Appendix A: Clean Water Act, Section 401 Water Quality Certification

27 September 2016

Perry Hariri
ACD-TI Oakley, LLC
235 West Main Street
Los Gatos, CA 95030

CERTIFIED MAIL
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CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; ACD-TI OAKLEY, LLC, CYPRESS PRESERVE, CITY OF OAKLEY PROJECT (WDID#5B07CR00176), CONTRA COSTA COUNTY

This Order responds to the 28 October 2015 application submitted by ACD-TI Oakley, LLC (Applicant) for the Water Quality Certification of the Cypress Preserve, City of Oakley Project (Project), permanently impacting 4.302 acres/15,416 linear feet and temporarily impacting 0.002 acre/43 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Individual Permit (SPK-2014-01048) under Section 401 of the Clean Water Act, and a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act and State Water Board Order 2003-0017-DWQ.

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. **This Water Quality Certification (Certification) is not valid until coverage under Section 404 of the Clean Water Act is obtained. If the Project, including the area of impact (as described) is modified through this process, this Certification will not be valid until amended by the Central Valley Water Board.**

2. This Order serves as a Water Quality Certification (Certification) action that is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and Section 3867 of the California Code of Regulations.

3. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to Section 3855(b) of the California Code of

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

4. The validity of any non-denial Certification action shall be conditioned upon total payment of the full fee required under Section 3860(c) of the California Code of Regulations.

5. This Certification is no longer valid if the Project (as described) is modified, or coverage under Section 404 of the Clean Water Act has expired.

6. All reports, notices, or other documents required by this Certification or requested by the Central Valley Regional Water Quality Control Board (Central Valley Water Board) shall be signed by a person described below or by a duly authorized representative of that person.

    (a) For a corporation: by a responsible corporate officer such as: 1) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function; 2) any other person who performs similar policy or decision-making functions for the corporation; or 3) the manager of one or more manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    (b) For a partnership or sole proprietorship: by a general partner or the proprietor.
    (c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

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

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

TECHNICAL CERTIFICATION CONDITIONS:

In addition to the above standard conditions, the Applicant shall satisfy the following:

1. The Applicant shall notify the Central Valley Water Board in writing seven (7) days in advance of the start of any work within waters of the United States.

2. Except for activities permitted by the United States Army Corps of Engineers under Section 404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.

3. The Applicant shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed Project shall be adequately informed and trained regarding the conditions of this Certification.

4. The Applicant shall perform surface water sampling[1]:
   a) when performing any in-water work;
   b) in the event that Project activities result in any materials reaching surface waters; or
   c) when any activities result in the creation of a visible plume in surface waters.

   If work is being conducted in a water body where there is an upstream or downstream location from the project area, the sampling requirements in Table 1 shall be conducted upstream out of the influence of the Project, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

   If work is being conducted in a water body with no upstream or downstream location from the project area, the sampling requirements in Table 1 shall be conducted by taking a sample of the ambient conditions before work begins in the work area, and sampling during work in the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

Table 1: Monitoring Requirements

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

(1) Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
(2) Pollutants shall be analyzed using the analytical methods described in 40 Code of Federal Regulations Part 136; where no methods are specified for a given pollutant, the method shall be approved by Central Valley Water Board staff.
(3) Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.

[1] Sampling is not required in wetlands, where the entire wetland is being permanently filled; provided there is no outflow connecting the wetland to surface waters.

(4) A hand-held field meter may be used, provided the meter utilizes a USEPA-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.

Surface water sampling shall occur at mid-depth. A surface water monitoring report shall be submitted within two weeks of initiation of in-water construction, and every two weeks thereafter. In reporting the sampling data, the Applicant shall arrange the data in tabular form so that the sampling locations, date, constituents, and concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the Project complies with Certification requirements. The report shall include surface water sampling results, visual observations, and identification of the turbidity increase in the receiving water applicable to the natural turbidity conditions specified in the turbidity criteria below.

If no sampling is required, the Applicant shall submit a written statement stating, "No sampling was required" within two weeks of initiation of in-water construction, and every two weeks thereafter.

5. The Central Valley Water Board adopted a *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. Turbidity, settleable matter, and pH limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

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

      For Delta waters, the general objectives for turbidity apply subject to the following: except for periods of storm runoff, the turbidity of Delta waters shall not exceed 50 NTUs in the waters of the Central Delta and 150 NTUs in other Delta waters.

      Appropriate averaging periods may be applied, provided that beneficial uses will be fully protected.

   b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within the work area and 300 feet downstream of the Project.

c) Activities shall not cause pH to be depressed below 6.5 nor raised above 8.5 in surface water.

