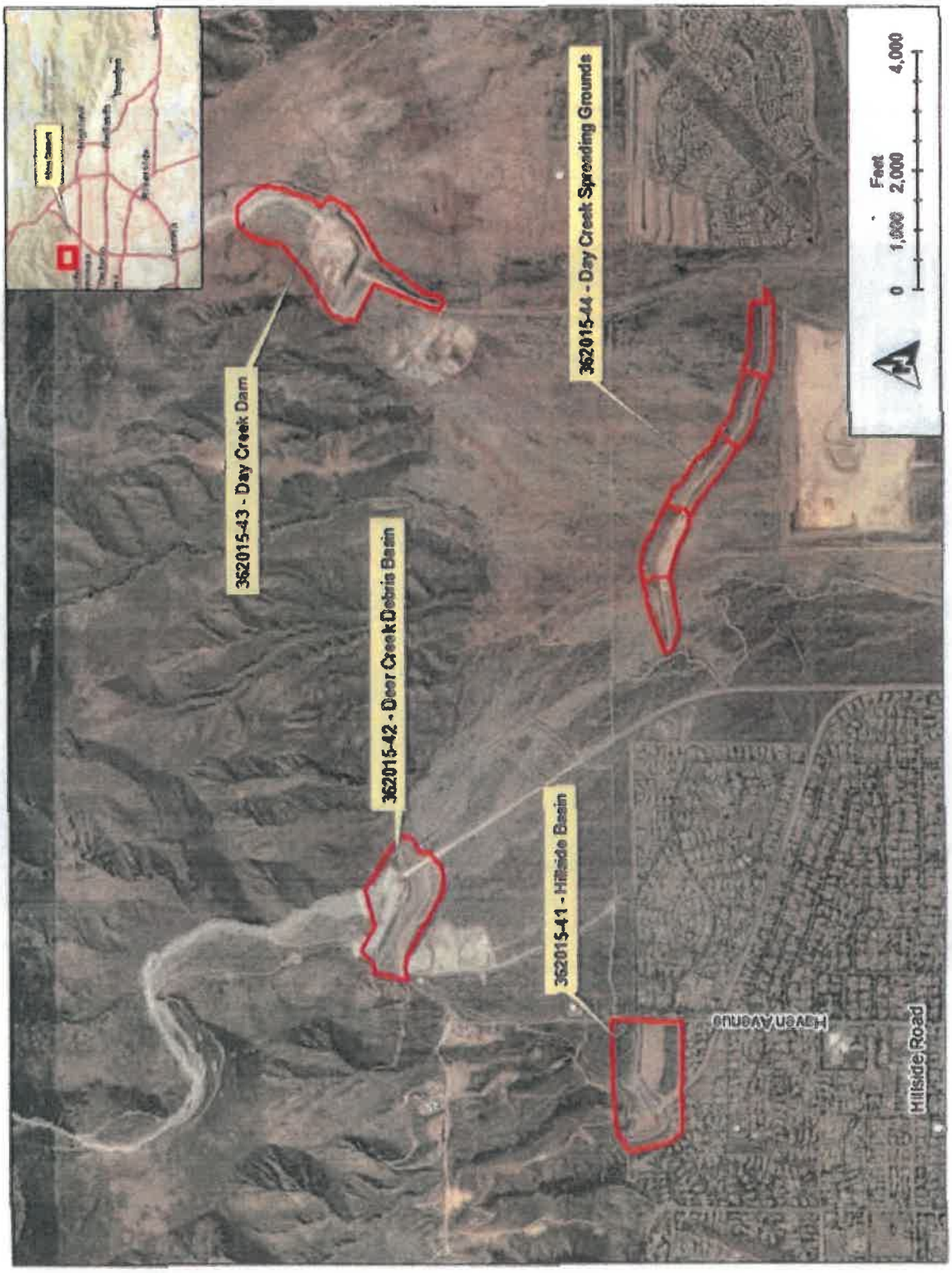
Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and (b) compliance with all applicable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

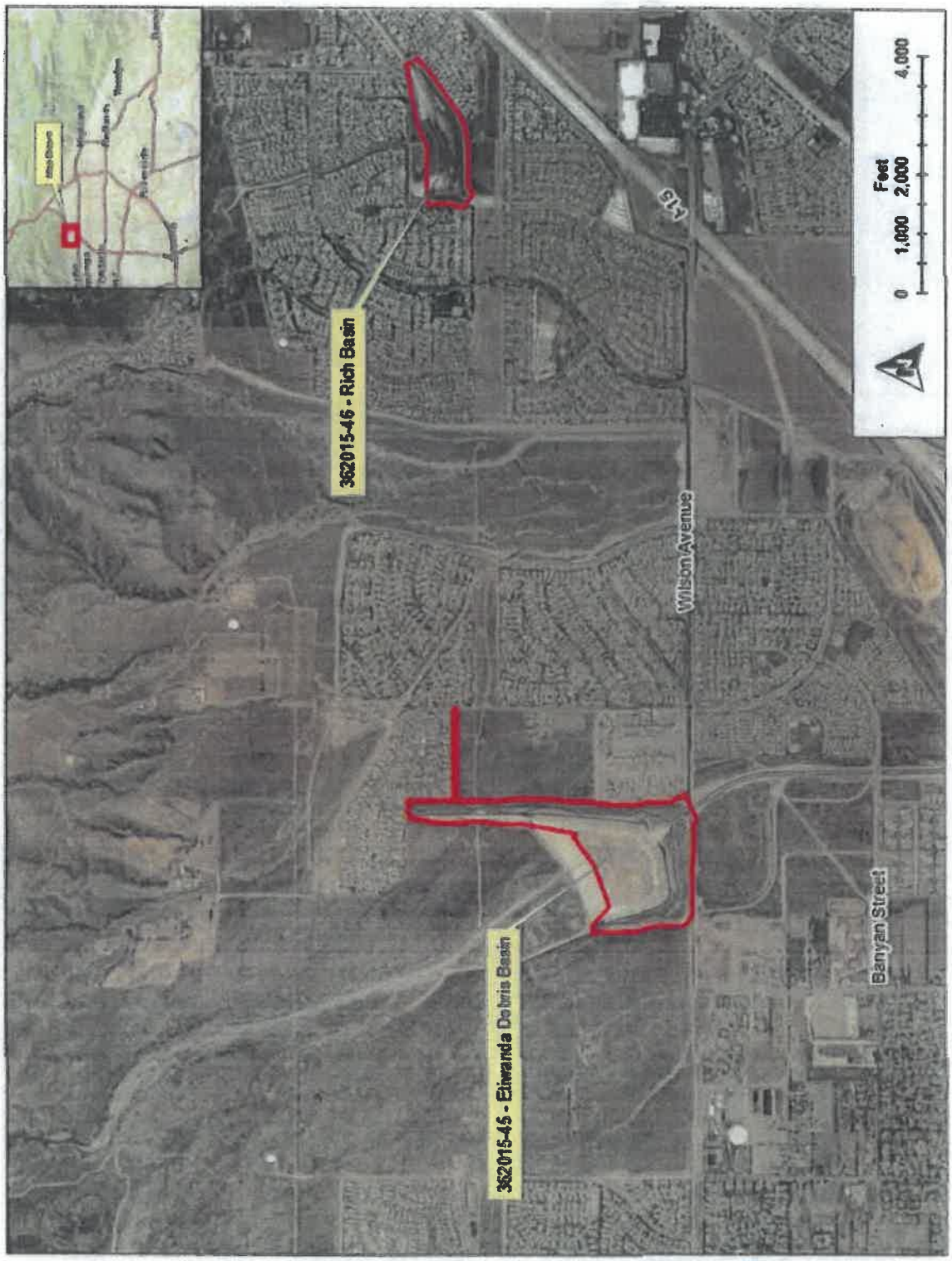
Hope A. Smythe
Executive Officer
Santa Ana Water Quality Control Board

