



January 26, 2021

**BASIC RESOURCES, INC.**

Contact: Tom Ferrell  
140 Empire Avenue  
Modesto, California 95354

**SUBJECT: Jurisdictional Review for the Extension of Operating Hours at the Jackson Valley Quarry Located within Assessor Parcel Numbers (APNs) 005-230-016 and 005-230-007 in Amador County, California**

**Introduction**

This report contains the findings of ELMT Consulting's (ELMT) jurisdictional review for the extension of operating hours at the Jackson Valley Quarry (project site or site) located near the City of Ione, Amador County, California. A field investigation was conducted by biologists Travis J. McGill and Jacob H. Lloyd Davies on November 24, 2020 to document previously mapped jurisdictional waters and verify that the site does not support any other jurisdictional features.

**Project Location**

The project site is generally located south and east of State Route 88, west of the community of Buena Vista, north of the community of Camanche Village, southwest of the City of Ione, Amador County, California. The site is depicted on the Ione quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Section 11 of Township 5 North, Range 9 East. Specifically, the site is bound to the north by State Route 88 and to the south by Jackson Valley Road within APNs 005-230-007 and 005-230-016 at 3421 Jackson Valley Road. Refer to Exhibits 1 and 2 in Attachment A.

**Project Description**

In order to support regional customer demands, George Reed, Inc. (GRI) has submitted a request to modify the approved hours of operation to allow for 24-hour operational/reclamation activities. Other than the extension of operating hours, GRI seeks no change to any element of the approved operations or Permit. The Project would not modify the disturbance area, current productions levels, materials to be mined, or mining methods, and the overall production and processing activities would be consistent with existing conditions.

**Methodology**

*Literature Review*

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that

are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

### Field Investigation

Following the literature review, biologists Travis J. McGill and Jacob H. Lloyd Davies conducted a field investigation to verify the results of formal delineation of wetlands and other waters of the U.S. completed by ESA (2009) and revised in 2010.

### Existing Site Conditions

The proposed project site is located in an area that primarily supports agricultural land uses and rural residential homes. The site is bordered by State Route 88 on its northern boundary with undeveloped, vacant land to the immediate north and a mining quarry approximately 1 mile to the north; the site is bordered by undeveloped, vacant land, and rural residential homes beyond; and the site is bordered by agricultural lands to the south and west. The site consists of the existing Jackson Valley Quarry that is actively being mined, and the immediate surrounding undeveloped areas within the previously approved mining footprint.

On-site elevation ranges from approximately 231 to 420 feet above mean sea level and the site generally slopes from east to west. The main area of on-site topographical relief coincides with the active mining operations within the western portion of the site and areas removed from mining activities support a series of rolling hills.

### Jurisdictional Areas

Based on the information provided in the in the Environmental Impact and subsequent regulatory approvals issued for the project, a total of 0.39 acre of jurisdictional features were mapped within the project site. To mitigate for impacts to these onsite jurisdictional features, George Reed, Inc. purchased 1.17 acres of floodplain mosaic wetland (seasonal wetland) credits out of the Cosumnes Floodplain Mitigation Bank. The mitigation credits were purchased on July 30, 2018 to satisfy the conditions of the regulatory approvals (refer to Attachment C).

The regulatory approvals issued for the project are currently valid and remain in effect for the project. The USACE Clean Water Act (CWA) Section 404 Nationwide Permit and the RWQCB CWA Section 401 Water Quality Certification are valid until March 18, 2022 (refer to attachment B). The CDFW Section 1602 Streambed Alteration Agreement is valid until July 27, 2022.

Site conditions remain the same, and no new jurisdictional features, beyond those previously mapped and permitted, were observed onsite during the November 24, 2020 field survey.

## Conclusion

Site conditions remain the same, and no new jurisdictional features, beyond those previously mapped and permitted, were observed onsite during the November 24, 2020 field survey. Accordingly, there have been no significant changes in the biological setting at the project site, and the project is not anticipated to result in new impacts to jurisdictional waters.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or [tmcgill@elmtconsulting.com](mailto:tmcgill@elmtconsulting.com) or Travis McGill at (909) 816-1646 or [travismcgill@elmtconsulting.com](mailto:travismcgill@elmtconsulting.com) should you have any questions this report.

Sincerely,



Thomas J. McGill, Ph.D.  
Managing Director



Travis J. McGill  
Director

- A. *Delineation of Wetlands and other Waters of the U.S. (ESA)*
- B. *Regulatory Approvals*
- C. *Agreement for Sale of Mitigation Credits*

## **Attachment A**

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Delineation of Wetlands and Waters of the U.S. (ESA)

*\*See 2013 EIR for Delineation of Wetlands and Waters of the U.S.*

## **Attachment B**

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Regulatory Approvals



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

June 12, 2017

Regulatory Division (SPK-2011-00164)

Mr. Jeff Welch  
George Reed, Inc.  
140 Empire Avenue  
Modesto, California 95354

Dear Mr. Welch

We are responding to your March 25, 2015, pre-construction notification for a Department of the Army (DA) Nationwide permit (NWP) for the Jackson Valley Quarry Expansion project. The approximately 93-acre site is located in Section 23, Township 5 North, Range 9 East, Mount Diablo Meridian, Latitude 38.3072°, Longitude -120.9570°, Amador County, California.

Based on the information you provided to this office, the proposed project involves the discharge of fill material into 0.39 acre of waters of the U.S. for the expansion of the existing Jackson Valley Quarry, subject to Section 404 of the Clean Water Act. The specific activities that require DA authorization are the excavation of an open mining pit bounded by 1.2:1 slopes in the center of the proposed project area. Expansion work would include blasting the rock and crushing it into a manageable size for transport. Existing trees and vegetation would be removed by dozers, scrapers, and backhoes. Topsoil and overburden would be removed using earth moving equipment. The anticipated maximum depth of the mining pit would be 350 ft. below ground surface. A 100 ft. undisturbed buffer would be established to the north, east, and south of the pit. These activities would result in the permanent effects to and loss of 0.01 acre of palustrine wetland and 0.38 acre of ephemeral stream and pond. The proposed activities would be conducted in accordance with the *Project Impacts* plans dated July 21, 2015.

We have determined that activities in waters of the U.S. associated with the project are authorized by NWP Number 44 Mining Activities.

You must comply with all terms and conditions of the NWP and applicable regional conditions. Information about the NWP terms and conditions and Sacramento District regional conditions for California, excluding the Lake Tahoe Basin are available on our website at

[www.spk.usace.army.mil/Missions/Regulatory/Permitting/NationwidePermits.aspx](http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/NationwidePermits.aspx). In addition, your work must comply with the following special condition:

1. To compensate for the loss of 0.01 acre of palustrine wetland and 0.38 acre of ephemeral stream and pond, you shall purchase 0.39 credits of non-tidal wetlands habitat at the Cosumnes Floodplain mitigation bank. Evidence of this purchase shall be provided to the Corps prior to initiation of construction activities within waters of the U.S.