6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, pH, or other water quality objectives are exceeded.

7. In-water work shall occur during periods of low flow (i.e., water is below the construction area) and no precipitation. The Applicant shall perform surface water sampling in accordance with Technical Certification Condition No. 4, if any of the following conditions occur: 1) in-water work is conducted during an unanticipated flow event; 2) Project activities result in any materials reaching surface waters; or 3) Project activities result in the creation of a visible plume in surface waters.

8. Activities shall not cause visible oil, grease, or foam in the receiving water.

9. Refueling of equipment within the floodplain or within 300 feet of the waterway is prohibited. If critical equipment must be refueled within 300 feet of the waterway, spill prevention and countermeasures must be implemented to avoid spills. Refueling areas shall be provided with secondary containment including drip pans and/or placement of absorbent material. No hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, or other construction-related potentially hazardous substances should be stored within a floodplain or within 300 feet of a waterway. The Applicant must perform frequent inspections of construction equipment prior to utilizing it near surface waters to ensure leaks from the equipment are not occurring and are not a threat to water quality.

10. The Applicant shall develop and maintain onsite a project-specific Spill Prevention, Containment and Cleanup Plan outlining the practices to prevent, minimize, and/or clean up potential spills during construction of the Project. The Plan must detail the Project elements, construction equipment types and location, access and staging and construction sequence.

11. The discharge of petroleum products, any construction materials, hazardous materials, pesticides, fuels, lubricants, oils, hydraulic fluids, raw cement, concrete, asphalt, paint, coating material, drilling fluids, or other construction-related potentially hazardous substances to surface water and/or soil is prohibited. In the event of a prohibited discharge, the Applicant shall notify the Central Valley Water Board Contact within 24-hours of the discharge.

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

13. Silt fencing, straw wattles, or other effective management practices must be used along the construction zone to minimize soil or sediment along the embankments from migrating into the waters of the United States through the entire duration of the Project.

14. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the Project area.

15. All areas disturbed by Project activities shall be protected from washout and erosion.

16. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.

17. Hydroseeding shall be performed with California native seed mix.

18. All materials resulting from the Project shall be removed from the site and disposed of properly.

19. This Certification does not allow permanent water diversion of flow from the receiving water. This Certification is invalid if any water is permanently diverted as a part of the project.

20. If water is present, the area must be dewatered prior to the start of work.

21. If temporary surface water diversions and/or dewatering are anticipated, the Applicant shall develop and maintain on-site a Surface Water Diversion and/or Dewatering Plan(s). The Plan(s) must be developed prior to initiation of any water diversions. The Plan(s) shall include the proposed method and duration of diversion activities. The Plan(s) must be consistent with this Certification and must be made available to the Central Valley Water Board staff upon request.

22. When work in a flowing stream is unavoidable and any temporary dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream, to maintain beneficial uses of waters of the state below the dam. Construction, dewatering, and removal of temporary cofferdams shall not violate Technical Certification Condition 5 of this Certification.

23. If any temporary dam or other artificial obstruction is constructed, the temporary dam or other artificial obstruction shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation. Stream flow shall be temporarily diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses.

24. The Applicant shall apply for a name change or amendment to this Certification should any of the following occur: a) a change in the ownership of all or any portion of the Project; b) any change in the Project description; c) any change involving discharge amounts, temporary impacts, or permanent impacts; or d) amendments, modifications, revisions, extensions, or changes to the United States Army Corps of Engineers' Individual Permit, the United States Fish and Wildlife Service decision document(s), the National Marine Fisheries Service, or the California Department of Fish and Wildlife Streambed Alteration Agreement.

25. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Lake or Streambed Alteration Agreement No. 1600-2015-0335-R3.

26. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the United States Fish and Wildlife Service.

27. The Applicant shall comply with all United States Fish and Wildlife Service requirements, including those requirements described in the Biological Opinion.

28. The Applicant shall submit a copy of the Biological Opinion to the Central Valley Water Board Contact within 14 days of issuance by the National Marine Fisheries Service.

29. The Applicant shall comply with all National Marine Fisheries Service requirements, including, but not limited to those requirements described in the Biological Opinion.

30. The Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ for discharges to surface waters comprised of storm water associated with construction activity.

31. The Conditions in this Certification are based on the information in the attached "Project Information Sheet" and the application package. If the actual project, as described in the attached Project Information Sheet and application package, is modified or changed, this Certification is no longer valid until amended by the Central Valley Water Board.