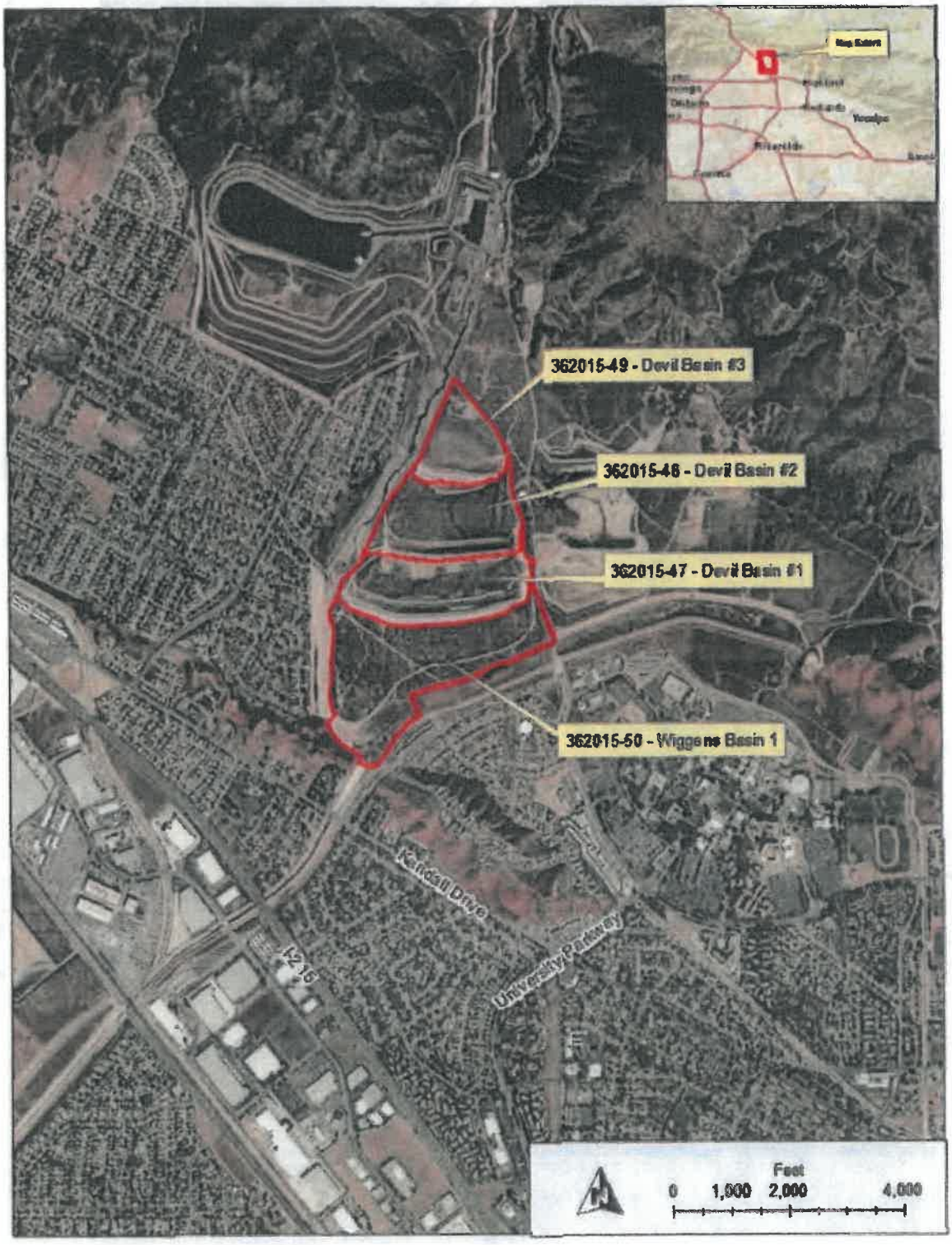
3/5/19
Date

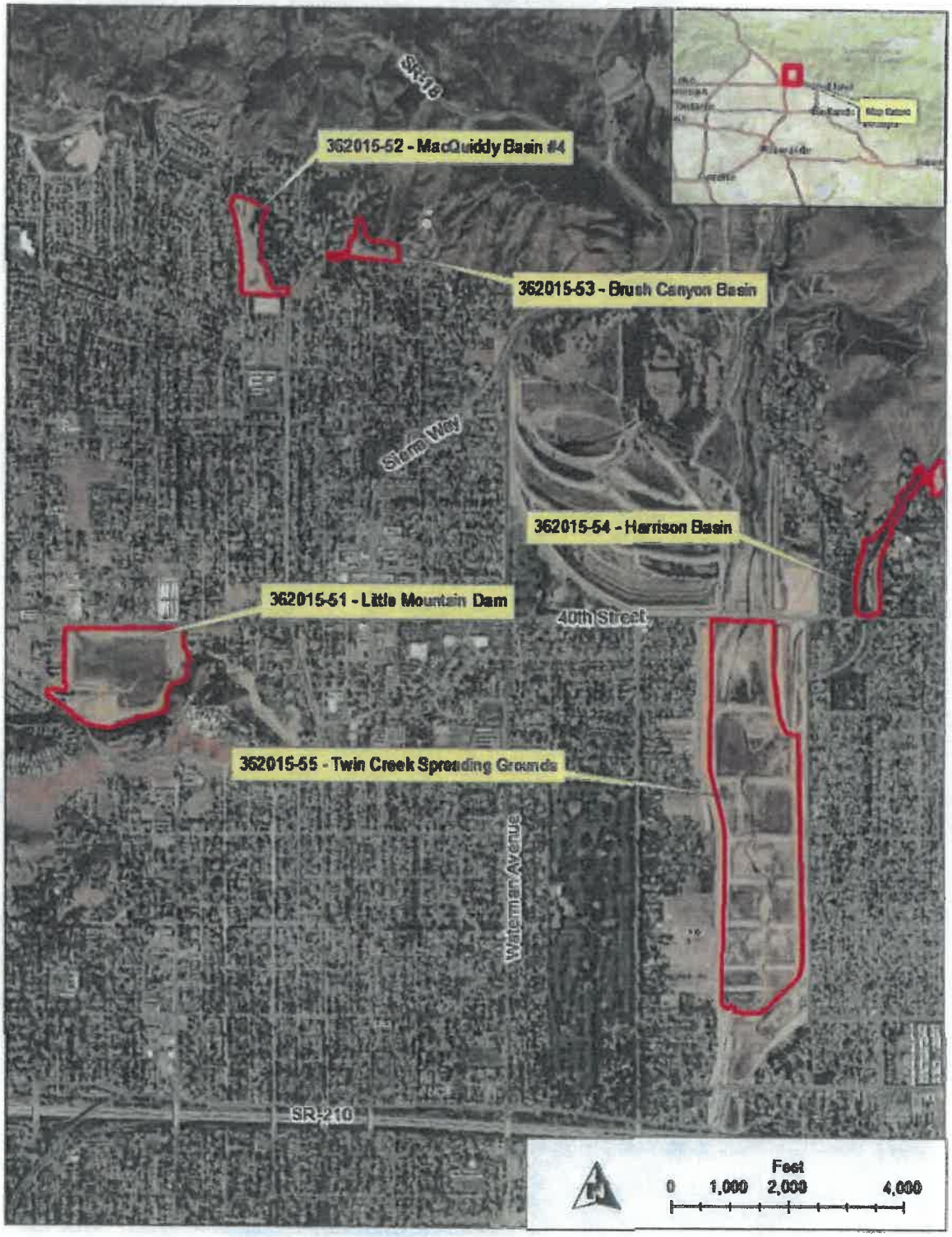
Attachment A Project Map(s)
Attachment B Report and Notification Requirements
Attachment C Signatory Requirements

