



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

July 1, 2016

David E. Chardavoyne
Monterey County Water Resource Agency
P.O. Box 930
Salinas, CA 93901
Email: ChardavoyneDE@co.monterey.ca.us

VIA ELECTRONIC MAIL

Dear Mr. Chardavoyne:

DRAFT TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION NUMBER 32716WQ02 FOR 2016-2025 SALINAS RIVER STREAM MAINTENANCE PROGRAM, MONTEREY COUNTY

Thank you for the opportunity to review your December 25, 2016 application for water quality certification of the 2016-2025 Salinas River Maintenance Program (Project). The application was completed on February 3, 2016. The Project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Act Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of State waters. We are issuing the enclosed Certification. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue Waste Discharge Requirements, or take other action.

Your Certification application and submitted documents indicate that Project activities have the potential to affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this Certification to protect water quality and associated beneficial uses from Project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per Section 13267 of the California Water Code.

Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per Section 13268 of the California Water Code. The Central Coast Water Board will base enforcement actions on the date of certification. Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code Section 13320; and Title 23, California Code of Regulations, Sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this Certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast



If you have questions please contact **Jon Rohrbough** at (805) 549-3458 or via email at Jon.Rohrbough@waterboards.ca.gov, or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this project.

Sincerely,

John M. Robertson
Executive Officer

Enclosures: Action on Request for CWA Section 401 Water Quality Certification

cc: With enclosures

Elizabeth Krafft
Monterey County Water Resources Agency
Email: krafftea@co.monterey.ca.us

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Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: 2016-2025 Salinas River Stream Maintenance Program

APPLICANT: David E. Chardavoyne
Monterey County Water Resources Agency
P.O. Box 930
Salinas, CA 93901

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

ATTACHMENTS

1. Project Information and Conditions
2. Findings

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This Certification action is not intended 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 per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.
3. The validity of any non-denial Certification action (Actions 1 and 2) is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADMINISTRATIVE CONDITIONS:

1. This Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.
2. In the event of a violation or threatened violation of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of Section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with

the water quality standards and other pertinent requirements incorporated into this Certification.

3. In response to a suspected violation of any condition of this Certification, the Central Coast Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.
4. In response to any violation of the conditions of this Certification, the Central Coast Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.
5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the applicant, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.
6. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.
7. The Permittee shall grant Central Coast Water Board staff, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.
8. The Permittee must, at all times, fully comply with the application, plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and this Certification. The conditions within this Certification and attachment(s) supersede conflicting provisions within applicant submittals.
9. The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
10. This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.
11. The total fee for this project is \$90,000. The remaining fee payable to the Central Coast Water Board is \$89,400.

SPECIAL CONDITIONS

A. Permit Term

1. This Certification expires on August 31, 2025, except that compensatory mitigation implementation, monitoring, and reporting requirements and conditions of this Certification remain in effect until the Permittee complies with all such requirements and conditions. Central Coast Water Board staff will assess the implementation and effectiveness of the Project after five years, and consider modifications to this Certification for the second five years of the permit term.

B. Definitions

1. Low-flow channel. For the purposes of this Certification, “low-flow channel” means the lowest channel in the riverbed, in which the lowest flows are conveyed.
2. Main channel. For the purposes of this Certification, “main channel” means the river channel defined by the outermost banks or levees, including the low-flow channel and riparian vegetation.