32. The Applicant shall implement each of the mitigation measures specified in the certified Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Environmental Impact Report for the Project, as they pertain to biology, hydrology and water quality impacts as required by Section 21081.6 of the Public Resource Code and Section 15097 of the California Code of Regulations.

33. In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. The applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with this Certification.

    (a) If the Applicant or a duly authorized representative of the Project fails or refuses to furnish technical or monitoring reports, as required under this Certification, or falsifies any information provided in the monitoring reports, the applicant is subject to civil liability, for each day of violation, and/or criminal liability.

    (b) In response to a suspected violation of any condition of this Certification, the Central Valley Water Board may require the Applicant to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems

appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

(c) The Applicant shall allow the staff of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the Project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this Certification and determining the ecological success of the Project.

34. To mitigate for the loss of 2.702 acres of stream channel habitat and 1.600 acres of wetland habitat, the Applicant has purchased 3.01 shallow water habitat mitigation credits from Kimball Island Mitigation Bank, a United States Army Corps of Engineers approved mitigation bank for the impacted watershed prior to commencing construction. The Applicant has provided evidence of all off-site compensatory mitigation credit purchases to the Central Valley Water Board. Additionally, the Applicant shall preserve 78.72 acres of seasonal wetlands as a wetland and dune preservation area in the northern portion of the Project area and 9.60 acres of seasonal wetlands as open space in the southeastern portion of the Project area, as shown in Figure 2. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion.

    At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

NOTIFICATIONS AND REPORTS:

35. The Applicant shall provide a Notice of Completion (NOC) no later than 30 days after the Project completion. The NOC shall demonstrate that the Project has been carried out in accordance with the Project description in the Certification and in any approved amendments. The NOC shall include a map of the Project location(s), including final boundaries of any on-site restoration area(s), if appropriate, and representative pre and post construction photographs. Each photograph shall include a descriptive title, date taken, photographic site, and photographic orientation.

36. The Applicant shall submit all notifications, submissions, materials, data, correspondence, and reports in a searchable Portable Document Format (PDF). Documents less than 50 MB must be emailed to: centralvalleysacramento@waterboards.ca.gov. In the subject line of the email, include the Central Valley Water Board Contact, Project name, and WDID number as shown in the subject line above. Documents that are 50 MB or larger must be transferred to a disk and mailed to the Central Valley Water Board Contact.

STORM WATER QUALITY CONDITIONS:

The Applicant shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, the Applicant must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
   (a) the Storm Water Pollution Prevention Plan must be prepared during the Project planning and design phases and implemented, as appropriate, before construction; and
   (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.

2. The Applicant must minimize the short and long-term impacts on receiving water quality from the Project by implementing the following post-construction storm water management practices and as required by local agency permitting the Project, as appropriate:
   (a) minimize the amount of impervious surface;
   (b) reduce peak runoff flows;
   (c) provide treatment BMPs to reduce pollutants in runoff;
   (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
   (e) preserve and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
   (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
   (g) use existing drainage master plans or studies to ensure incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;
   (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss; and
   (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.

3. The Applicant shall ensure that all development within the Project provides verification of maintenance provisions for post-construction structural and treatment control BMPs as required by the local agency permitting the Project. Verification shall include one or more of the following, as applicable:
   (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
   (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
   (c) written text in Project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
   (d) any other legally enforceable agreement that assigns responsibility for storm water BMPs maintenance.

CENTRAL VALLEY WATER BOARD CONTACT:

Stephanie Tadlock, Environmental Scientist
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-8114
Stephanie.Tadlock@waterboards.ca.gov
(916) 464-4644

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The City of Oakley is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Cypress Preserve, City of Oakley Project pursuant to Section 21000 et seq. of the Public Resources Code. The City of Oakley certified the Environmental Impact Report on 13 March 2005. The City of Oakley filed a Notice of Determination with the State Clearinghouse on 15 March 2006 (SCH No. 2004092011).

The City of Oakley certified a Supplemental Environmental Impact Report on 25 October 2011. The City of Oakley filed a Notice of Determination with the State Clearinghouse on 27 October 2011.

The City of Oakley certified an Addendum to the Environmental Impact Report on 14 July 2015. The City of Oakley filed a Notice of Determination with the State Clearinghouse on 17 July 2015 (SCH No. 2004092011).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Environmental Impact Report are in accordance with the requirements of the California Environmental Quality Act.

The Central Valley Water Board has reviewed and evaluated the impacts to water quality identified in the Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Environmental Impact Report. The proposed mitigation measures discussed in the Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Environmental Impact Report were adopted to avoid and minimize project impacts to State waters and are required by this Certification.