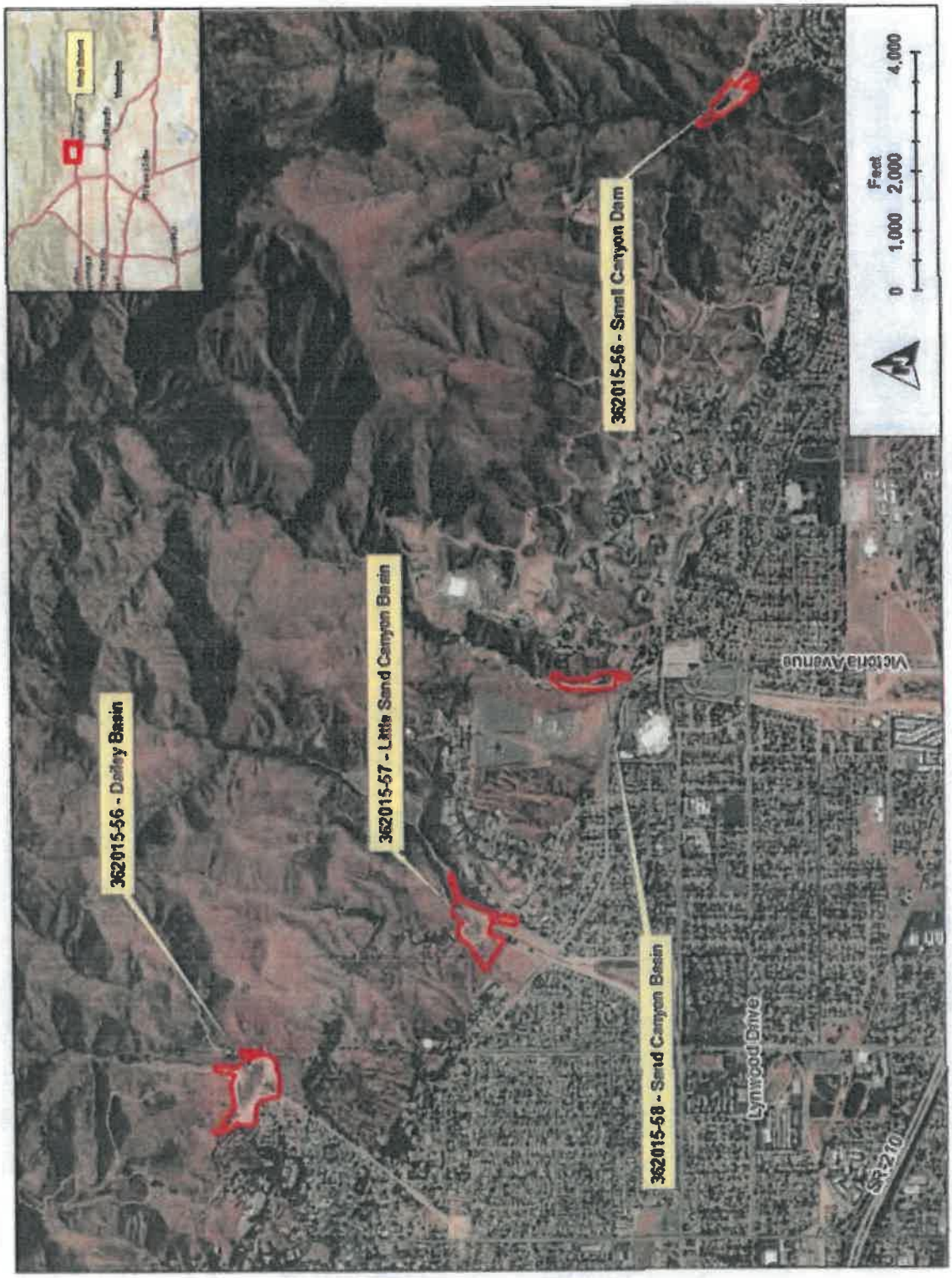

362015-37 - San Antonio Heights Basin #6
362015-36 - San Antonio Heights Basin #5 (Marble)
362015-35 - San Antonio Heights Basin #4 (Grey)
362015-34 - San Antonio Heights Basin #3 (Chestnut)
362015-33 - San Antonio Heights Basin #2 (Meryl)
362015-32 - San Antonio Heights Basin #1 (Franklin)
362015-38 - San Antonio Heights Basin (West Franklin)
Mills Lady Road
Euclid Avenue
West 13th Street
North Mountain Avenue
0 1,000 2,000 4,000
Feet

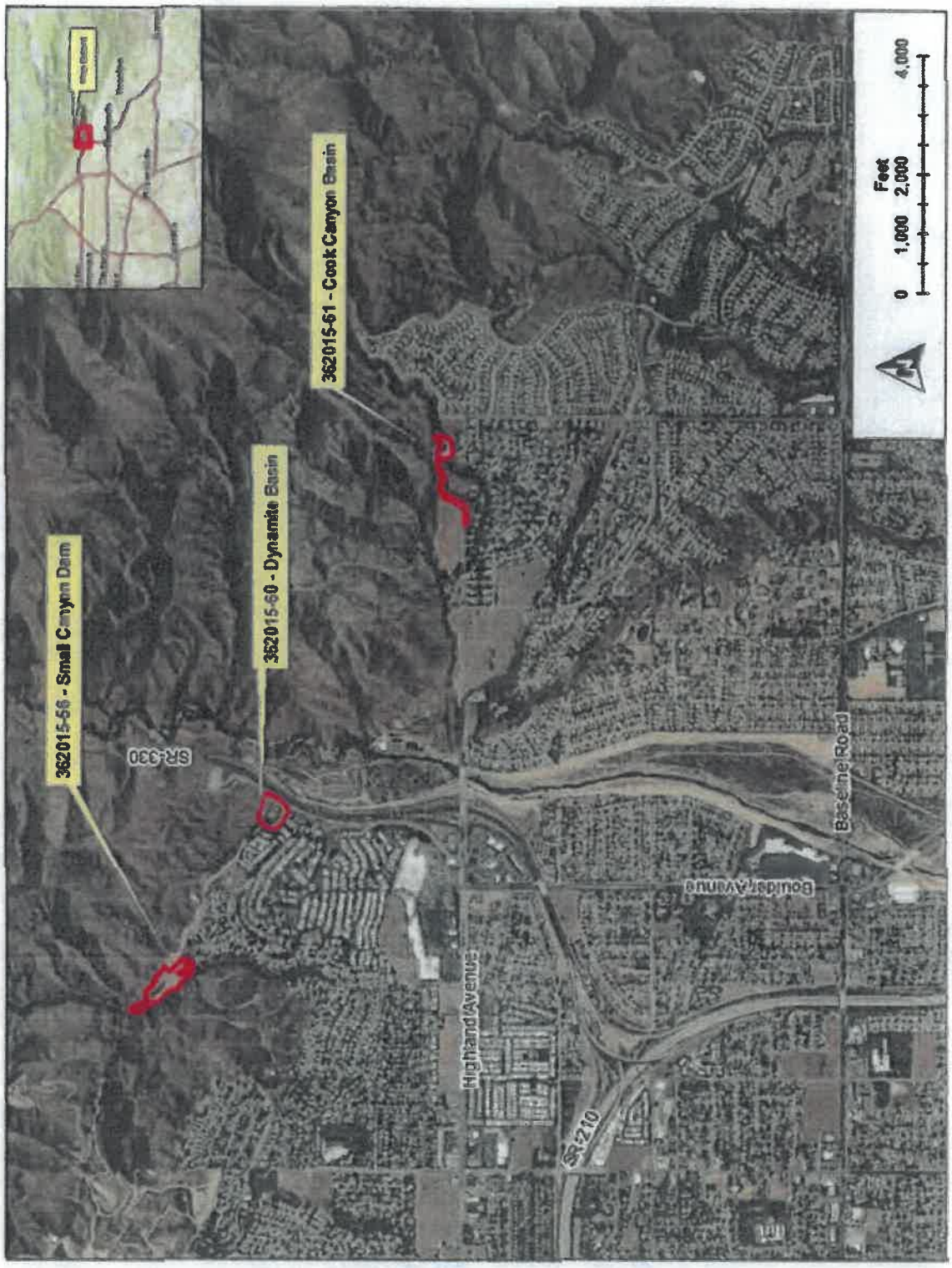

362015-43 - Day Creek Dam
362015-44 - Day Creek Spreading Grounds
362015-42 - Deer Creek Debris Basin
362015-41 - Hillside Basin
Haven Avenue
Hillside Road
0 1,000 2,000 4,000
Feet