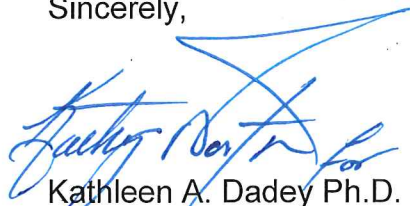
Within 30 days after completion of the authorized work, you must sign the enclosed Compliance Certification and return it to this office with the information required by Sacramento District Regional Condition C(9) for California.

This verification is valid until March 18, 2022, when the existing NWP's are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date the NWP is modified, reissued, or revoked, you will have 12 months from the date of the modification, reissuance or revocation to complete the activity under the present terms and conditions. Failure to comply with the general and regional conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback on this permit action including your interaction with our staff and processes. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at [www.spk.usace.army.mil/Missions/Regulatory.aspx](http://www.spk.usace.army.mil/Missions/Regulatory.aspx).

Please refer to identification number SPK-2011-00164 in any correspondence concerning this project. If you have any questions, please contact Mr. Ely Lane at our California South Section Office, 1325 J Street, Room 1350, Sacramento, California 95814, by email at [Ely.T.Lane@usace.army.mil](mailto:Ely.T.Lane@usace.army.mil), or telephone at (916) 557-6886.

Sincerely,



Kathleen A. Dadey Ph.D.  
Chief, California South Section  
Regulatory Division

Enclosures

cc: (w/o encls)

Ms. Elizabeth Lee, California Regional Water Quality Control Board, Central Valley Region, [Elizabeth.Lee@waterboards.ca.gov](mailto:Elizabeth.Lee@waterboards.ca.gov)

Mr. Ray Weiss, Environmental Manager, [rayw@quincyeng.com](mailto:rayw@quincyeng.com)

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## Central Valley Regional Water Quality Control Board

12 September 2016

Jeff Welch  
George Reed, Inc.  
140 Empire Avenue  
Modesto, CA 95354

CERTIFIED MAIL  
91 7199 9991 7035 8364 2352

***CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; GEORGE REED, INC., JACKSON VALLEY QUARRY EXPANSION PROJECT (WDID#5B03CR00073), AMADOR COUNTY***

This Order responds to the 19 March 2015 application submitted by George Reed, Inc. (Applicant) for the Water Quality Certification of the Jackson Valley Quarry Expansion Project (Project), permanently impacting 0.39 acre/2,002 linear feet of waters of the United States.

This Order serves as certification of the United States Army Corps of Engineers' Nationwide Permit #44 (SPK-2011-00164) 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 and waters of the State.
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<sup>1</sup>:
  - 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.

The sampling requirements in Table 1 shall be conducted upstream out of the influence of the project, within ambient conditions in lake habitat, and 300 feet downstream of the work area. The sampling frequency may be modified for certain projects with written approval from Central Valley Water Board staff.

**Table 1: Monitoring Requirements**

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

- <sup>(1)</sup> Grab samples shall not be collected at the same time each day to get a complete representation of variations in the receiving water.
- <sup>(2)</sup> 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.
- <sup>(3)</sup> Visible construction-related pollutants include oil, grease, foam, fuel, petroleum products, and construction-related, excavated, organic or earthen materials.
- <sup>(4)</sup> 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.

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<sup>1</sup> 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.

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 and settleable matter limits are based on water quality objectives contained in the Basin Plan and are part of this Certification as follows:

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

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

- b) Activities shall not cause settleable matter to exceed 0.1 mL/L in surface waters as measured in surface waters within and 300 feet downstream of the project.
6. The Applicant shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, or other water quality objectives are exceeded.
  7. In-water work shall occur during periods of no flow and no precipitation.
  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. 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.
12. The use of netting material (e.g., monofilament-based erosion blankets) that could trap aquatic dependent wildlife is prohibited within the project area.
13. All areas disturbed by project activities shall be protected from washout and erosion.
14. All temporarily affected areas shall be restored to pre-construction contours and conditions upon completion of construction activities.
15. All materials resulting from the project shall be removed from the site and disposed of properly.
16. 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.
17. If water is present, the area must be dewatered prior to the start of work.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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' Nationwide Permit #44 or the California Department of Fish and Wildlife Streambed Alteration Agreement.
23. The Applicant shall comply with all California Department of Fish and Wildlife requirements, including those requirements described in Streambed Alteration Agreement No. 1600-2015-0053-R2.
24. The Applicant shall work with Central Valley Water Board Non-15 Staff to determine if coverage under Waste Discharge Requirements (WDRs) is required.
25. 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.
26. The Applicant shall implement each of the mitigation measures specified in the certified 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.
27. 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.

28. To mitigate for the loss of 0.25 acre of lake, 0.13 acre of stream channel, and 0.01 acre of wetland, the Applicant shall purchase a minimum of 0.398 wetland floodplain mosaic creation mitigation credits from the Cosumnes Floodplain Mitigation Bank, or as required by the United States Army Corps of Engineers for the impacted watershed prior to commencing construction. The Applicant shall provide evidence of all off-site compensatory mitigation to the Central Valley Water Board. Evidence of on-site compensatory mitigation shall be provided with the Notice of Completion. At a minimum, compensatory mitigation must achieve a ratio of 1:1 for permanent impacts.

#### **NOTIFICATIONS AND REPORTS:**

29. 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.
30. 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](mailto: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.

#### **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](mailto:Stephanie.Tadlock@waterboards.ca.gov)  
(916) 464-4644

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

Amador County is the Lead Agency responsible for compliance with the California Environmental Quality Act for the Jackson Valley Quarry Expansion Project pursuant to Section 21000 et seq. of the Public Resources Code. Amador County certified the Environmental Impact Report on 30 July 2013. Amador County filed a Notice of Determination with the State Clearinghouse on 5 August 2013 (SCH No. 2007042002).

The Central Valley Water Board is a responsible agency for the project. The Central Valley Water Board has determined that the Environmental Impact Report is 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. The proposed mitigation measures discussed in 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, 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 George Reed, Inc., Jackson Valley Quarry Expansion Project (WDID#5B03CR00073) 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, George Reed, Inc.'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](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

cc: Distribution List, page 14



## PROJECT INFORMATION SHEET

**Application Date:** 19 March 2015

**Applicant:** Jeff Welch  
George Reed, Inc.  
140 Empire Avenue  
Modesto, CA 95354

**Applicant Representative:** Phil Wade  
Area West Environmental, Inc.  
7006 Anice Street  
Orangevale, CA 95662

**Project Name:** Jackson Valley Quarry Expansion Project

**Application Number:** WDID#5B03CR00073

**Date on Public Notice:** 27 March 2015

**Date Application Deemed Complete:** 11 September 2015

**Type of Project:** Oil, Gas, & Mineral Extraction – Hard Rock Mines

**Approved Months of Project Implementation:** 6 September 2016 through 5 September 2021, or as otherwise directed by the California Department of Fish and Wildlife

**Project Location:** Section 11, Township 5 North, Range 9 East, MDB&M.  
Latitude: 38°18'27.05" N and Longitude: 120°57'40.39" W

**County:** Amador County

**Receiving Water(s) (hydrologic unit):** Unnamed tributary to Jackson and Sutter Creeks, unnamed wetlands, and unnamed lake, San Joaquin Hydrologic Basin, North Valley Floor Hydrologic Unit #531.11, Herald HSA

**Water Body Type:** Wetland, Streambed, Lake

**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](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/index.shtml).