With regard to the remaining impacts identified in the Environmental Impact Report, Supplemental Environmental Impact Report, and Addendum to the Environmental Impact Report, the corresponding mitigation measures proposed are within the responsibility and jurisdiction of other public agencies.

WATER QUALITY CERTIFICATION:

I hereby issue an Order certifying that any discharge from the ACD-TI Oakley, LLC, Cypress Preserve, City of Oakley Project (WDID#5B07CR00176) will comply with the applicable provisions of Section 301 ("Effluent Limitations"), Section 302 ("Water Quality Related Effluent Limitations"), Section 303 ("Water Quality Standards and Implementation Plans"), Section 306 ("National Standards of Performance"), and Section 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. Through this Order, this discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)".

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in compliance with the conditions of this Certification, ACD-TI Oakley, LLC's application package, and the attached Project Information Sheet; and b) compliance with all applicable requirements of the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016.

Any person aggrieved by this action may petition the State Water Resources Control Board to review the action in accordance with California Water Code Section 13320 and California Code of Regulations, Title 23, Section 2050 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Resources Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

Original Signed By Adam Laputz for:

Pamela C. Creedon
Executive Officer

Enclosure: Project Information Sheet

Attachments: Figure 1 – Project Location Map
Figure 2 – Site Map
Figure 3 – Waters of the United States Map

cc: Distribution List, page 17

PROJECT INFORMATION SHEET

Application Date: 28 October 2015

Applicant: Perry Hariri
ACD-TI Oakley, LLC
235 West Main Street
Los Gatos, CA 95030

Applicant Representative: Owen Poole
Real Estate Services
151 Spyrock Court
Walnut Creek, CA 94595

Project Name: Cypress Preserve, City of Oakley Project

Application Number: WDID#5B07CR00176

Date on Public Notice: 30 October 2015

Date Application Deemed Complete: 16 December 2015

Type of Project: Development - Residential

Approved Months of Project Implementation: September 2016 through September 2021, or as otherwise required by the United States Fish and Wildlife Service.

Project Location: Section 21, 27, 28, 33, & 34, Township 2 North, Range 3 East, MDB&M. Latitude: 37°59'32.82" N and Longitude: 121°38'50.22" W

County: Contra Costa County

Receiving Water(s) (hydrologic unit): Rock Slough, unnamed drainage ditches, and unnamed seasonal wetlands, San Joaquin Hydrologic Basin, San Joaquin Delta Hydrologic Unit #544.00

Water Body Type: Wetland, Streambed

Designated Beneficial Uses: The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fourth Edition, revised April 2016 (Basin Plan) has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include, but are not limited to: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND); Hydropower Generation (POW); Groundwater Recharge (GWR); Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Preservation of Biological Habitats of Special Significance (BIOL); Rare, Threatened, or

Endangered Species (RARE); Migration of Aquatic Organisms (MIGR); Spawning, Reproduction, and/or Early Development (SPWN); and Wildlife Habitat (WILD). A comprehensive and specific list of the beneficial uses applicable for the project area can be found at http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml.

303(d) List of Water Quality Limited Segments: Rock Slough, unnamed wetlands, and unnamed drainage ditches are the receiving waters for the Cypress Preserve, City of Oakley Project. Rock Slough, the unnamed wetlands, and unnamed drainage ditches are not listed on the 303(d) list. The most recent list of approved water quality limited segments is found at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml

Project Description: The Cypress Preserve, City of Oakley Project (Project) is located east of Jersey Island Road, north of Rock Slough, and south of Dutch Slough in the city of Oakley. The Project consists of constructing infrastructure improvements for future development uses and a new bridge over Rock Slough. Future development uses consist of 310.8 acres of residential facilities, 24.7 acres of commercial facilities, 196.9 acres of infrastructure improvements, 455.8 acres of open space preserve area, 133.9 acres of wetland development, and 76.3 acres of flood control levee construction.

Infrastructure Improvements

Impacts to waters of the United States will be from the construction of a new earthen levee and mass grading of the Project area in preparation for constructing storm drains, sanitary sewer lines, and road improvements. New earthen levees designed to protect the site from a 300-year flood event will extend around the Project perimeter, excluding the Wetland and Dune Preservation Area to the north and Open Space Area to the south, as shown on Figure 2, and connect to the existing Summer Lake levee system. To comply with the Municipal Separate Storm Sewer System (MS4) permit for the City of Oakley, the Project incorporates low impact development features and new retention lakes to provide the capacity to contain and store surface water runoff during future localized flood events.

Mass grading and levee construction will permanently impact 4.3 acres/15,400 linear feet of waters of the United States.