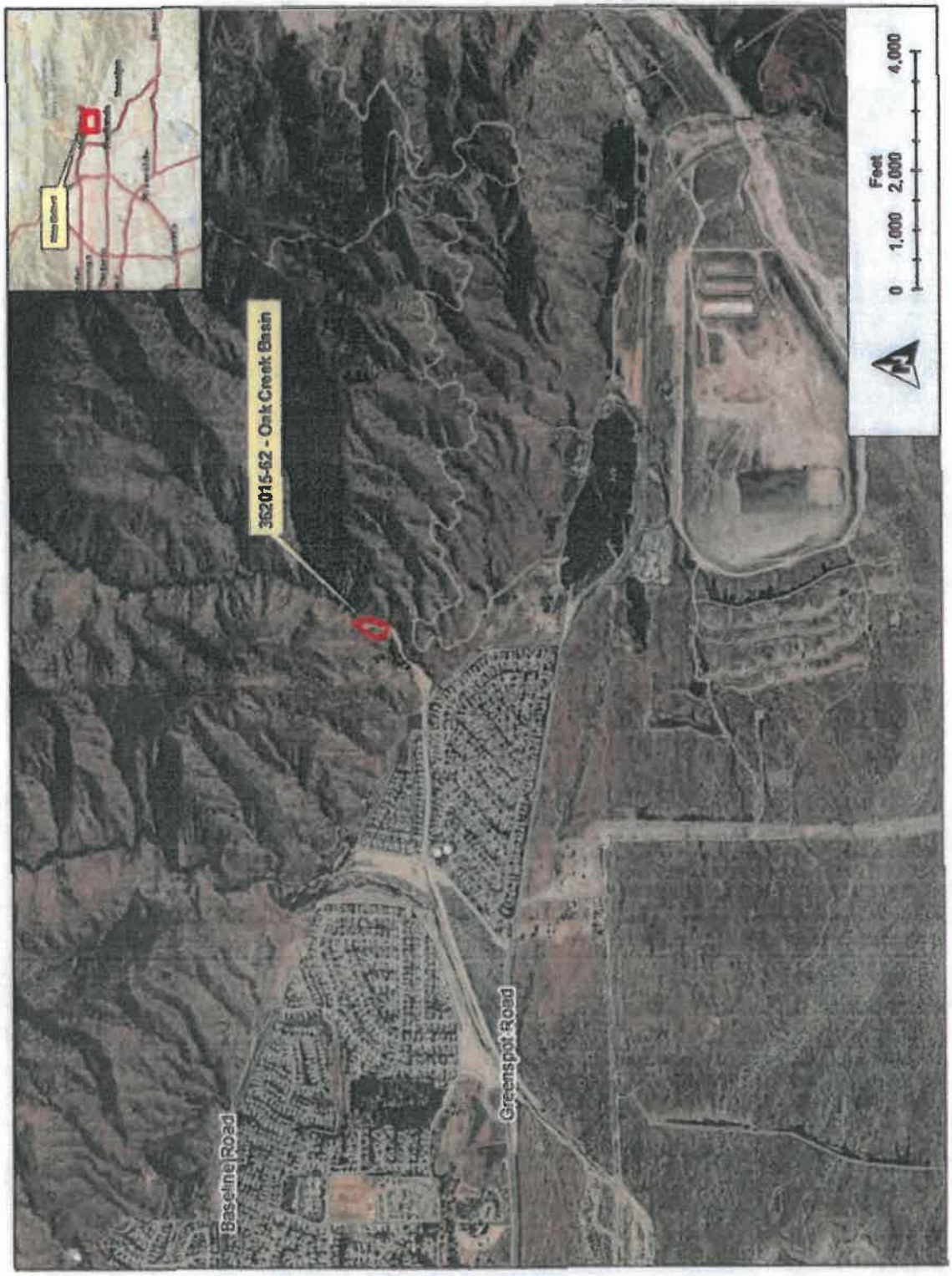

362015-46 - Rich Basin
362015-45 - Elwanda Debris Basin
Wilson Avenue
Banyan Street
SR-4
Feet
0
1,000
2,000
4,000

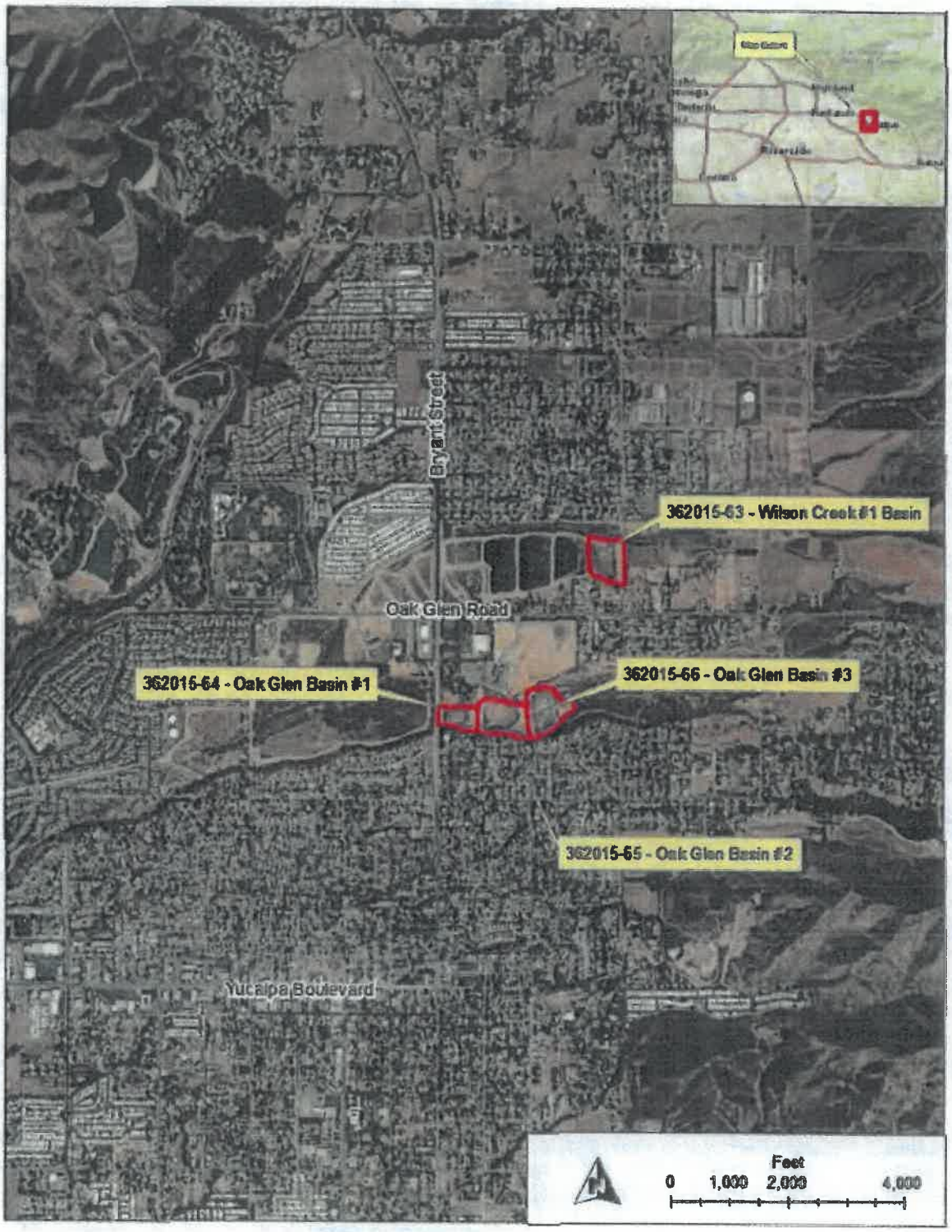

362015-49 - Devil Basin #3
362015-48 - Devil Basin #2
362015-47 - Devil Basin #1
362015-50 - Wiggens Basin 1
Kendall Drive
University Parkway
I-215
Feet
0 1,000 2,000 4,000


362015-52 - MacQuiddy Basin #4
362015-53 - Brush Canyon Basin
362015-54 - Harrison Basin
362015-51 - Little Mountain Dam
362015-55 - Twin Creek Spreading Grounds
Slama Way
40th Street
Waterman Avenue
SR-210
Feet
0
1,000
2,000
4,000


362015-56 - Small Canyon Dam
362015-57 - Little Sand Canyon Basin
362015-56 - Dalley Basin
362015-58 - Sand Canyon Basin
Victoria Avenue
Lynwood Drive
SR-210
0
1,000
2,000
4,000
Feet


362015-61 - Cook Canyon Basin
362015-60 - Dynamite Basin
362015-56 - Small Canyon Dam
SR-330
Baseline Road
Boulder Avenue
Highland Avenue
SR-210
Feet
0
1,000
2,000
4,000
N


362015-62 - Oak Creek Basin
Baseline Road
Greenspot Road
0 1,000 2,000 4,000
Feet
N


Bryant Street
362015-63 - Wilson Creek #1 Basin
Oak Glen Road
362015-64 - Oak Glen Basin #1
362015-66 - Oak Glen Basin #3
362015-65 - Oak Glen Basin #2
Yucaipa Boulevard
Feet
0
1,000
2,000
4,000

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. You may download a copy of the Cover Sheet from https://www.waterboards.ca.gov/santaana/water_issues/programs/401_certification/ (go to *Resources for Applicants* and select *Report and Notification Cover Sheet*).