**303(d) List of Water Quality Limited Segments:** An unnamed tributary to Jackson and Sutter Creeks, an unnamed wetland, and unnamed lake are the receiving waters for the Jackson Valley Quarry Expansion Project. The unnamed tributary, unnamed wetland, and unnamed lake 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/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml)

**Project Description:** The Jackson Valley Quarry Expansion Project (Project) is located at Highway 88 near the junction of Jackson Valley Road and Highway 88 in the city of Lone. The Project consists of expanding the existing aggregate mining operations at the Jackson Valley Quarry to an adjacent 85.7-acre parcel. Only 71 of the 85.7 acres will be used for aggregate mining operations.

The expansion includes mining the onsite resources by blasting the rock and crushing it into a manageable size for transport to the existing production facility. Expansion will remove the high ground in the center of the project site, leaving an open 71-acre pit with 1.2:1 sloped sides and a 100-foot undisturbed setback around the perimeter to filter and contain sediments disturbed during mining operations and prevent impacts to off-site surface water from construction and operational activities. The un-mined portions of the parcel will be left in an undisturbed, natural state. The expansion of the quarry site will eliminate 0.25 acre of lake, 0.13 acre/2,002 linear feet of stream channel, and 0.01 acre of wetland, which are all waters of the United States.

The Applicant has enrolled under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities, Order NPDES No. CAS000001 (WDID#5S0I012875). The Applicant will work with the Central Valley Water Board Non-15 staff to address waste discharges to land.

This Certification does not authorize any discharges from mine operation activities.

No dewatering will occur within the Project area. No wet concrete will be placed into waters of the United States. The Project will permanently impact 0.39 acre/2,002 linear feet of waters of the United States.

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

**Proposed Mitigation to Address Concerns:** The Applicant will implement Best Management Practices to control sedimentation and erosion. The Applicant will conduct turbidity and settleable matter testing during in-water work, stopping 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 220,220 cubic yards of aggregate rock and native soil will be excavated from 0.39 acre of waters of the United States.

No fill material will be placed into waters of the United States.

**Dredge Volume:** None

**California Integrated Water Quality System Impact Data:** The Project will permanently impact 0.01 acre of wetland habitat (waters of the United States), 0.13 acre/2,002 linear feet of stream bed habitat (waters of the United States), 0.25 acre of lake habitat (waters of the United States) from excavation activities.

**Table 2: Impacts from Excavation 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
Lake	--	--	--	0.25	--	--	--	--	--
Stream Channel	--	--	--	0.13	--	2,002	--	--	--
Wetland	--	--	--	0.01	--	--	--	--	--
<b>TOTAL</b>	--	--	--	<b>0.39</b>	--	<b>2,002</b>	--	--	--

**United States Army Corps of Engineers File Number:** SPK-2011-00164

**United States Army Corps of Engineers Permit Type:** Nationwide Permit #44

**California Department of Fish and Wildlife Streambed Alteration Agreement:**  
1600-2015-0053-R2

**Possible Listed Species:** White tailed kite, Loggerhead shrike, and Hoover's calycadenia.

**Status of CEQA Compliance:** Amador County certified an Environmental Impact Report on 30 July 2013. Amador County filed a Notice of Determination with the State Clearinghouse on 5 August 2013 (SCH No. 2007042002).

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 0.25 acre of lake, 0.13 acre of stream channel, and 0.01 acre of wetland, the Applicant shall purchase a minimum of 0.398 wetland floodplain mosaic creation mitigation credits from the Cosumnes Floodplain Mitigation Bank, or as required by the United States Army Corps of Engineers.

**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)						
Wetland	--	X	--	0.39	--	X	--	--	--	--	--

**Application Fee Provided:** Total fees of \$27,027.00 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**

Melissa France (SPK-2011-00164)  
United States Army Corps of Engineers  
Sacramento District Headquarters  
1325 J Street, Room 1350  
Sacramento, CA 95814-2922

Bob Hosea (Electronic Copy Only)  
1600-2015-0053-R2  
Department of Fish and Wildlife  
Bob.Hosea@wildlife.ca.gov

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

Bill Orme (Electronic Copy Only)  
State Water Resources Control Board  
Stateboard401@waterboards.ca.gov

Joe Morgan (Electronic Copy Only)  
United States Environmental Protection Agency  
Morgan.Joseph@epa.gov

Phil Wade (Electronic Copy Only)  
Area West Environmental, Inc.  
pwade@areawest.net