Rock Slough Bridge

A new bridge crossing Rock Slough is necessary to provide public access to the area. The new bridge will span Rock Slough and connect with Byron Highway to the south, as shown in Figure 2. The structure includes three 220-foot long, 56-foot wide, and minimum 10-foot high spans using pre-cast concrete slab girders sitting on reinforced concrete piers and abutments. The new bridge will provide one lane in each direction, shoulders, and a new sidewalk on either side of each lane.

Two temporary work trestles will be constructed on both ends of the bridge. Prior to construction of the work trestles, twenty-four 14-inch steel pin piles will be installed using a vibratory hammer. Each work trestle will be supported by six 24-inch steel trestle piles installed in water and two 24-inch steel trestle piles installed on land, for a total of twelve 24-inch piles installed in water and four installed on land. The 24-inch steel shell pipes for the construction of the

temporary trestles will be imbedded approximately 40 feet and will be installed by vibratory hammer. The work trestles will be 30 feet wide and will extend approximately 50 feet over the water in Rock Slough from each side. Temporary trestles will be removed prior to the rainy season.

The permanent bridge cast-in-place piles will require driving eight 48-inch diameter steel piles with a reinforced concrete core in Rock Slough. Cast-in-place abutments will be placed on land at the north end and south ends of the bridge. The abutments will be constructed above the 300-year flood elevation, and will not require any in-water work. The slopes of both sides of Rock Slough have existing rock rip-rap extending above the ordinary high water mark to the tops of the levee roads. A portion of this existing rip-rap would be temporarily removed to allow construction of the abutments and work trestles. No new rock riprap will be required to armor the abutments.

Bridge piling construction will permanently impact 0.002 acre/16 linear feet and temporary trestle installation will temporarily impact 0.002 acre/43 linear feet of waters of the United States.

Summary of Impacts

Dewatering will occur within the Project area. Wet concrete will be placed into waters of the United States in dry conditions after fully dewatering the work area. The Project will permanently impact 4.302 acres/15,416 linear feet and temporarily impact 0.002 acre/43 linear feet of waters of the United States.

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

Proposed Mitigation to Address Concerns: The Applicant will implement Best Management Practices to control sedimentation and erosion. This Certification requires all work to be conducted during periods of no flow. In the event that project activities result in any materials reaching surface waters or unanticipated in-water work occurs, the Applicant will conduct turbidity, settleable matter, and pH testing. During this testing, the Applicant will stop work if Basin Plan criteria are exceeded or observations indicate an exceedance of a water quality objective.

All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities to provide 1:1 mitigation for temporary impacts.

Excavation/Fill Area: Approximately 6,925 cubic yards of clean soil and 642 cubic yards of concrete and steel will be placed into 4.302 acres of waters of the United States.

Dredge Volume: None

California Integrated Water Quality System Impact Data: The Project will permanently impact 1.600 acres of wetland and 2.702 acres/15,416 linear feet of stream bed habitat and temporarily impact 0.002 acre/43 linear feet of stream bed habitat from fill activities.

Table 2: Impacts from Fill Activities

Aquatic Resource Type	Temporary			Permanent					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet	Acres	Cubic-yards	Linear-feet
Stream Channel	0.002	--	43	2.702	--	15,416	--	--	--
Wetland	--	--	--	1.600	--	--	--	--	--
Total	**0.002**	**--**	**43**	**4.302**	**--**	**15,416**	**--**	**--**	**--**

United States Army Corps of Engineers File Number: SPK-2014-01048

United States Army Corps of Engineers Permit Type: Individual Permit

California Department of Fish and Wildlife Lake or Streambed Alteration Agreement: 1600-2015-0335-R3

Possible Listed Species: Western burrowing owl, Giant garter snake, Townsend's big-eared bat, Swainson's hawk, golden eagle, green sturgeon, Delta smelt, longfin smelt, Sacramento River winter-run Chinook salmon, and Central Valley steelhead.

Status of CEQA Compliance: The City of Oakley certified an Environmental Impact Report on 13 March 2005. The City of Oakley filed a Notice of Determination with the State Clearinghouse on 15 March 2006. The City of Oakley certified a Supplemental Environmental Impact Report on 25 October 2011. They City of Oakley filed a Notice of Determination on 27 October 2011. The City of Oakley certified an Addendum to an Environmental Impact Report on 14 July 2015. The City of Oakley filed a Notice of Determination with the State Clearinghouse on 17 July 2015 (SCH No. 2004092011).

The Central Valley Water Board will file a Notice of Determination with the State Clearinghouse as a responsible agency within five (5) days of the date of this Certification.