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):** 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 Santa Ana 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: Jason.Bill@waterboards.ca.gov or other Santa Ana Water Board Certification staff.
    - Include in the subject line of the email:
      Subject: ATTN: 362015-32 to-66 First Line of Defense Basins Maintenance;
      Reg. Measure ID: Various 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 Santa Ana Water Board staff pertains to projects that have post construction monitoring requirements (e.g., if site restoration were required to be monitored for five (5) years following construction). Santa Ana 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 Santa Ana 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. Santa Ana 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 Santa Ana 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 shall depict the boundaries of all Project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and, if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.
   - **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps shall 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 shall 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 shall 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:	First Line of Defense Basins Maintenance
Permittee:	San Bernardino County Flood Control District
SARWQCB WDID:	362015-32 to -66
Reg. Meas. ID:	Various **Place ID:** Various
Order Effective Date:	March 5, 2019

Report Type Submitted

Part A – Project Reporting	
Report Type 1	☐ **Annual Report**
Part B - Project Status Notifications	
Report Type 2	☐ **Commencement of Construction**
Report Type 3	☐ **Request for Notice of Completion of Discharges Letter**
Report Type 4	☐ **Request for Notice of Project Complete Letter**
Part C - Conditional Notifications and Reports	
Report Type 5	☐ **Accidental Discharge of Hazardous Material Report**
Report Type 6	☐ **Violation of Compliance with Water Quality Standards Report**
Report Type 7	☐ **In-Water Work and Diversions Water Quality Monitoring Report**
Report Type 8	☐ **Modifications to Project Report**
Report Type 9	☐ **Transfer of Property Ownership Report**
Report Type 10	☐ **Transfer of Long-Term BMP Maintenance Report**

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

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

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

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

_____ _____
Permittee's Signature Date

[1]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	**Annual Report**
Report Purpose	Notify the Santa Ana 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 by effective date. Annual reports shall continue until a *Notice of Project Complete Letter* is issued to the Permittee.
Report Contents	The contents of the annual report shall include the topics indicated below for each Project period. Report contents are outlined in Annual Report Topics below. **<u>During the Active Discharge Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3: Compensatory Mitigation for Permanent Impacts Status** **<u>During the Post-Discharge Monitoring Period</u>** • **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	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: 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	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**
When to Submit	With the annual report during both the Active Discharge Period and Post-Discharge Monitoring Period.
Report Contents	***If not applicable report N/A.** **Part A. Permittee Responsible** 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. **Part B. Mitigation Bank or In-Lieu Fee (ILF)** 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 2	Commencement of Construction
Report Purpose	Notify Santa Ana 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	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.

Report Type 3	Request for Notice of Completion of Discharges Letter
Report Purpose	Notify Santa Ana 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 Santa Ana Water Board staff within thirty (30) days following completion of all Project construction activities.
Report Contents	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.

Report Type 4	Request for Notice of Project Complete Letter
Report Purpose	Notify Santa Ana 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 Santa Ana Water Board staff within thirty (30) days following completion of all Project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** 1. A report establishing that the performance standards outlined in the restoration plan have been met for Project site upland areas of temporary disturbance that 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 5	Accidental Discharge of Hazardous Material Report
Report Purpose	Notifies Santa Ana 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 Santa Ana Water Board staff.
Report Contents	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 6	Violation of Compliance with Water Quality Standards Report
Report Purpose	Notifies Santa Ana 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 Santa Ana 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 Santa Ana Water Board staff.

Report Type 7	In-Water Work and Diversions Water Quality Monitoring Report
Report Purpose	Notifies Santa Ana Water Board staff of the completion of in-water work.
When to Submit	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
Report Contents	As required by the approved water quality monitoring plan.

Report Type 8	Modifications to Project Report
Report Purpose	Notifies Santa Ana 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.

Report Type 9	Transfer of Property Ownership Report
Report Purpose	Notifies Santa Ana Water Board staff of change in ownership of the Project or Permittee-responsible mitigation area.
When to Submit	At least ten (10) working days prior to the transfer of ownership.
Report Contents	1. A statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts: 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 BMP[1] maintenance plan requirements in this Order. 2. A statement that the Permittee has informed the purchaser to submit a written request to the Santa Ana Water Board to be named as the permittee in a revised order.

Report Type 10	Transfer of Long-Term BMP Maintenance Report
Report Purpose	Notifies Santa Ana Water Board staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least ten (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.

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

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 Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) shall be signed and certified as follows:

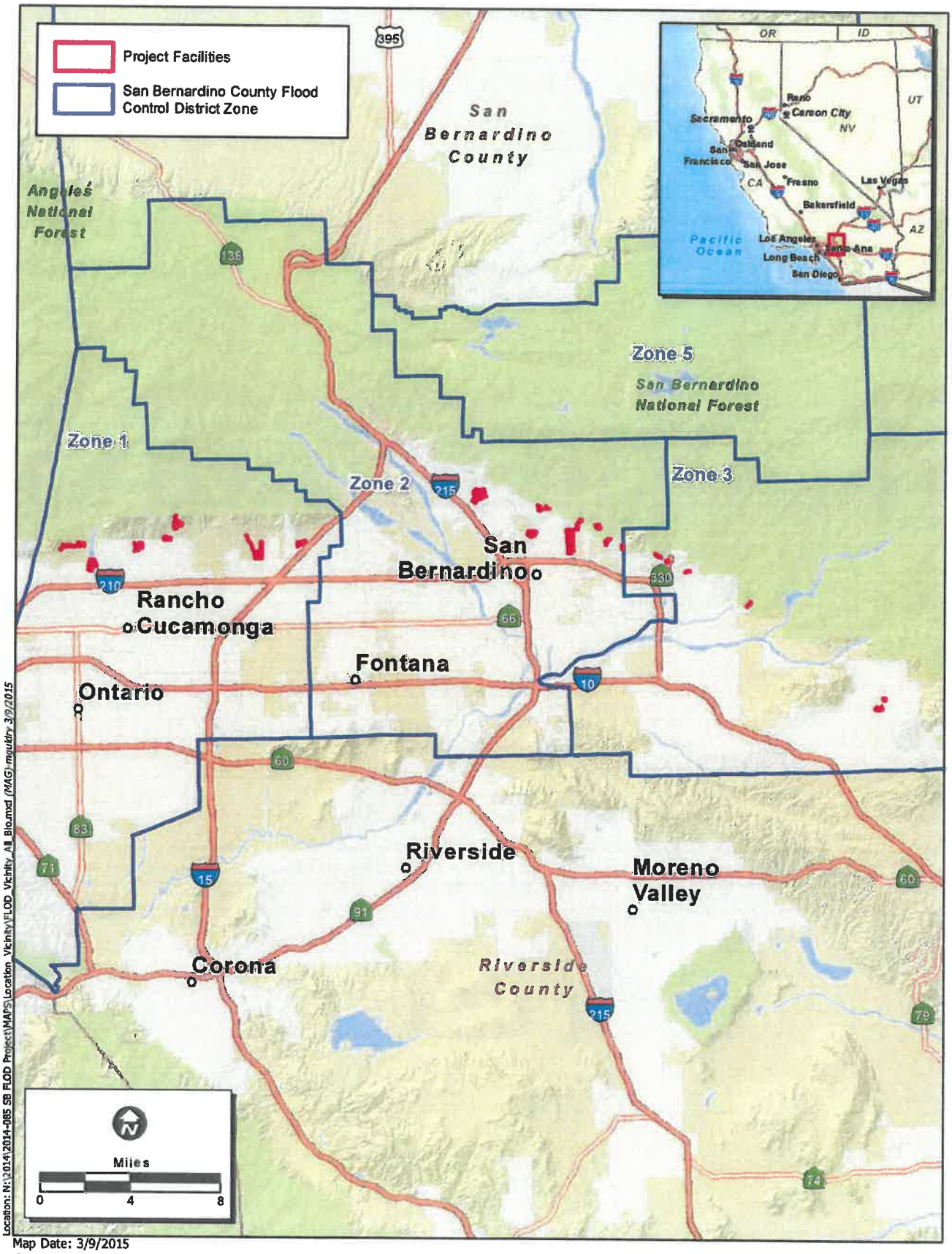
   a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
   b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
   c) For a municipality, or a State, federal, or other public agency, by either a principal executive officer 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 Santa Ana 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."