C. Activities

1. Monterey County Water Resources Agency (MCWRA) shall implement the Salinas River Stream Maintenance Program as described in the *Salinas River Stream Maintenance Program Permit Application Supplemental Attachment*, dated January 2016 (Supplemental Attachment) and this Certification. Where conditions contained in this Certification disagree with statements in the Supplemental Attachment, this Certification shall govern.
2. MCWRA may only conduct maintenance activities in the 123 secondary channel areas, two selective treatment areas, and three tributary maintenance areas (San Lorenzo Creek, Bryant Canyon Channel, and Gonzales Slough) identified in the Supplemental Attachment. MCWRA shall not conduct maintenance activities outside of these identified areas, and access routes to maintenance areas identified in accordance with Special Condition C.4, unless prior written approval is received from Central Coast Water Board staff in accordance with Special Condition E.2.
 - a. MCWRA may conduct removal and/or herbicidal treatment of arundo and other invasive species anywhere within the main channel, subject to the methods described in the Supplemental Attachment and the conditions of this Certification, provided that invasive species removal and herbicidal treatment areas are identified in the Annual Work Plan and delineated in the pre-maintenance survey in accordance with Special Conditions E.3 and E.4, respectively.
 - b. MCWRA may conduct compensatory mitigation planting activities anywhere within the main channel, subject to Special Condition G and the recommendations of the biologist.
3. MCWRA shall not conduct vegetation or sediment management activities in secondary channels or selective treatment areas within 30 feet of developed areas, including agricultural fields and farm roads, except to construct temporary access routes to maintenance areas in accordance with Special Condition C.4. This condition does not prohibit MCWRA from conducting vegetation or sediment management activities in tributary

maintenance areas within 30 feet of developed areas, subject to Central Coast Water Board staff approval of the Annual Work Plan in accordance with Special Condition E.3.

4. MCWRA shall use existing roads, trails, and access ramps to access maintenance areas to the maximum extent practicable. Access routes shall minimize crossings of the low-flow channel to the maximum extent practicable. Where existing access routes are not sufficient, MCWRA shall construct access routes along sections of existing farm roads. New access routes shall be identified by the biologist during the pre-maintenance survey in accordance with Special Condition E.4 and shall be sited to minimize impacts to native habitat.
 - a. Access routes shall not cross the low-flow channel when water is present, either by bridge, culvert, or ford, unless prior written approval has been obtained from Central Coast Water Board staff.
5. MCWRA shall not conduct maintenance activities in standing or flowing water. MCWRA shall not operate equipment within the wetted stream, or use heavy equipment to cross the wetted stream. Vehicles and equipment shall not enter or cross the low-flow channel when standing or flowing water is present.
6. Herbicide use shall comply with Water Quality Order No. 2013-0002-DWQ Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications.
7. Sediment removed from maintenance areas shall be transported outside of the main channel. Removed sediment shall not be placed in waters of the State. If removed sediment is stockpiled outside of the main channel, it shall be stockpiled in locations where sediment cannot flow into waters of the State.

D. Impacts

1. Total project disturbance in waters of the State shall not exceed 863.7 acres, except as provided for in Special Condition E.2, including the following vegetation communities as defined in the Supplemental Attachment:
 - a. Approximately 13.1 acres of low-stature herbaceous wetland habitat;
 - b. Approximately 27.7 acres of early- and mid-successional cottonwood habitat;
 - c. Approximately 12.8 acres of mid-successional willow habitat;
 - d. Approximately 422.3 acres of early-successional perennial riparian habitat;
 - e. Approximately 161.9 acres of sparse herbaceous vegetation;
 - f. Approximately 66.0 acres of arundo-dominated vegetation; and
 - g. Approximately 159.7 acres of unvegetated or bare ground habitat.
2. MCWRA shall limit impacts to low-stature herbaceous wetland habitat, to the greatest extent practicable, to temporary vegetation damage resulting from driving essential equipment across these wetland areas. Vehicles shall not enter wetland areas when water is present or the ground is moist. Other impacts to low-stature herbaceous wetland habitat are not authorized by this Certification.
3. MCWRA shall field-verify the acreage of impacts to low-stature herbaceous wetland habitat, early- and mid-successional cottonwood habitat, mid-successional willow habitat, and early-successional perennial riparian habitat during the pre-maintenance survey. The field verification shall update the approximate impact acreages listed in the Supplemental Attachment for these habitat types, and shall account for any adjustments to the mapped maintenance areas.