Compensatory Mitigation: To mitigate for the loss of 2.702 acres of stream channel habitat and 1.600 acres of wetland habitat, the Applicant has purchased 3.010 shallow water habitat mitigation credits from Kimball Island Mitigation Bank, a United States Army Corps of Engineers approved mitigation bank, for the impacted watershed prior to commencing construction. The Applicant has provided evidence of all off-site compensatory mitigation credit purchases to the Central Valley Water Board. Additionally, the Applicant shall preserve 78.720 acres of seasonal wetlands as a wetland and dune preservation area in the northern portion of the Project area and 9.600 acres of seasonal wetlands as open space in the southeastern portion of the Project area, as shown in Figure 2. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion.

At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

Table 3: Compensatory Mitigation for Permanent Physical Loss of Area

Aquatic Resource Type	Comp Mitigation Type			Units		Established	Re-established	Rehabilitated	Enhanced	Preserved	Unknown
	In-Lieu	Mit. Bank	Permittee Responsible	AC (Acres)	LF (Linear Feet)						
Stream Channel	--	X	--	3.010	--	X	--	--	--	--	--
Wetland	--	--	X	88.320	--	--	--	--	--	X	--
TOTAL	**--**	**--**	**--**	**91.330**	**--**	**--**	**--**	**--**	**--**	**--**	**--**

Application Fee Provided: Total fees of $90,000.00 have been submitted to the Central Valley Water Board as required by Section 3833(b)(3)(A) and Section 2200(a)(3) of the California Code of Regulations.

DISTRIBUTION LIST

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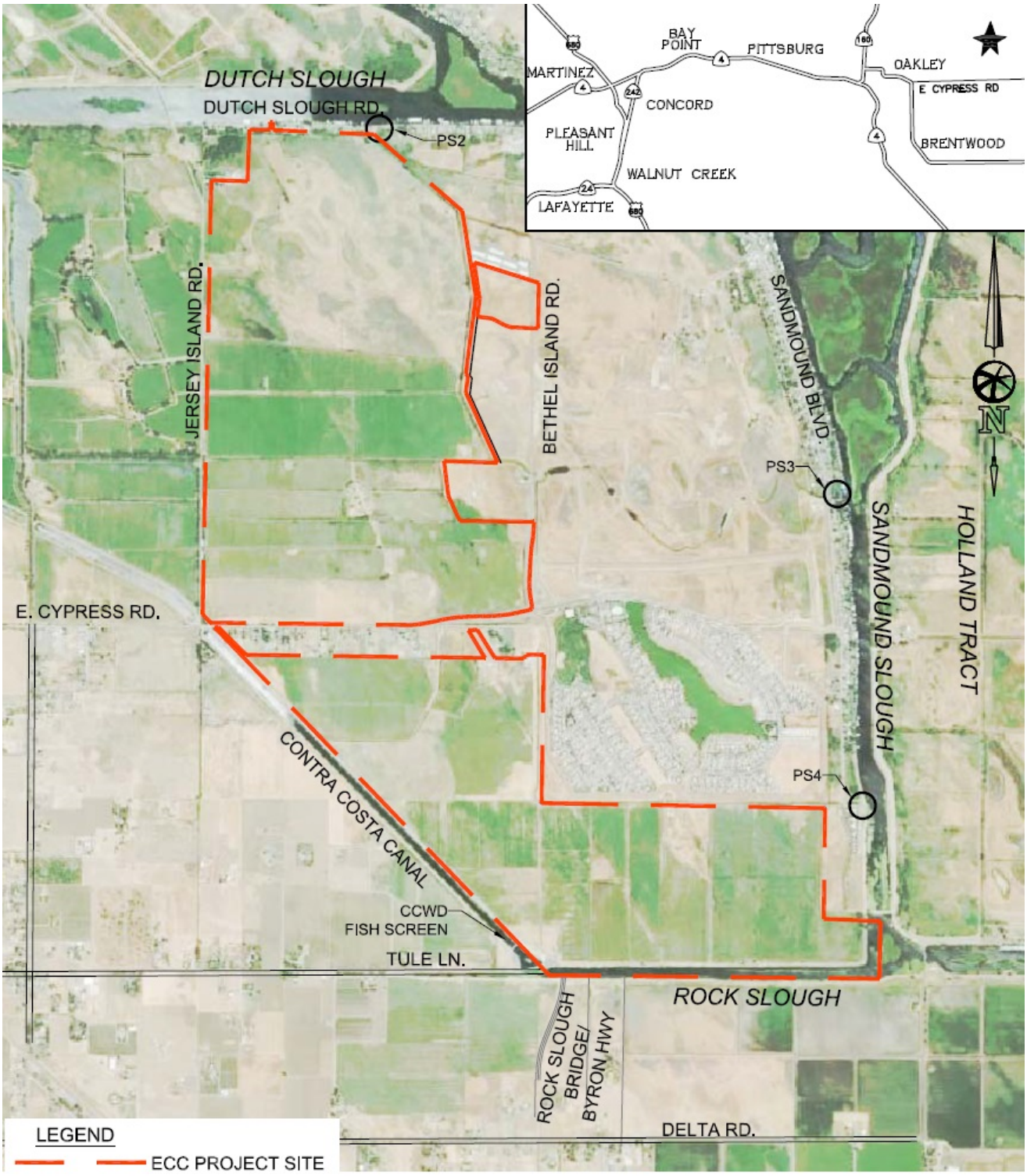