Map Date: 3/9/2015

Service Layer Credits: Sources: USGS, ESRI, TANA, AND

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Figure 1.1 Regional Map

2014-085 San Bernardino County FLOD Project

SLamb@SRMA-CA.org

From: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Sent: Tuesday, June 30, 2020 1:02 PM
To: Veronika Archer
Cc: Perry, Michael - DPW; Egle, Patrick
Subject: RE: FLOD mitigation credits (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Veronika,

I've finished up the revised checklists. In comparing the various drafts, I ended up using the available Soquel buffer and stream credits for the lower value resource impacts and the ILFP stream credits for impacts to higher value resources. This resulted in just a slight increase in credits to be purchased from the ILFP.

The final compensatory mitigation requirements are:

Soquel Canyon mitigation bank - 1.31 acres perennial stream system enhancement credits, 7.03 acres intermittent stream system enhancement credits Santa Ana River Watershed ILFP - 3.21 acres riparian perennial stream re-establishment credits

All the best,

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
Los Angeles, California 90017
shannon.l.pankratz@usace.army.mil

Office: 213-452-3412
Government Mobile: 213-453-8586

IMPORTANT NOTE: During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:
https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.spl.usace.army.mil%2FPortals%2F17%2Fdocs%2Fpublicnotices%2FCOVID19%2520Regulatory_SPN.pdf%3Fver%3D2020-03-19-134532-833&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404051296&sdata=aZzXib3eSDA6ZltyG9TAqn%2BqbBH4Vqt%2Fyos1O5HTrrU%3D&reserved=0

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fcorpsmapu.usace.army.mil%2Fcm_apex%2Ff%3Fp%3Dregulatory_survey&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404051296&sdata=AXrtfWJ7clObi3JBmKTsmW%2BK07sba2SOtBrcRjFC0OA%3D&reserved=0

-----Original Message-----

From: Pankratz, Shannon L CIV USARMY CESPL (US)
Sent: Thursday, June 25, 2020 11:19 AM
To: Veronika Archer <larcher@dudek.com>
Cc: Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>; Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov>
Subject: RE: FLOD FW: In-Lieu Fee Credit Cost Estimate (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Thanks Veronika,

I should have the revised mitigation checklists prepared by next week. I have been following up with USFWS as to the BO amendment status, and I do not yet have a timeline on when that would be completed on their end. The NWP re-verification issuance timing will ultimately depend on when the re-opened Section 7 process is concluded. I will let you know when I have an idea of their timing.

All the best,

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
Los Angeles, California 90017
shannon.l.pankratz@usace.army.mil

Office: 213-452-3412
Government Mobile: 213-453-8586

IMPORTANT NOTE: During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:
https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.spl.usace.army.mil%2FPortals%2F17%2Fdocs%2Fpublicnotices%2FCOVID19%2520Regulatory_SPN.pdf%3Fver%3D2020-03-19-134532-833&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404051296&sdata=aZzXib3eSDA6ZltyG9TAqn%2BqbBH4Vqt%2Fyos1O5HTrrU%3D&reserved=0

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fcorpsmapu.usace.army.mil%2Fcm_apex%2Ff%3Fp%3Dregulatory_survey&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404051296&sdata=AXrtfWJ7cIObi3JBmKTsmW%2BK07sba2SOtBrcRjFC0OA%3D&reserved=0

-----Original Message-----
From: Veronika Archer [mailto:larcher@dudek.com]
Sent: Wednesday, June 24, 2020 10:44 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Cc: Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>; Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov>
Subject: [Non-DoD Source] RE: FLOD FW: In-Lieu Fee Credit Cost Estimate (UNCLASSIFIED)

Hi Shannon

Thanks for chatting yesterday on this. We understand you'll be rerunning the checklist with the intermittent credits instead of perennial. Since impacts are to ephemeral waters, hopefully this won't change the mitigation!

With regard to your question on timing of the mitigation purchase, the District has to go to the Board to request approval of the funds to purchase the mitigation. We'll need final permits prior to going to the Board and Board agenda items need to be submitted 4 weeks in advance of the meeting. So that all adds up to needing the amended 404 as quickly as possible and no later than 7/21 in order to make the August Board meeting.

Please let me know if you have any questions or if you foresee challenges with that schedule Thank you Veronika

Veronika Archer
M: 909.677.3775
O (direct): 951.300.2181

-----Original Message-----
From: Pankratz, Shannon L CIV USARMY CESPL (US) [mailto:Shannon.L.Pankratz@usace.army.mil]
Sent: Tuesday, June 23, 2020 3:17 PM
To: Veronika Archer <larcher@dudek.com>
Cc: Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>
Subject: RE: FLOD FW: In-Lieu Fee Credit Cost Estimate (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Veronika,

As we have to re-issue the NWP to capture the changes in the upcoming BO amendment, we will at the same time have to change the permit special conditions to reflect current compensatory mitigation requirements. I'm fine with the name change, as long as that has already been approved by the IRT, etc. and is official; but per your other email on the change in credit types to be purchased at Soquel, we will have to re-run all of the mitigation checklists. That includes the one for the "remainder" of credits to be purchased through Santa Ana River Watershed ILFP.

FYI, the "RCRCD" is still reflected in RIBITS..

Thanks,

Shannon Pankratz
Senior Project Manager, Biologist
Regulatory Division, North Coast Branch, Los Angeles and San Bernardino Counties Section Los Angeles District, U.S. Army Corps of Engineers
915 Wilshire Blvd, Suite 930
Los Angeles, California 90017
shannon.l.pankratz@usace.army.mil

Office: 213-452-3412
Government Mobile: 213-453-8586

IMPORTANT NOTE: During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents to any Regulatory staff or office. For further details on corresponding with us, please view our COVID-19 special public notice at:
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833&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27

d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404051296&sdata=aZzXib3eSDA6ZltyG9TAqn%2BqbBH4Vqt%2Fyos1O5HTrrU%3D&reserved=0

Assist us in better serving you! Please complete our brief customer survey, located at the following link: Blockedhttps://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fcorpsmapu.usace.army.mil%2Fcm_apex%2Ff%3Fp%3Dregulatory_survey&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404061299&sdata=RDydCT69aF0w%2FHNzQ6BoP9JtLqczyk7%2FD2mmwZTWFfc%3D&reserved=0

-----Original Message-----
From: Veronika Archer [mailto:larcher@dudek.com]
Sent: Thursday, June 18, 2020 2:26 PM
To: Pankratz, Shannon L CIV USARMY CESPL (US) <Shannon.L.Pankratz@usace.army.mil>
Cc: Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>
Subject: [Non-DoD Source] FLOD FW: In-Lieu Fee Credit Cost Estimate

Hi Shannon

See below. The Riverside Corona Resource Conservation District ILF has changed their name to Santa Ana River Watershed ILFP and needs an email confirmation from you regarding the mitigation requirement for FLOD

Thank you

Veronika

Veronika Archer

M: 909.677.3775

O (direct): 951.300.2181

From: Shelli Lamb [mailto:lamb@rcrcd.org]
Sent: Thursday, June 18, 2020 2:17 PM
To: Veronika Archer <larcher@dudek.com>; SLamb@SRMA-CA.org
Cc: Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov>; Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov>
Subject: RE: In-Lieu Fee Credit Cost Estimate

Veronika:

I just need you to get an email from Shannon Pankratz, that addresses Special Condition 1 of the 404, as our ILFP name has changed and is now the Santa Ana River Watershed ILFP (not the Riverside-Corona Resource Conservation District ILFP) so I can incorporate it into the agreement.