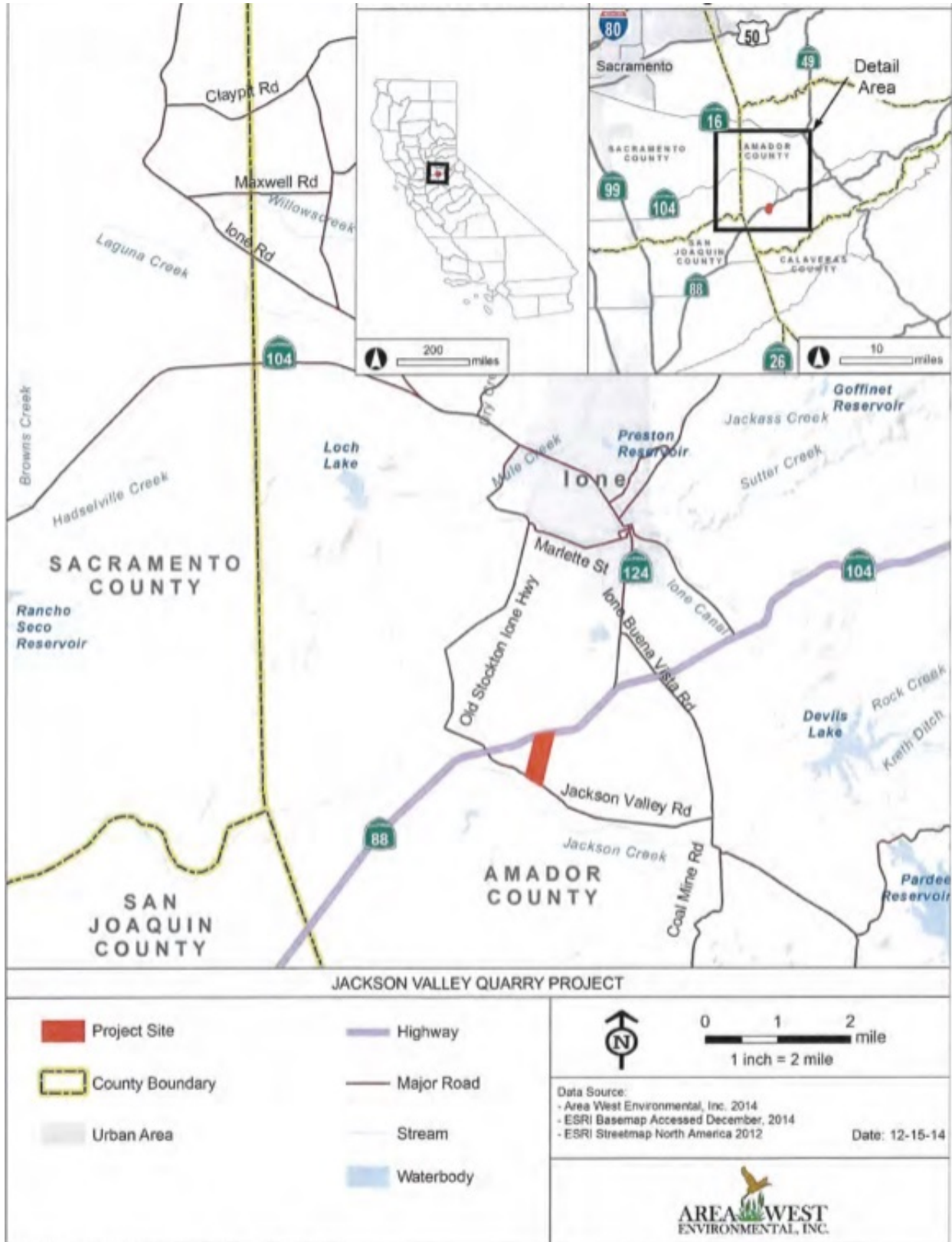


Figure 1 – Project Location Map

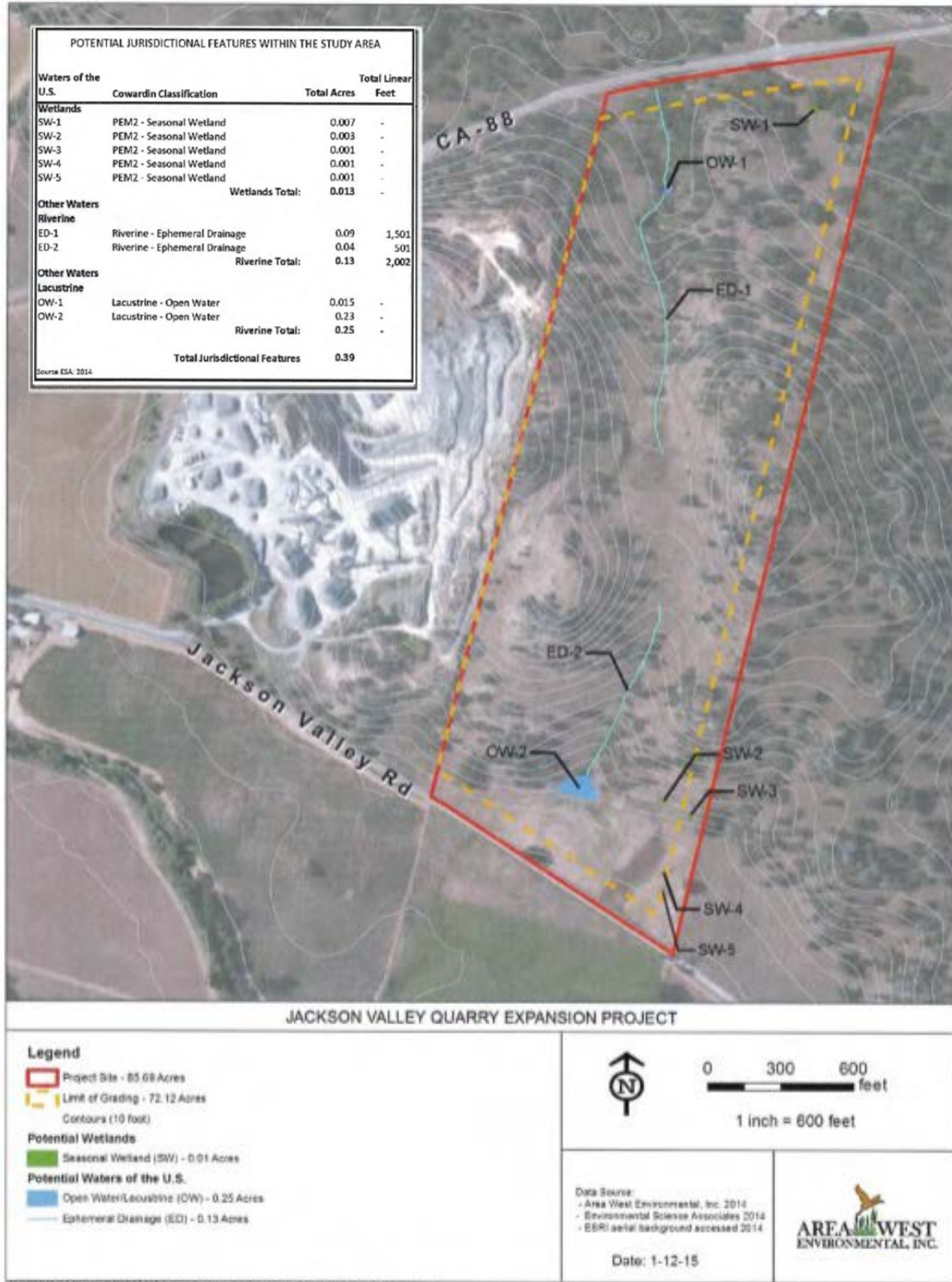


Figure 2 – Site Map



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

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



JUL 27 2017

Date

Ed Berlier  
George Reed, Inc.  
140 Empire Avenue  
Modesto, CA 95352

Subject: Final Lake or Streambed Alteration Agreement  
Notification No. 1600-2015-0053-R2  
Jackson Valley Quarry expansion

Dear Mr. Berlier:

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

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

If you have any questions regarding this matter, please contact Bob Hosea, Environmental Scientist at (916) 358-1124 or bob.hosea@wildlife.ca.gov.