E. Program Management

1. The Project includes maintenance activities previously permitted under Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project. MCWRA shall conduct ongoing maintenance activities in previously permitted areas, as well as compensatory mitigation implementation, monitoring, and reporting activities required and/or begun for impacts in previously permitted areas, as described in this Certification No. 32716WQ02. This Certification replaces Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project.
2. Adaptive Management. **By May 15 of each year**, beginning with the 2017 maintenance season, MCWRA shall identify significant geomorphological changes to the river resulting from fluvial processes, assess whether any mapped maintenance areas should be relocated or realigned in response to those changes, and submit to Central Coast Water Board staff a proposal to modify mapped maintenance area(s). The need for relocation or realignment could arise if mapped maintenance areas shift location or alignment, or if shifts in the location or alignment of the Salinas River low-flow channel indicate a need to modify a mapped secondary channel. MCWRA shall not implement the proposal unless written approval of the proposal has first been obtained from Central Coast Water Board staff.
 - a. The proposal shall be based on evaluation of field conditions and shall apply the design approach described in the Supplemental Attachment.
 - b. The proposal shall identify the significant fluvial geomorphological changes to the river, specific maintenance area(s) proposed to be modified, MCWRA's recommendation for the relocation and/or realignment of each specific maintenance area, MCWRA's rationale for the recommendation, and supporting photographs.
3. Annual Work Plan. **By August 1 of each year**, beginning with the 2017 maintenance season, MCWRA shall submit an Annual Work Plan to Central Coast Water Board staff. The Annual Work Plan shall identify the specific mapped maintenance areas where maintenance activities are proposed that year, describe the maintenance activities proposed in each maintenance area, and identify the route that will be used to access each maintenance area. MCWRA shall not begin maintenance activities unless written approval of the Annual Work Plan has first been obtained from Central Coast Water Board staff.
4. Pre-Maintenance Survey. No more than 60 days prior to commencement of maintenance activities, MCWRA shall conduct a pre-maintenance survey of all maintenance areas proposed for maintenance in that year. Pre-maintenance surveys shall be performed by a qualified and trained biologist, and shall:
 - a) Evaluate the proposed alignment of each maintenance area compared to field conditions, and adjust the alignment of the maintenance area where maintenance impacts could be reduced without reducing flood reduction benefits;
 - b) Clearly identify and delineate, by flagging or staking, the boundaries of each maintenance area and points of connection to the low-flow channel;
 - c) Clearly identify and delineate, by flagging or staking, the boundaries of arundo and other invasive species removal and/or herbicide treatment areas that are outside of designated maintenance areas;
 - d) Identify acceptable access routes and temporary low-flow channel crossing locations, where applicable;

- e) Identify and protect sensitive resources to be avoided;
 - f) Field-verify actual Project impacts as described in Special Condition D.3; and
 - g) Determine anticipated mitigation obligations resulting from anticipated impacts.
5. Training. All personnel who engage in maintenance activities or their oversight at any maintenance area (MCWRA staff, biologists, landowners and/or their representatives who will perform the work, etc.) must attend training, prior to commencement of their activities, on the conditions of this Certification and how to perform their activities in compliance with those conditions. Trainings shall be conducted by a qualified individual with experience in Water Quality Certification conditions and compliance.
6. Oversight. MCWRA shall conduct daily monitoring of all active maintenance sites during maintenance activities during business days, and shall inspect on the following Monday any maintenance site where maintenance activities were conducted over the weekend, to ensure that activities are conducted in accordance with the Supplemental Attachment, the pre-maintenance survey, and this Certification. Any alteration to the maintenance locations and boundaries established during the pre-maintenance survey must be approved by a qualified biologist. MCWRA shall also (a) quantify actual impacts to low-stature herbaceous wetland habitat, early- and mid-successional cottonwood habitat, mid-successional willow habitat, and early-successional perennial riparian habitat in each maintenance area; b) quantify sediment removed; and c) determine actual mitigation obligations resulting from actual impacts.