Bellecci & Associates, inc.
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2290 Diamond Boulevard, Suite 100 Concord, CA 94520
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DATE: JULY 2015	SCALE: 1" = 2000'
PROJECT NO.: 13075	FIGURE: 1

PROJECT SITE LOCATION
CYPRESS PRESERVE DEVELOPMENT PROJECT
ACD-TI, LLC - OAKLEY, CONTRA COSTA COUNTY, CA

Figure 1 – Project Location Map

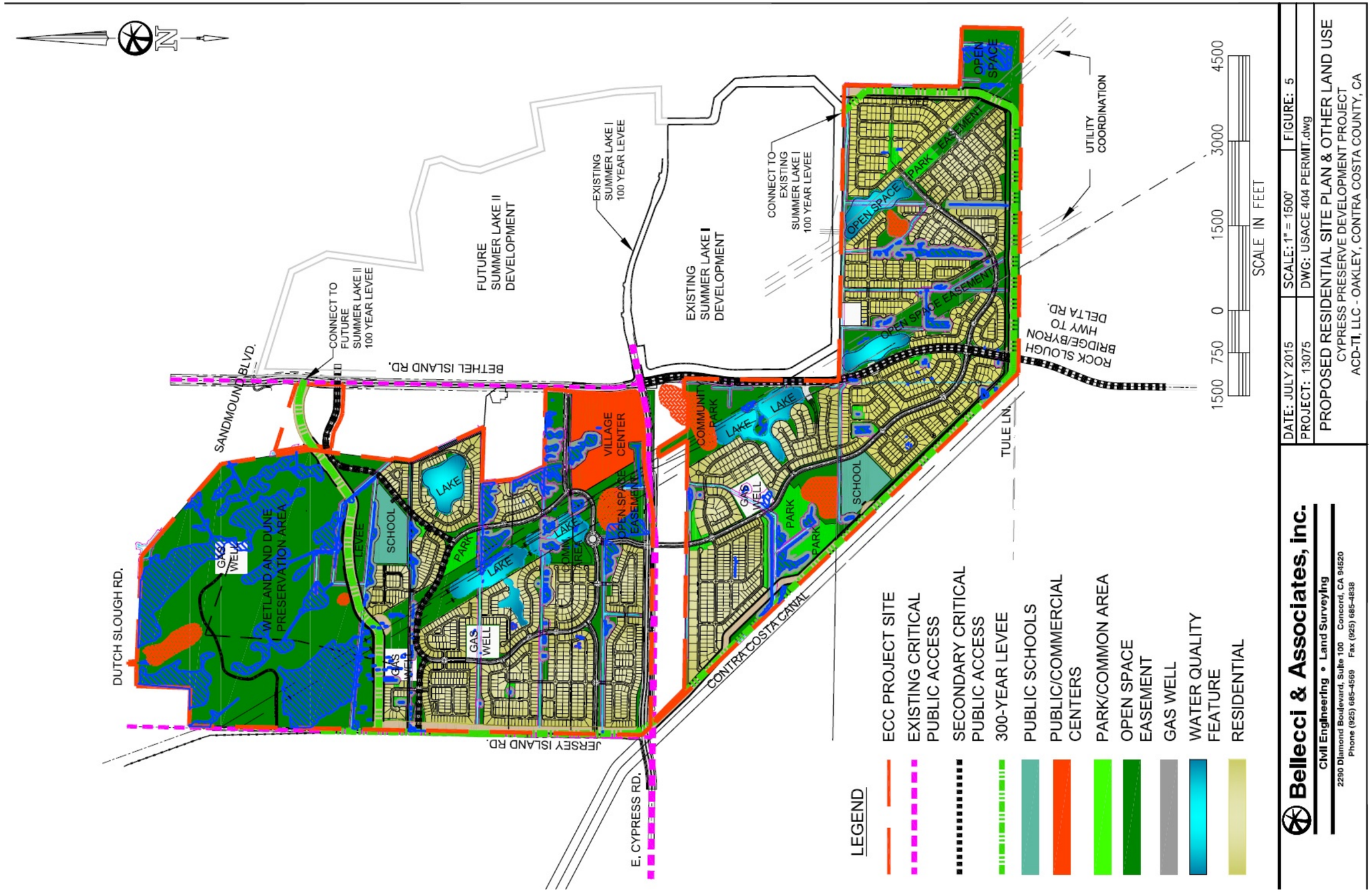

Figure 2 – Site Map

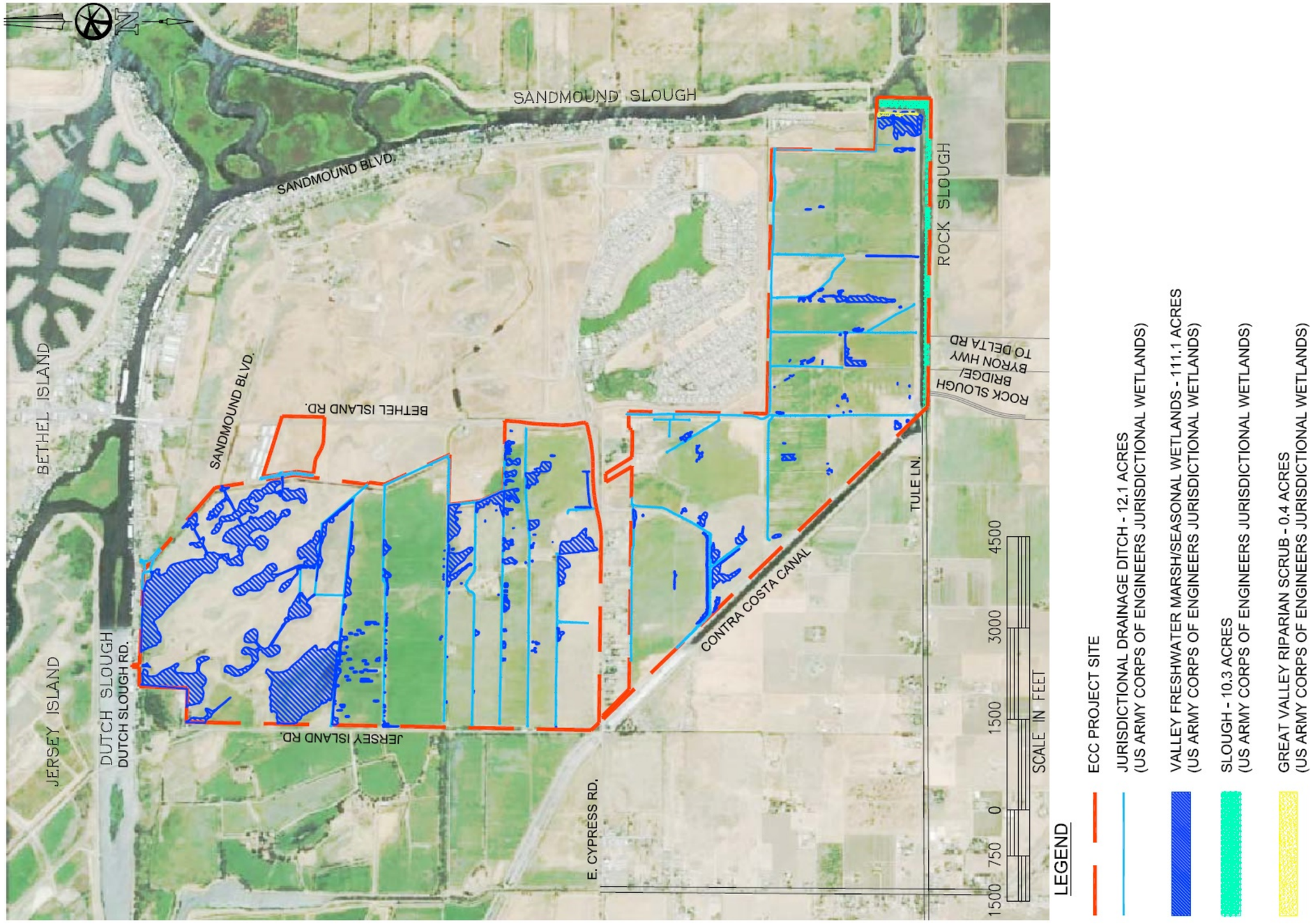

Figure 3 – Waters of the United States Map