Sincerely,

  
Tina Bartlett  
Regional Manager

ec: Jeff Welch, Reed Inc.; jeff.welch@reed.net  
Bob Hosea, CDFW; bob.hosea@wildlife.ca.gov

*Conserving California's Wildlife Since 1870*



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



**STREAMBED ALTERATION AGREEMENT**

NOTIFICATION NO. 1600-2015-0053-R2

Unnamed seasonal streams, small ponding basins and seasonal wetlands

ED BERLIER  
JACKSON VALLEY QUARRY EXPANSION

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (Department) and George Reed, Inc. as represented by Ed Berlier (Permittee).

**RECITALS**

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified the Department on 19 March, 2015 that Permittee intends to complete the project described herein.

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

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

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

**PROJECT LOCATION**

The project is located at unnamed tributaries to Dry Creek, in the County of Amador, State of California; Latitude 38°18' 27.05" N, Longitude 120° 57' 47.39" W (Exhibit A).

**PROJECT DESCRIPTION**

The project is limited to permanent removal of two seasonal streams and associated vegetation (0.13 acres), two small open water ponds receiving runoff from the streams (0.25 acres) and a seasonal wetland located in the Northeast portion of the project site (0.01 acres). These activities are part of the expansion of an open-pit hard rock quarry.

**PROJECT IMPACTS**

Existing fish or wildlife resources the project could substantially adversely affect include: migratory neo-tropical songbirds, aquatic and semi-aquatic wildlife, including California tiger salamander, and native oak species (Exhibit B).

The adverse effects the project could have on the fish or wildlife resources identified above include: permanent loss of 0.39 acres of seasonal wetlands, open water, seasonal drainages and associated riparian and emergent wetland vegetation habitat through expansion of the quarry operations, potential risk of mechanical crushing of amphibians if present on site.

## **MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES**

### **1. Administrative Measures**

Permittee shall meet each administrative requirement described below.

- 1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to Department personnel, or personnel from another state, federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify the Department if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, the Department shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that Department personnel may enter the project site at any time to verify compliance with the Agreement.
- 1.5 California Endangered Species Act. This Agreement does not authorize the Permittee to take any species listed under California Endangered Species Act (CESA) as a result of project activities.
- 1.6 Take of Nesting Birds. Sections 3503, 3503.5 and 3513 of the FGC prohibit the take of all birds and their active nests, including raptors and other migratory non-game birds (as listed under the federal Migratory Bird Treaty Act).
- 1.7 Notification to the California Natural Diversity Database. If any special status species are observed in project surveys, Permittee or designated representative shall submit Natural Diversity Data Base (NDDDB) forms to the NDDDB for all

preconstruction survey data within five (5) working days of the sightings, and provide to the Department's Regional office three (3) copies of the NDDDB forms and survey maps.

## 2. Avoidance and Minimization Measures

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

- 2.1 Work Period. The time period for completing the work within the project site shall be restricted to periods of low stream flow and dry weather. Construction activities shall be timed with awareness of precipitation forecasts and likely increases in stream flow. Construction activities within the project area shall cease until all reasonable erosion control measures, inside and outside of the project area, have been implemented prior to all storm events to prevent offsite movement of disturbed soils, and turbid stormwater runoff.
- 2.2 Work Period Modification. If Permittee needs more time to complete the project activity, the work may be permitted outside of the work period *and extended on a day-to-day basis* by the Department representative who reviewed the project, or if unavailable, through contact with the Regional office. Permittee shall submit a written request for a work period variance to the Department. The work period variance request shall: 1) describe the extent of work already completed; 2) detail the activities that remain to be completed; 3) detail the time required to complete each of the remaining activities; and 4) provide photographs of both the current work completed and the proposed site for continued work. The work period variance request should consider the effects of increase in lake elevation, and rain delays. Work period variances are issued at the discretion of the Department. The Department will review the written request to work outside of the established work period. The Department reserves the right to require additional measures to protect fish and wildlife resources as a condition for granting the variance. The Department will have ten (10) calendar days to review the proposed work period variance.
- 2.3 Stream Diversions / Dewatering. If work in the flowing portion of the stream is unavoidable, the entire stream flow shall be diverted and contained on site. Stream flow shall be diverted using gravity flow through temporary culverts/pipes or pumped around the work site with the use of hoses. Any temporary dam or other artificial obstruction constructed shall only be built from clean materials such as sandbags, gravel bags, water dams, or clean/washed gravel which will cause little or no siltation and in such a manner as to prevent offsite movement of turbid stormwater runoff.
- 2.4 Bird Nests. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird except as otherwise provided by the FGC. No vegetation or other substrate that contain active nests of birds shall be disturbed until all eggs have hatched and young birds have fledged without prior consultation and approval of a

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

- 2.5 **Vegetation Removal.** Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Except for the trees specifically identified for removal in the notification, no native trees with a trunk diameter at breast height (DBH) in excess of four (4) inches shall be removed or damaged without prior consultation and approval of a Department representative. Where native trees or woody riparian vegetation split into several trunks close to ground level, the DBH shall be measured for each trunk and calculated as one tree. Using hand tools (clippers, chain saw, etc.), trees may be trimmed to the extent necessary to gain access to the work sites. All cleared material/vegetation shall be removed out of the project area.
- 2.6 **Sediment Control.** Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require the placement of silt fencing, coir logs, coir rolls, straw bale dikes, or other siltation barriers so that silt and/or other deleterious materials are not allowed to pass to downstream reaches. Passage of sediment beyond the sediment barrier(s) is prohibited. If any sediment barrier fails to retain sediment, corrective measures shall be taken. The sediment barrier(s) shall be maintained in good operating condition throughout the construction period and the following rainy season. Maintenance includes, but is not limited to, removal of accumulated silt and/or replacement of damaged silt fencing, coir logs, coir rolls, and/or straw bale dikes.

**The use of non-wildlife friendly monofilament or plastic netting based erosion control blankets is prohibited.** If any BMPs are to be left in place at the end of the project, they must to be wildlife friendly. If project activities occur in or

near a watercourse, wildlife friendly products shall be used at all times even if they are temporary. To minimize wildlife entanglement and plastic debris pollution, choose temporary erosion and sediment control products that either do not contain netting, or that contain netting manufactured from 100% biodegradable **non-plastic materials** such as jute, sisal, or coir fiber. Netting used in wildlife friendly products should have a loose-weave wildlife-safe design with movable joints between the horizontal and vertical twines, allowing the twines to move independently and thus reducing the potential for wildlife entanglement. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting (including polypropylene, nylon, polyethylene, and polyester) are not acceptable alternatives. The Permittee is responsible for the removal of non-biodegradable silt barriers (such as plastic silt fencing) or the netting surrounding coir logs and/or rolls, after the disturbed areas have been stabilized with erosion control vegetation (usually after the first growing season). Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation shall be halted until effective Department approved control devices are installed or abatement procedures are initiated.