F. Scheduling

1. Work Window. MCWRA shall conduct all vegetation and sediment removal activities in waters of the State from June 1 through November 15. No vegetation or sediment removal activities shall be conducted from November 16 through May 31 unless prior written approval has been obtained from Central Coast Water Board staff. Requests to conduct vegetation or sediment removal activities from November 16 through May 31 shall be submitted to Central Coast Water Board staff at least 21 days prior to the planned work date.
- a) Tree planting for compensatory mitigation purposes may occur all year, except that tree planting activities shall not occur during rain events, in standing or flowing water, or on a bank above standing or flowing water. In addition, tree planting activities performed from November 16 through May 31 shall be conducted using hand tools only.
2. Rain Events. MCWRA shall not conduct maintenance, mitigation, or restoration activities during rain events. MCWRA shall comply with the following conditions when scheduling and conducting maintenance, mitigation, or restoration activities:
- a) At 2:00 p.m. on the day before planned activities, if the National Weather Service forecast for the nearest municipality predicts a 25% or more chance of 0.25 inch of rain within 24 hours, MCWRA shall install effective erosion control, sediment control, and other protective measures and shall smooth active sediment removal and/or movement sites in anticipation of potential rain events. MCWRA may plan to conduct maintenance, mitigation, or restoration activities the following day subject to the other conditions of this Certification.
 - b) At 2:00 p.m. on the day before planned activities, MCWRA shall cancel the following day's work, and shall smooth active sediment removal and/or movement areas and

remove arundo debris piles outside the outer banks/levees, if flow conditions at any of the following locations indicates the possibility that standing or flowing water may occur in areas where maintenance is proposed the following day (for the purposes of this Certification, "arundo debris pile" means cut material that has been gathered into a pile rather than chipped in place):

- i. Salinas River at the USGS flow gauge near Bradley (gauge no. 11150500);
 - ii. Salinas River at the USGS flow gauge at the Highway 101 bridge near Soledad (gauge no. 11151700); or
 - iii. Arroyo Seco River at the USGS flow gauge at the Arroyo Seco Road bridge near Soledad (gauge no. 11152050).
- c) At 7:00 a.m. on the day of planned activities, MCRWA shall cancel that day's work at any maintenance site if any of the following applies at the site:
- i. Rainfall is occurring. For the purposes of this Certification, "rainfall" includes rain, showers, or drizzle, but not fog or mist; or
 - ii. Standing or flowing water is present in work areas.
- d) At 7:00 a.m. on the day of planned activities, if the National Weather Service forecast for the nearest municipality predicts a 25% or more chance of rain that day (regardless of amount) but rainfall is not presently occurring, MCWRA may conduct scheduled work activities subject to the following:
- i. MCWRA shall keep equipment, trash, and non-plant-matter debris within the levees to a minimum.
 - ii. MCWRA shall chip cut arundo debris in place.
 - iii. MCWRA shall not drive equipment across the low- flow river channel or work in any location that requires access across the low -flow river channel.
 - iv. MCWRA shall not conduct any sediment removal or movement activities. For the purposes of this Certification, "sediment removal or movement activities" means any shaping of the riverbed beyond what is incidental to vegetation removal activities.
- e) MCWRA shall cease work; install effective erosion control, sediment control, and other protective measures; and remove equipment, trash, and non-plant-matter debris outside the outer banks/levees at any time rainfall begins, as defined in this Certification. MCWRA may resume work when rainfall ceases, provided that rainfall appears to be over for the day and subject to Special Condition F.2.d.