Thanks.

From: Veronika Archer <larcher@dudek.com <mailto:larcher@dudek.com> >
Sent: Thursday, June 18, 2020 2:09 PM
To: Shelli Lamb <lamb@rcrcd.org <mailto:lamb@rcrcd.org> >; SLamb@SRMA-CA.org <mailto:SLamb@SRMA-CA.org>
Cc: Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov <mailto:Michael.Perry@dpw.sbcounty.gov> >; Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov <mailto:Patrick.Egle@dpw.sbcounty.gov> >
Subject: RE: In-Lieu Fee Credit Cost Estimate

Hi Shelli,

Thank you for all the information! Michael Perry will be the point of contact for the ILFP agreement.

The 1600 credits are being purchased through Soquel. I've attached the 401 - these credits are being met through a combination of the credits through your ILF and the Soquel credits.

Thank you

Veronika

Veronika Archer

M: 909.677.3775

O (direct): 951.300.2181

From: Shelli Lamb [mailto:lamb@rcrcd.org]
Sent: Thursday, June 18, 2020 2:02 PM
To: Veronika Archer <larcher@dudek.com <mailto:larcher@dudek.com> >; SLamb@SRMA-CA.org <mailto:SLamb@SRMA-CA.org>
Cc: Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov <mailto:Michael.Perry@dpw.sbcounty.gov> >; Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov <mailto:Patrick.Egle@dpw.sbcounty.gov> >
Subject: RE: In-Lieu Fee Credit Cost Estimate

All:

The ILFP credits are now being sold under the Santa Ana River Watershed ILFP and the Southwest Resource Management Association (SRMA) is the entity that will develop the agreement and sell the credits. I believe they are already a vendor but will check. I have included my SRMA email address, so all future correspondence should be sent to Slamb@srma-ca.org <mailto:Slamb@srma-ca.org> .

Before we move forward, we need to have all permits associated with this particular purchase so I noticed that there is only the 404, no 401 or 1600 that we need to be aware of and incorporate?

We also have a standard ILFP agreement that will need to be reviewed and signed by San Bernardino County Flood Control District. In the past I have worked with Nancy Sansonetti on credit purchases so who will be my point of contact for getting the ILFP agreement to Flood?

Shelli Lamb

District Manager

Riverside-Corona RCD

4500 Glenwood Dr, #A

Riverside, CA 92501

951-683-7691, ext 202

951-683-3814 (fax)

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<BlockedBlockedhttps://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.rcrcd.org%2F&data=02%7C01%7Clarcher%40dudek.com%7Cbfb96667606e4ae4f23c08d81d307de0%7C82b8a27d5b4c4dbeba360ee75edffcac%7C1%7C1%7C637291441404061299&sdata=EQ5XWpOD%2B70fhBXn0UYzl83YFl3uuXDBcvlUWcXp47k%3D&reserved=0>

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Healthy Soils, Healthy Life!

From: Veronika Archer <larcher@dudek.com <mailto:larcher@dudek.com> >
Sent: Thursday, June 18, 2020 1:46 PM
To: Shelli Lamb <lamb@rcrcd.org <mailto:lamb@rcrcd.org> >
Cc: Perry, Michael - DPW <Michael.Perry@dpw.sbcounty.gov <mailto:Michael.Perry@dpw.sbcounty.gov> >; Egle, Patrick <Patrick.Egle@dpw.sbcounty.gov <mailto:Patrick.Egle@dpw.sbcounty.gov> >
Subject: RE: In-Lieu Fee Credit Cost Estimate

Hi Shelli,

The San Bernardino County Flood Control District would like to move forward with purchasing 2.53 acres of reestablishment credit as described in the attached 404 permit.

Michael Perry of the District (cc'd) has inquired if you're able to register through their ePro system (instructions attached) in order for them to purchase credits.

Thank you

Veronika

Veronika Archer

PROJECT MANAGER / SR. REGULATORY SPECIALIST

DUDEK | Natural Resource Management | Infrastructure Development | Regulatory Compliance
ENGINEERING + ENVIRONMENTAL

3544 University Avenue

Riverside, CA 92501

T 951.300.2181 C 909.677.3775

larcher@dudek.com <mailto:larcher@dudek.com>

BlockedBlockedhttp://www.dudek.com/ <BlockedBlockedhttp://www.dudek.com/>

From: Shelli Lamb <lamb@rcrcd.org <mailto:lamb@rcrcd.org> >
Sent: Monday, January 6, 2020 11:23 AM
To: Anna Cassady <acassady@dudek.com <mailto:acassady@dudek.com> >
Subject: Re: In-Lieu Fee Credit Cost Estimate

265,000 per credit (one credit equals one acre).

Sent from my LG K10, an AT&T 4G LTE smartphone

------ Original message------

From: Anna Cassady

Date: Mon, Jan 6, 2020 11:12 AM

To: Shelli Lamb;

Cc:

Subject:In-Lieu Fee Credit Cost Estimate

Hi Shelli,

I am hoping to get a cost estimate from RCRCD for rehabilitation credits for both riparian and RAFSS vegetation within the Santa Ana watershed. Please let me know if I need to provide any additional information.

Thanks and happy new year!

Anna

Anna Cassady

Biologist

DUDEK

3544 University Avenue
Riverside, CA

92501

Office: 951.300.1088

Cell: 760.846.8580

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P please consider the environment before printing this email

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD, SUITE 930
LOS ANGELES, CALIFORNIA 90017

May 28, 2020

SUBJECT: Nationwide Permit (NWP) Verification

Harold Zamora
San Bernardino County Department of Public Works
Environmental Management Division
825 East Third Street
San Bernardino, California 92415

Dear Mr. Zamora:

I am responding to your request (SPL-2015-00777-SLP) for a Department of the Army permit for your proposed project, the 35 First Line of Defense Basins Routine Maintenance Project. The proposed project is between the cities of Rancho Cucamonga and Yucaipa, San Bernardino County, California.

Because this project would result in a discharge of fill material into waters of the U.S., a Department of the Army permit is required pursuant to Section 404 of the Clean Water Act (33 USC 1344; 33 CFR parts 323 and 330).

I have determined construction of your proposed project, if constructed as described in your application, would comply with NWP No. 31: *Maintenance of Existing Flood Control Facilities.* Specifically, and as shown in the enclosed Figures 1-41 and Table 1, you are authorized to temporarily impact up to 125.17 acres of non-wetland waters and 3.23 acres of wetland waters of the U.S. for on-going maintenance of approximately thirty-nine flood control facilities. The maintenance activities consist of actions such as vegetation management, mechanized land clearing and excavation, sand and gravel operations, flood control structure repair, vector control, bank repair, stream gage maintenance, and stockpiling.

For this NWP verification letter to be valid, you must comply with all of the terms and conditions in Enclosure 1. Furthermore, you must comply with the non-discretionary Special Conditions listed below:

1. Prior to initiating construction in waters of the U.S., and to mitigate for impacts to 2.33 acres of wetland waters and 7.75 acres of non-wetland waters of the U.S., the Permittee shall provide documentation verifying purchase of 8.34 acres of perennial stream combination enhancement credits from the Soquel Canyon Mitigation Bank, as well as 2.53 acres of re-establishment credits

from the Riverside Corona Resource Conservation District In-Lieu Fee Program. The Permittee shall not initiate work in waters of the U.S. prior to receiving written confirmation (by letter or email) from the Corps Regulatory Division as to compliance with this special condition. The permittee retains responsibility for providing the compensatory mitigation until the number and resource type of credits described above have been secured from the above-listed sponsor and the district engineer has received documentation that confirms that the sponsor has accepted the responsibility for providing the required compensatory mitigation. This documentation may consist of a letter or form signed by the sponsor, with the permit number and a statement indicating the number and resource type of credits that have been secured from the sponsor.