- 2.7 **Pollution Control**. Utilize Best Management Practices (BMPs) to prevent spills and leaks into water bodies. If maintenance or refueling of vehicles or equipment must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses to prevent the runoff of storm water and the runoff of spills. Ensure that all vehicles and equipment are in good working order (no leaks). Place drip pans or absorbent materials under vehicles and equipment when not in use. Ensure that all construction areas are covered by a site-wide spill response plan and have proper spill clean-up materials (absorbent pads, sealed containers, booms, etc.) to contain the movement of any spilled substances. Any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the State. Any of these materials, placed within or where they may enter a stream or lake by the Applicant or any party working under contract or with the permission of the Permittee, shall be removed immediately. The Department shall be notified immediately by the Permittee of any spills and shall be consulted regarding clean-up procedures.
- 2.8 **Stranded Aquatic Life**. The Permittee shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any State or federally listed species, or State listed species of special concern.

### 3. **Compensatory Measures**

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

- 3.1 Loss of Habitat. Permittee shall mitigate for the permanent loss of jurisdictional waters at a rate of 3:1 for 0.39 acres of seasonal streams, seasonal wetlands and small open water seasonal ponds (1.17 acres). Permittee may purchase mitigation credits at a local, State approved mitigation bank or purchase a conservation easement, prepare and implement a rehabilitation or enhancement plan for habitat on private property in the vicinity of the project site.

#### **4. Reporting Measures**

Permittee shall meet each reporting requirement described below.

- 4.1 Permittee shall submit to the Department, proof of purchase of mitigation credits or proof of establishment of conservation easement appropriate to habitat removed, prior to start of construction activities.
- 4.2 The Permittee shall notify the Department within two (2) working days of beginning work within the unnamed seasonal tributaries to Dry Creek. Notification shall be submitted as instructed in Contact Information section below. Email notification is preferred.
- 4.3 Upon completion of the project activities described in this agreement, the work area within unnamed seasonal tributaries to Dry Creek shall be digitally photographed. Photographs shall be submitted to the Department within fourteen (14) days of completion. Photographs and project commencement notification shall be submitted as instructed in Contact Information section below. Email submittal is preferred.

## CONTACT INFORMATION

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

To Permittee:

Ed Berlier  
George Reed, Inc.  
140 Empire Avenue  
Modesto, CA 95352  
Phone: 209-523-0734  
[ed.berlier@georgereed.com](mailto:ed.berlier@georgereed.com)

To Contact:  
Jeff Welch  
Reed Center  
928 12<sup>th</sup> Ave, Street #700  
Modesto, CA 95352

To The Department:

Department of Fish and Wildlife  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
Attn: Lake and Streambed Alteration Program – Streambed Desk  
Notification #1600-2015-0053-R2  
Phone: 916-358-2885  
FAX: (916) 358-2912  
[r2lsa@wildlife.ca.gov](mailto:r2lsa@wildlife.ca.gov)

## LIABILITY

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

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

## SUSPENSION AND REVOCATION

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

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

## **ENFORCEMENT**

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

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

## **OTHER LEGAL OBLIGATIONS**

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

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

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

## **AMENDMENT**



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

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

### **TRANSFER AND ASSIGNMENT**

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter the Department approves the transfer or assignment in writing.

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

### **EXTENSIONS**

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

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

### **EFFECTIVE DATE**

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

## **TERM**

This Agreement shall expire five (5) years from the Department's date of signature, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

## **EXHIBITS**

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

- A. Exhibit A: Google Earth site map
- B. Exhibit B: CDFW BIOS map

**AUTHORITY**

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


**AUTHORIZATION**

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

**CONCURRENCE**

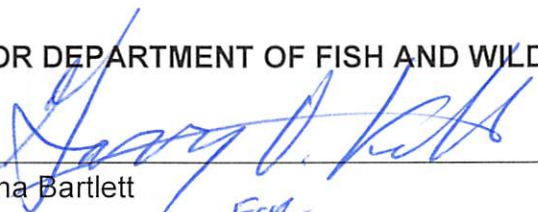
The undersigned accepts and agrees to comply with all provisions contained herein.