G. Compensatory Mitigation

1. MCWRA shall implement compensatory mitigation installation, maintenance, and monitoring as described in the *Salinas River Stream Maintenance Program Revised Final Environmental Impact Report*, dated June 2014 (EIR); the Supplemental Attachment; and this Certification. Where statements in the Supplemental Attachment disagree with statements in the EIR, the Supplemental Attachment shall govern. Where conditions contained in this Certification disagree with statements in the EIR or the Supplemental Attachment, this Certification shall govern.
2. MCWRA shall provide the following compensatory mitigation for actual Project impacts:
 - a) MCWRA shall mitigate for removal of non-willow riparian trees (e.g., cottonwood, alder, box elder, sycamore) larger than two inches in diameter by planting cottonwood, sycamore, or alder trees at a 3:1 ratio (trees planted to trees removed).

- b) MCWRA shall mitigate for removal of willows equal to or greater than six inches in diameter at a 2:1 ratio (trees planted to trees removed).
 - c) MCWRA shall mitigate for impacts to mid-successional willow habitat through the removal of arundo at a 3:1 ratio (acres of arundo removed to acres of mid-successional willow habitat removed).
 - d) MCWRA shall mitigate for impacts to early-successional perennial riparian habitat through the removal of arundo at a 0.5:1 ratio (acres of arundo removed to acres of early-successional perennial riparian habitat removed).
3. Mid-successional willow and early-successional perennial riparian habitats growing as secondary vegetation within early- to mid-successional cottonwood forest shall be counted as mid-successional willow and early-successional perennial riparian habitat for the purpose of calculating mitigation obligations.
 4. Arundo removal as compensatory mitigation for impacts to mid-successional willow and early-successional perennial riparian habitats shall occur within the main channel, but only outside designated maintenance areas (including secondary channels, selective treatment areas, and tributary maintenance areas).
 5. MCWRA shall mitigate for impacts to low-stature herbaceous wetland habitat by restoring impacted wetland areas to pre-impact conditions.
 6. MCWRA shall be required to provide compensatory mitigation for impacts only once during the 10-year permit term. Repeat maintenance activities in a previously-maintained area shall not require additional compensatory mitigation.
 - a) Repeat maintenance activities in maintenance areas where initial maintenance was conducted under Certification No. 32714WQ03 prior to issuance of this Certification No. 32716WQ02, and for which compensatory mitigation has also been provided under Certification No. 32714WQ03, need not be mitigated again during the 10-year term of this Certification No. 32716WQ02.
 7. MCWRA shall re-treat arundo removal areas as described in the Supplemental Attachment and as necessary to achieve final performance criteria.
 8. Compensatory mitigation shall achieve the following final performance criteria:
 - a) Mitigation tree plantings shall achieve 85% survival five years after planting.
 - b) Arundo removal areas, including arundo removed within designated maintenance areas and not intended as mitigation for impacts, shall achieve 1% or less cover by arundo five years after initial removal.
 - c) Impacted wetland areas shall achieve pre-maintenance conditions two years after impact.
 - d) Mitigation plantings must be without supplemental irrigation for at least two years prior to assessment of final performance criteria.
 9. MCWRA shall complete implementation of mitigation plantings within 12 months of completion of maintenance activities for which the plantings are required as compensatory mitigation. MCWRA shall complete initial removal of arundo within 12 months of the completion of maintenance activities for which the arundo removal is required as compensatory mitigation.

10. MCWRA shall restore all other temporary impacts (e.g., access routes, temporary crossings, etc.) to pre-maintenance conditions. Temporary access routes shall be restored to pre-maintenance conditions at the end of the maintenance season. Access routes not removed at the end of the maintenance season in which they are constructed shall be considered “permanent” access routes, and MCWRA shall provide compensatory mitigation for impacts to native vegetation in accordance with Special Condition G. “Permanent” access routes shall be restored to pre-maintenance conditions at the end of the permit term.