2. This Corps permit does not authorize you to take any threatened or endangered species, in particular the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) or adversely modify its designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed USFWS BO (FWS-SB-20B0090-20F0463) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, the terms and conditions of which are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its BO and with the ESA.

3. The Permittee shall flag the features of the cultural resource identified as P-36-013738 and avoid impacts to this resource.

4. Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Regulatory Project Manager (Shannon Pankratz at 213-452-3412) and the Corps' Archeology Staff within 24 hours (Daniel Grijalva at 213-452-3855). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.

5. No later than one month following completion of authorized work in waters of the U.S., the permittee shall ensure all sites within waters of the U.S. subject to authorized, temporary impacts are restored to pre-project alignments, elevation contours, and conditions to the maximum extent practicable to ensure expeditious resumption of aquatic resource functions. No later than 45

calendar days following completion of authorized work in waters of the U.S., the permittee shall submit a memorandum documenting compliance with this special condition.

6. Within 45 calendar days of completion of authorized work in waters of the U.S., the Permittee shall submit to the Corps Regulatory Division a post-project implementation memorandum including the following information:
A) Date(s) work within waters of the U.S. was initiated and completed;
B) Summary of compliance status with each special condition of this permit (including any noncompliance that previously occurred or is currently occurring and corrective actions taken or proposed to achieve compliance);
C) Color photographs (including map of photopoints) taken at the project site before and after construction for those aspects directly associated with permanent impacts to waters of the U.S. such that the extent of authorized fills can be verified;
D) One copy of "as built" drawings for the entire project. Electronic submittal (Adobe PDF format) is preferred. All sheets must be signed, dated, and to-scale. If submitting paper copies, sheets must be no larger than 11 x 17 inches; and
E) Signed Certification of Compliance (attached as part of this permit package).

This verification is valid through **March 18, 2022**. If on March 18, 2022 you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present NWP terms and conditions. However, if I discover noncompliance or unauthorized activities associated with the permitted activity I may request the use of discretionary authority in accordance with procedures in 33 CFR part 330.4(e) and 33 CFR part 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date. Additionally, at the national level the Chief of Engineers, any time prior to March 18, 2022, may choose to modify, suspend, or revoke the nationwide use of a NWP after following procedures set forth in 33 CFR part 330.5. It is incumbent upon you to comply with all of the terms and conditions of this NWP verification and to remain informed of any change to the NWPs.

A NWP does not grant any property rights or exclusive privileges. Additionally, it does not authorize any injury to the property, rights of others, nor does it authorize interference with any existing or proposed Federal project. Furthermore, it does not obviate the need to obtain other Federal, state, or local authorizations required by law.

Thank you for participating in the Regulatory Program. If you have any questions, please contact Shannon Pankratz at (213) 452-3412 or via email at Shannon.L.Pankratz@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

ALLEN.AARON.O.1232270795 Digitally signed by ALLEN.AARON.O.1232270795 Date: 2020.05.28 15:39:31 -07'00'

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

Enclosures

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

CERTIFICATE OF COMPLIANCE WITH DEPARTMENT OF THE ARMY NATIONWIDE PERMIT

Permit Number: *SPL-2015-00777-SLP*

Name of Permittee: *Harold Zamora, San Bernardino County Department of Public Works*

Date of Issuance: *May 28, 2020*

Upon completion of the activity authorized by this permit and the mitigation required by this permit, sign this certificate, and return it by **ONE** of the following methods;

1) Email a digital scan of the signed certificate to Shannon.L.Pankratz@usace.army.mil

OR

2) Mail the signed certificate to

U.S. Army Corps of Engineers
ATTN: Regulatory Division, SPL-2015-00777-SLP
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

I hereby certify that the authorized work and any required compensatory mitigation has been completed in accordance with the NWP authorization, including all general, regional, or activity-specific conditions. Furthermore, if credits from a mitigation bank or in-lieu fee program were used to satisfy compensatory mitigation requirements I have attached the documentation required by 33 CFR 332.3(l)(3) to confirm that the appropriate number and resource type of credits have been secured.

_____ _____

Signature of Permittee Date

LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS

COMPLIANCE DELIVERABLES CHECKLIST FOR DEPARTMENT OF ARMY PERMIT

Permit Number: *SPL-2015-00777-SLP*

Name of Permittee: *Harold Zamora, San Bernardino County Department of Public Works*

Date of Issuance: *May 28, 2020*

Please submit this checklist along with all required compliance deliverables (listed in the table below) to the Corps via email to splreglasb@usace.army.mil. Upon receipt, the Corps will review proffered deliverables for sufficiency and, if approved, return an electronically-signed/dated copy of this checklist to you. PM provides e-signature upon receipt/approval of each compliance deliverable – PM returns the signed checklist to the applicant/agent in a progressive manner.

Condition #	Compliance deliverable	Corps approval
Special Condition #1	Documentation verifying purchase of required in-lieu fee and mitigation bank credits	
Special Condition #6	Documentation verifying compliance with all permit special conditions, as well as post-project implementation items	

Upon receipt and approval of all items listed in the table above, the Corps will consider you in full compliance with compliance deliverable requirements in your permit authorization. Note, however, that any ongoing reporting obligations associated with the permit may remain unaffected by this compliance deliverables determination.

EXHIBIT B

PROJECT DESCRIPTION

The Project Proponent plans to provide maintenance activities that are designed to return the flood control facilities to their as-built conditions. The activities are grouped into eight categories: federal maintenance, stockpiling, mechanized land clearing and excavation, vegetation management, ingress and egress, bank repair, flood control structure repair and stream gage maintenance between the cities of Rancho Cucamonga and Yucaipa ("Project"), and exact locations can be found in Table 2 of SARWQCB WDID 362015-32 to 362015-66, dated March 5, 2019.

EXHIBIT C

BILL OF SALE

Contract No. _____

In consideration of the payment of NINE HUNDRED SIXTY THREE THOUSAND AND NO/100'S DOLLARS ($963,000.00), receipt of which is hereby acknowledged, SRMA does hereby recognize that the San Bernardino County Flood Control District (the "Project Applicant"), has acquired 3.21 Reestablishment Credits from the SRMA In-Lieu Fee Program (the "Program"), developed and approved by the Los Angeles District of the U.S. Army Corps of Engineers, Region IX of the U.S. Environmental Protection Agency and the California Regional Water Quality Control Board, Region 8.

SRMA, administrator of the Program, represents and warrants that it has good title to the credits, has good right to sell the same, and that they are free and clear of all claims, liens, or encumbrances.

DATED: _____

By:_____
District Manager

EXHIBIT D

Statement of Sale of Credit

SRMA letterhead

[date]

U.S. Army Corps of Engineers
Los Angeles District – Regulatory Division
915 Wilshire Blvd.
Los Angeles, CA 90017

Subject: Statement of Sale for 3.21 Reestablishment Credits from the SRMA In-Lieu Fee Program to the San Bernardino County Flood Control District (First Line of Defense Maintenance Project)

The Southwest Resource Management Association has an agreement with the U.S. Army Corps of Engineers – Los Angeles District to operate an In-Lieu-Fee Program. This letter confirms the sale of 3.21 Reestablishment Credits. These credits are being used as compensatory mitigation for permanent impacts to 2.33 acres of wetland waters and 7.75 acres of non-wetland waters of the U.S. as authorized by Permit No. SPL-2015-00777-SLP dated May 28, 2020. By selling credits to the above permittee, SRMA is the party responsible for fulfilling the mitigation aspect of Special Condition 1 of the Permit listed above. Further, these credits are being used to mitigate for 10.49 acres of temporary impacts as authorized by RWQCB Clean Water Act Section 401 Water Quality Standards Certification No. 362015-32 through 362015-66.

Signed

cc: R.J. Van Sant, Project Manager/Biologist, Regulatory Division, U.S. Army Corps of Engineers, Carlsbad Field Office

James Mace, Senior Project Manager, Regulatory Division, U.S. Army Corps of Engineers, Los Angeles District

Marc Brown, Regional Planning Programs, Regional Water Quality Control Board-Santa Ana Region.

Sarvy Mahdavi, Environmental Protection Specialist, Wetlands Regulatory Office, U.S. EPA, Region 9