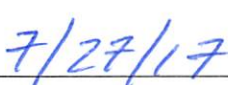
**FOR GEORGE REED, INC.**

  
\_\_\_\_\_  
Ed Berlier

  
\_\_\_\_\_  
Date

**FOR DEPARTMENT OF FISH AND WILDLIFE**

  
\_\_\_\_\_  
Tina Bartlett  
Regional Manager *FOR*

  
\_\_\_\_\_  
Date

Prepared by: Bob Hosea  
Environmental Scientist

Exhibit A: Google Earth site map

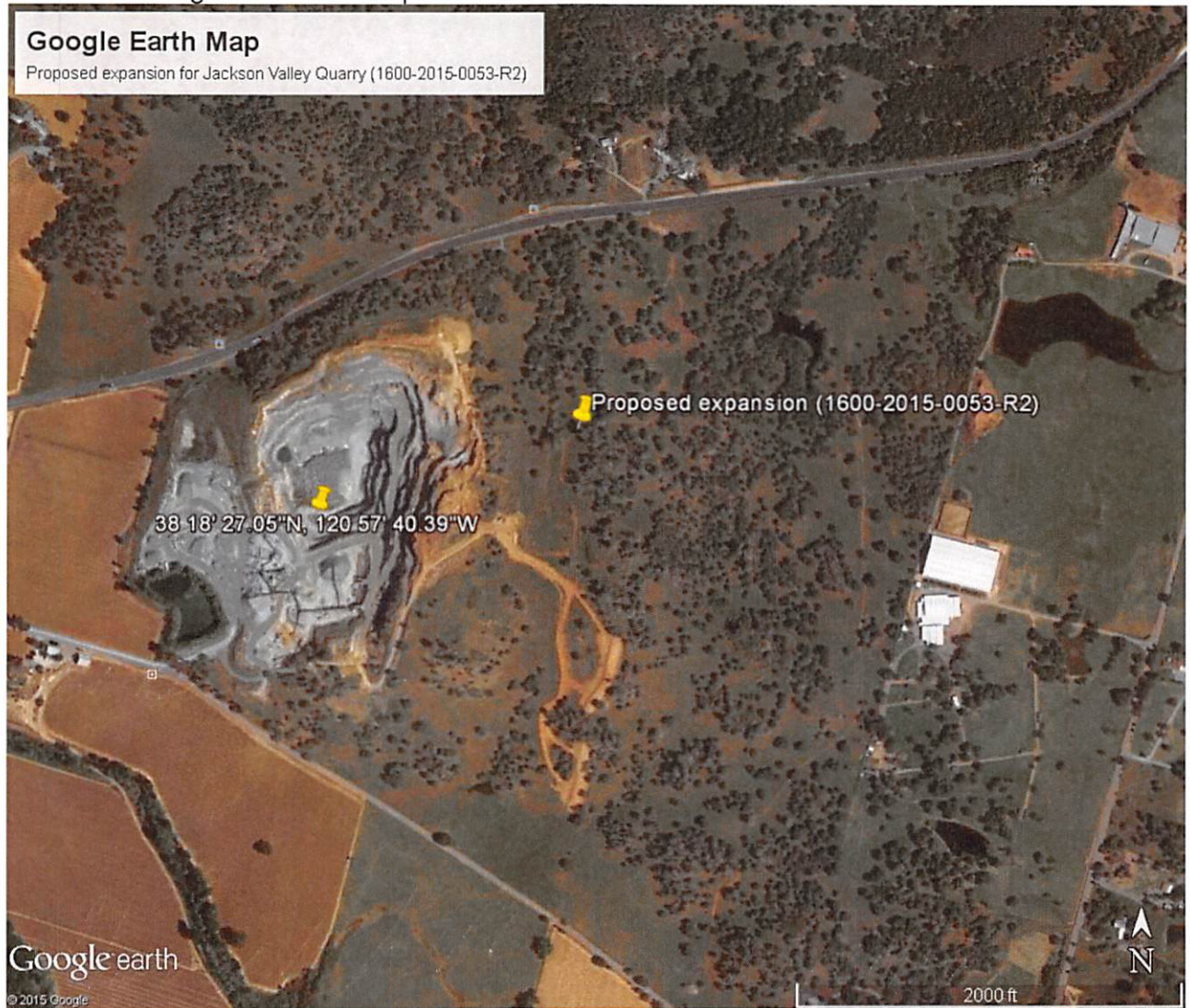
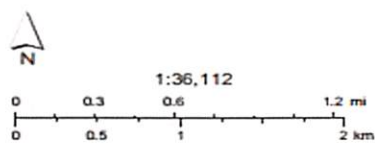
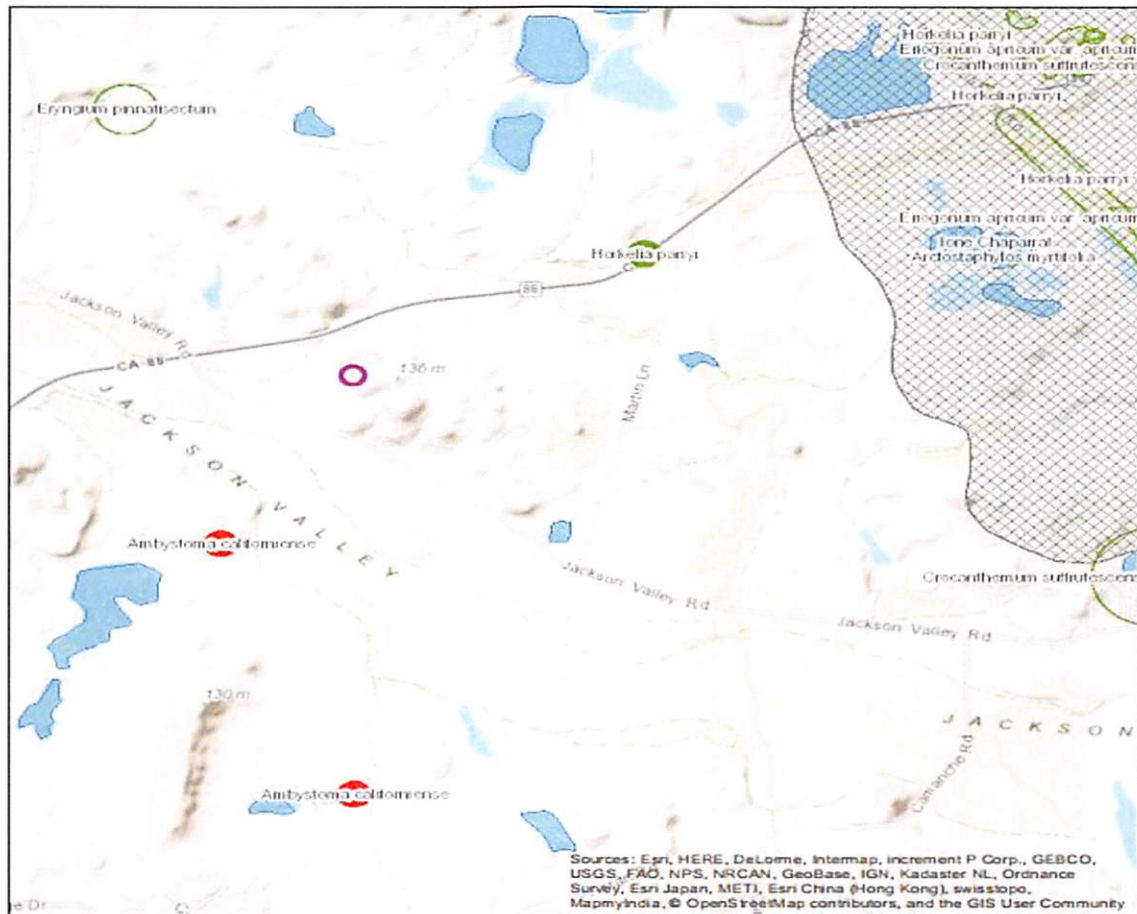


Exhibit B: CDFW BIOS map

### Map of Project Area



July 13, 2015

Author: bhowse  
Printed from <http://bhowse.dfg.ca.gov>

## **Attachment C**

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Agreement for Sale of Mitigation Credits

Cosumnes Floodplain Mitigation Bank  
**AGREEMENT FOR SALE OF MITIGATION CREDITS**  
CDFW Notification No: 1600-2015-0053-R2  
WDID #: 5B03CR00073  
USACE Permit No: SPK-2011-00164

This Agreement is entered into this 30<sup>TH</sup> day of July, 2018 by and between WESTERVELT ECOLOGICAL SERVICES, LLC (Bank Owner) and GEORGE REED, INC (Project Applicant), jointly referred to as the "Parties," as follows:

RECITALS

A. The Bank Owner has developed the Cosumnes Floodplain Mitigation Bank (Bank) located in Sacramento County, California; and

B. The Bank was approved by the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (USEPA), National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) (jointly referred to as "Agencies") on **September 30, 2009**, and is currently in good standing with these agencies; and

C. The Bank has received approval from the Agencies to offer riparian wetlands and seasonal wetlands under the Clean Water Act and riparian forest, Scrub Shrub, and Shaded Riverine Aquatic (SRA) credits through the *Cosumnes Floodplain Mitigation Bank Enabling Instrument* (Bank Agreement); and

D. Project Applicant is seeking to implement the Jackson Valley Quarry Expansion Project described on Exhibit "A" attached hereto (Project), which would unavoidably and adversely impact 0.39 acres of jurisdictional waters (seasonal streams, seasonal wetlands, and small open water seasonal ponds), and seeks to compensate for the loss of said habitat by purchasing Credits from the Bank; and