H. Inspections and Monitoring

1. MCWRA shall visually inspect all maintenance sites and areas of waters of the State adjacent to maintenance sites following completion of maintenance activities and for one subsequent rainy season to ensure that maintenance activities are not causing excessive erosion or other water quality problems. If maintenance activities do cause water quality problems, MCWRA shall contact the Central Coast Water Board staff member overseeing the Project. MCWRA shall be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.
2. MCWRA shall monitor the low-flow channel and designated secondary channels for channel movement due to fluvial processes. MCWRA shall conduct this monitoring prior to development of the Annual Work Plan each year in (a) each secondary channel proposed for maintenance that year; (b) the reach of the low-flow channel for which each secondary channel proposed for maintenance that year is designed to reduce flow; and (c) upstream and downstream connection points between the low-flow channel and each secondary channel proposed for maintenance that year. If channel movement is observed, MCWRA shall evaluate field conditions and assess the need for adaptive management as described in Special Condition E.2.
3. MCWRA shall monitor compensatory mitigation planting sites each year for five years following completion of planting. Monitoring shall include assessment of growth, survival, percent cover, general health and stature, and progress toward achieving final performance criteria; and shall determine whether remedial actions are needed to achieve final performance criteria. Monitoring shall also include photographs taken from vantage locations identified prior to revegetation activities that enable Central Coast Water Board staff to identify changes in size and cover of plants. If final performance criteria are not achieved within five years, MCWRA shall continue biennial (every other year) monitoring and maintenance until final performance criteria are achieved.
4. MCWRA shall monitor all arundo removal areas each year for five years following completion of initial removal, including arundo removed within designated maintenance areas and not intended as mitigation for impacts. Monitoring shall include assessment of arundo regrowth and progress toward achieving success criteria, and shall determine whether remedial actions are needed to achieve final performance criteria. If final performance criteria are not achieved within five years, MCWRA shall continue biennial monitoring and maintenance until final performance criteria are achieved.
5. During monitoring of arundo removal areas outside of designated secondary channels, MCWRA shall also assess natural recruitment of native vegetation. Monitoring shall include visual assessment of the amount, extent, and distribution of plant recruitment; plant species recruited; extent of native versus non-native plants recruited; and overall health and stature of native plants recruited.

6. MCWRA shall monitor impacted low-stature herbaceous wetland areas for two years after the initial impact.
7. MCWRA shall monitor temporary impact areas for two years after completion of restoration activities to ensure that impact areas are restored to pre-maintenance conditions.

I. Long-Term Effectiveness Assessment Plan

1. MCWRA shall develop a Long-Term Effectiveness Assessment Plan to evaluate the Project's overall effectiveness at achieving projected flood reduction benefits while also protecting beneficial uses and habitat function. MCWRA shall submit the plan for review and approval by Central Coast Water Board staff with the 2017 Annual Report **by May 31, 2017**. The plan shall describe the information MCWRA will collect, the monitoring activities MCWRA will conduct to collect the information, and the analyses MCWRA will perform to evaluate the Project's overall effectiveness.
2. The Long-Term Effectiveness Assessment Plan shall include at least the following information and analyses:
 - a) Effectiveness monitoring: MCWRA shall conduct pre- and post-maintenance topographic surveys of 10% of all secondary channels in all river management units, and shall use the survey data to calibrate the hydraulic model, determine how the maintenance areas are functioning, and assess the sediment transport characteristics and impacts of the maintenance areas.
 - b) Design verification monitoring: MCWRA shall analyze flow events to determine whether secondary channels are activated under the flow conditions anticipated by the design, and are functioning designed.
 - c) Flood risk reduction monitoring: MCWRA shall analyze any flood events that occur to determine whether the Project achieves the anticipated flood reduction benefits.
 - d) Biological function monitoring: MCWRA shall collect and analyze information indicative of the Project's overall effect on beneficial uses and habitat function. Biological function monitoring shall include observation and analysis designed to assess the following elements, at a minimum:
 - Recruitment of native riparian vegetation in areas where arundo was removed for mitigation purposes;
 - Increasing channel complexity (primary and secondary channels, channel braiding);
 - Reduction in flow velocity in the low-flow channel;
 - Increasing diversity of riparian habitat conditions (earlier to later successional vegetation communities); and
 - Increasing wildlife movement and habitation within the main channel.
3. The plan shall be developed by qualified personnel with expertise in the biology of riparian ecosystems, fluvial geomorphology, and hydrologic and hydraulic modeling of braided riverine systems.
4. The plan shall include a timeline and interim objectives for submitting the following long-term effectiveness assessment reports to the Central Coast Water Board:
 - a) A first report, covering the first five years of Project implementation, with the 2021 Annual Report **by May 31, 2021**; and

