

Resource Summary

Delta Coves Re-configuration Project (2022) Resource Agency Permit Measure Summary

Note: This is a summary of the pertinent permit conditions for the Project. For details regarding each measure, see the full Permit as named below. Retain a hard-copy of all resource agency permits on-site during construction activities.

Central Valley Water Board 401 Water Quality Certification (WDID # 5B07CR00227):

- All reports, notifications, or other documents required by the permit must be signed by the designated permittee or an authorized representative.
- Notify the Central Valley Waterboard w/in 7 days of initiating work
- Maintain a copy of the 401 permit onsite
- Condition 4-7: Applicant shall perform surface water sampling and produce monitoring reports. See Condition for details.
- In the event of a spill or discharge of hazardous materials, applicant shall notify the Board w/in 24 hours
- Report the "Notice of Completion" and send to the Central Valley Water Board no later than 30 days after Project completion
- This Certification will expire along with the U.S. Army Corps Section 10 Permit on May 20, 2027 (an extension may be requested to both the Water board and Corps).

U.S Army Corps of Engineers (Corps) Section 10 Permit (SPK-1994-00393)

- This Permit expires on May 20, 2027 (an extension may be requested at least one month prior).
- Permittee must maintain the activity authorized in this permit and they are not relieved of this requirement if the Project is abandoned or transferred to a third party. If the Permit activity is transferred, you must obtain a signature of the

new owner in the space provided (see permit) and forward to the Corps Sacramento District.

- The Project must comply with the Water Quality Cert. (401 Permit).
- This permit does not authorize “take” of endangered species (i.e. delta smelt). A separate Biological Opinion (BO)/Incidental Take Statement and Letter of Concurrence (LOC) has been issued by the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS), see the BO and official letters for those requirements.
- Permittee and authorized contractors shall allow representatives from this office [Corps] to inspect the activity authorized under this permit.
- Use of the permitted activity shall not interfere with the public’s right to free navigation or cause unreasonable obstruction to Navigable Waters of the U.S. (see Conditions 3-5).
- Within 60 days of Project Completion, submit as-built drawings, description of work conducted, etc. (see Condition 6 for details).

National Marine Fisheries Service (NMFS) Section 7 Concurrence Letter

- A qualified biologist will conduct a mandatory awareness training for all personnel prior to construction. The biologist will be onsite during all construction activities within the lagoon.
- Supervisors will be trained about the importance of controlling and preventing the spread of invasive plant infestations.
- To prevent introduction and/or transport of aquatic invasive species into the action area, any equipment that comes into contact with the channel will be inspected and cleaned before and after contact, according to the most current Inspection Standards and Cleaning and Decontamination Procedures.
- Water hyacinth will be regularly removed from lagoon areas through the development and implementation of a water hyacinth control program to ensure that the cover of water hyacinth in the lagoon does not increase beyond existing conditions at the time that the work is completed.

- Vibratory pile driving will be set with a soft set and graduated blow method to mitigate localized soil disturbance in and around the point of penetration. Piles will be driven via a small driving vessel that will utilize a multi-layer cushion block to minimize acoustic vibrations.
- All in-water work will be done by equipment operating from dry areas outside the lagoon or by a barge-mounted crane. Silt fences, fiber rolls, silt/turbidity curtains, and other appropriate sediment control measures will be used to minimize sediment input to the water.
- The construction contractor will ensure that all equipment is fitted with sound-control devices no less effective than those provided as original equipment to ensure that construction noise levels, as applicable, do not exceed 80 dBA (weighted decibels) (one-hour Leq) and no equipment will be operated with an unmuffled exhaust.
- In-water work will be conducted between 9:00 am and 5:00 pm between August 1 through October 31 (Any variance from these dates must be notified and approved by the appropriate agencies).

U.S. Fish and Wildlife Service (USFWS) Biological Opinion/Section 7 Consultation

- A qualified biologist will be onsite during all construction activities and a pre-construction environmental awareness class shall be given to all contractors prior to construction.
- To prevent introduction and/or transport of aquatic invasive species into the action area, any equipment that comes into contact with the channel will be inspected and cleaned before and after contact, according to the most current Inspection Standards and Cleaning and Decontamination Procedures.
- Work Window: July 15 – mid October (dry season) (this condition may be modified in writing with approvals from agencies).
- Purchase 1.25 acres of Delta Smelt mitigation credits from an approved mitigation bank (purchase pending June 2022).

CA Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement (No. 1600-2020-0263-R3)

- Work window: Aug 1 - Nov 30. If a deviance from these dates are needed, the permittee may submit a request to the CDFW representative listed on the permit.
- Biological monitor– send qualifications to CDFW for approval 30 days prior to work, designated bio monitor shall be on site for all in-water pile removal and pile driving, conduct educational program to all contractors
- Permittee shall implement appropriate construction BMPs and report any spills or violations of this permit immediately to CDFW.
- Pile driving shall be conducted by a vibratory driver only
- Prior to pile-driving activities, the qualified biologist shall ensure no marine mammals are within 500 meters of the Project site. If marine mammals are found within the buffer, no pile-driving activities shall commence until the animal has left on its own accord.
- Pre-construction nesting bird surveys, nesting bird assessment, and burrowing owl habitat assessment and avoidance (see Measures 2.18 – 2.22).
- Mitigation: The permittee shall purchase 0.28 acre of equivalent functional fisheries resources habitat from an approved mitigation bank (the purchase of 1.25 acres of Delta Smelt Credits will satisfy this condition, purchase pending June 2022).
- Notify CDFW at least 48 hours prior to work initiation,
- 30-days prior submit qualified biologist qualifications for approval, results of pre-con surveys shall be submitted w/in 5 days of work.
- The qualified biologist/monitor shall report special-status species to the CNDDDB.
- Send a Final Construction Report w/in 30 days of completed project (see condition 4.5)
- This permit expires December 31, 2025. An extension must be requested in writing to CDFW.