E. Project Applicant has been authorized by the U.S. Army Corps of Engineers, (Permit No: SPK-2011-00164), The Central Valley Regional Water Quality Control Board (WDID #: 5B03CR00073), and the California Department of Fish and Wildlife (Streambed Alteration Agreement No: 1600-2015-0053-R2) to purchase from the Bank **1.17 floodplain mosaic wetland (seasonal wetland) credits** upon confirmation by the Bank Owner of credit availability/adequate balance of credits remaining for sale; and

F. Project Applicant desires to purchase from Bank and Bank desires to sell to Project Applicant **1.17 floodplain mosaic wetland (seasonal wetland) credits**;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Bank hereby sells to Project Applicant and Project Applicant hereby purchases from Bank **1.17 floodplain mosaic wetland (seasonal wetland) credits** for the purchase price of **\$163,800.00**. The Bank will then deliver to Project Applicant an executed Bill of Sale in the manner and form as attached hereto and marked Exhibit "B". The purchase price for said credits shall be paid by cashier's check or, at the option of Bank, wire transfer of funds according to written instructions by Bank to Project Applicant.

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

Cosumnes Floodplain Mitigation Bank Credit Sales Agreement

3. Project Applicant shall have no obligation whatsoever by reason of the purchase of the Credits, to support, pay for, 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 credits sold, or the Bank. Pursuant to the Bank Agreement and any amendments thereto, Bank shall monitor and make reports to the appropriate agency or agencies on the status of any Credits sold to Project Applicant. Bank shall be fully and completely responsible for satisfying any and all conditions placed on the Bank or the Credits by all state or federal jurisdictional agencies.

4. The Credits sold and transferred to Project Applicant shall be non-transferable and non-assignable, and shall not be used as compensatory mitigation for any other Project or purpose, except as set forth herein.


5. Project Applicant hereby commits to purchase the Credits and in association therewith shall tender payment for the Credits no later than 30 days from the date of this Agreement.

6. Upon purchase of the credits specified in paragraph E above, the Bank shall submit to the parties listed in the Notices section of the Bank Agreement / Bank Enabling Instrument, copies of the: a) Agreement for Sale of Credits; b) Bill of Sale; c) Payment Receipt; and d) an updated ledger. The updated inventory / ledger must detail: i) Project Applicant; ii) Project Name; iii) Status (sale complete/sale not complete); iv) Credit Sale Date; v) Service File Number; vi) U.S. Army Corps of Engineers File Number (if applicable); vii) Total Number of Credits Authorized to Sell; viii) Total Number of Credits Sold to Date (inclusive); and ix) Balance of all Credits Available. The inventory / ledger should include all sales data from bank opening/establishment to the present.

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


BANK:

WESTERVELT ECOLOGICAL SERVICES, LLC  
Cosumnes Floodplain Mitigation Bank Owner

By:  Date: 8/15/2018

PROJECT APPLICANT:

GEORGE REED, INC

By:  Date: 7/30/2018  
ED BERLIER VP-GM



## Exhibit "A"

**DESCRIPTION OF PROJECT  
TO BE  
MITIGATED**

CDFW Notification No: 1600-2015-0053-R2

WDID #: 5B03CR00073

USACE Permit No: SPK-2011-00164

The proposed project involves the discharge of fill material into 0.39 acre of waters of the U.S. for the expansion of the existing Jackson Valley Quarry. The project will include the excavation of an open mining pit. Expansion work would include blasting the rock and crushing it into a manageable size for transport.

\*\*\*\*\*

## Exhibit "B"

**BILL OF SALE**

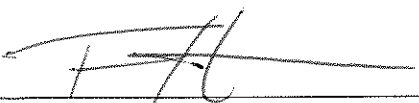
In consideration of \$163,800.00, receipt of which is hereby acknowledged, *Westervelt Ecological Services, LLC (Bank Owner)* does hereby bargain, sell and transfer to the *(Project Applicant) George Reed, Inc.* **1.17 floodplain mosaic wetland (seasonal wetland) credits** in the *Cosumnes Floodplain Mitigation Bank* in Sacramento County, California, developed, and approved by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, California Department of Fish and Wildlife, and National Marine Fisheries Service.

Westervelt Ecological Services, LLC 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.

Westervelt Ecological Services, LLC covenants and agrees with the buyer to warrant and defend the sale of the credits hereinbefore described against all and every person and persons whomsoever lawfully claiming or to claim the same.

DATED: 8/15/2018

Westervelt Ecological Services, LLC  
Cosumnes Floodplain Mitigation Bank Owner

By: 

## Exhibit "C"

**Cosumnes Floodplain Mitigation Bank  
PAYMENT RECEIPT**

**PARTICIPANT INFORMATION**

Name: George Reed, Inc.  
 Address: 140 Empire Ave  
 Modesto, CA 95354  
 Telephone: Jordan Main  
 Contact: (916) 825-4997

**PROJECT INFORMATION**

Project Description: Jackson Valley Quarry Expansion Project  
 Project File Number: Permit No: SPK-2011-00164  
 Notification No. 1600-2015-0053-R2  
 WDID: 5B03CR00073  
 Species/Habitat Affected: 0.39 acres jurisdictional waters  
 Credits to be Purchased: 1.17 acres floodplain mosaic wetland (seasonal wetland) credits  
 Payment Amount: \$163,800.00  
 Project Location: Jackson, CA  
 County/Address: Amador County


**PAYMENT INFORMATION**

Payee: Westervelt Ecological Services, LLC

Payer: George Reed, Inc.

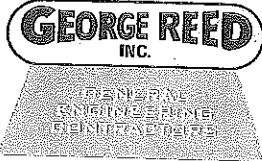
Amount: One Hundred Sixty Three Thousand Eight Hundred Dollars

Method of payment: Cash      Check No. 514365      Money Order No.

Received by:       Date: 8/15/2018  
 (Signature)

Name: TRAVIS Hemmen      Title: Vice President

THE BACK OF THIS DOCUMENT CONTAINS A WATERMARK. HOLD AT ANGLE TO VIEW.



P.O. BOX 4760  
MODESTO, CA 95352  
(209) 523-0734



08-441  
T211

514365

DATE  
**July 30, 2018**

CHECK NO.  
**514365**

AMOUNT  
**\$163,800.00**

**PAY \*\*\* One hundred sixty-three thousand eight hundred and xx / 100 Dollars\*\*\***

TO THE  
ORDER  
OF

WESTERVELT ECOLOGICAL SERVICES LLC  
600 N MARKET BLVD SUITE 3  
SACRAMENTO CA 95834

GEORGE REED, INC.  
  
VOID AFTER 6 MONTHS • TWO SIGNATURES REQUIRED

⑈ 5 1 4 3 6 5 ⑈ ⑆ 1 2 1 1 0 8 4 4 1 ⑆ 0 2 0 6 5 8 9 4 0 1 ⑈