- b) A final report, covering ten years of Project implementation, with the 2026 Annual Report **by May 31, 2026**.

J. Long-Term Salinas River Management Strategy

1. MCWRA shall develop a Long-Term Management Strategy for the Salinas River. The strategy shall address, at a minimum, (a) reasonable flood risk reduction objectives; (b) channel maintenance; (c) optimization of ecological function; (d) flow objectives supporting beneficial uses, including fish habitat and migration; (e) long-term arundo control; and (f) operation of the Salinas River lagoon.
2. MCWRA shall develop a timeline and interim objectives for developing the Long-Term Management Strategy.
 - a) MCWRA shall submit the timeline and interim objectives, together with a summary of the elements that will be addressed in the strategy, to Central Coast Water Board staff with the 2017 Annual Report **by May 31, 2017**.
 - b) MCWRA shall submit the draft long-term Salinas River management strategy to the Central Coast Water Board with the 2021 Annual Report **by May 31, 2021**, for Central Coast Water Board staff review and approval.
 - c) MCWRA shall submit the final long-term Salinas River management strategy to the Central Coast Water Board with the 2022 Annual Report **by May 31, 2022**.

K. Reporting

1. MCWRA shall submit all required reporting to the Central Coast Water Board staff member overseeing the Project and to RB3_401Reporting@waterboards.ca.gov.
2. Streambed Alteration Agreement. MCWRA shall submit a signed copy of the Department of Fish and Wildlife's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to commencement of maintenance activities.
3. Annual Work Plan. **By August 1 of each year**, MCWRA shall submit to the Central Coast Water Board the Annual Work Plan in accordance with Special Condition E.3.
4. Annual Report. **By May 31 of each year**, MCWRA shall submit to the Central Coast Water Board an annual report. MCWRA shall submit Annual Reports until MCWRA has conducted all required monitoring, mitigation has achieved all final performance criteria, and MCWRA has notified the Central Coast Water Board of mitigation completion. Each Annual Report shall include, at a minimum:
 - a) Identification of any adaptive management modifications made in accordance with Special Condition E.2;
 - b) A summary of training activities, including information demonstrating compliance with Special Condition E.5;
 - c) A summary of pre-maintenance survey activities, including a description of any adjustments made in the field to maintenance area alignments as described in Special Condition E.4;
 - d) A description of maintenance activities performed, including identification of all maintenance areas where maintenance occurred, and a summary of the work performed;

- e) The quantity of impacts to early- and mid-successional cottonwood, mid-successional willow, and early-successional perennial riparian habitats;
 - f) A description of impacts to low-stature herbaceous wetland habitat, including the quantity of impact and how impacts were restored;
 - g) The quantity of mitigation required to compensate for Project impacts occurring since the commencement of Project maintenance activities, the quantity of mitigation implemented since the commencement of Project maintenance activities, and the quantity of mitigation that remains to be implemented in order to satisfy mitigation requirements for all impacts to-date;
 - h) A description of the results of required visual inspections of the Project site and areas of waters of the State adjacent to Project impact areas, including:
 - i. Erosion conditions;
 - ii. Water quality and beneficial use conditions;
 - iii. Representative photographs of the Project site and areas of waters of the State adjacent to Project impact areas; and
 - iv. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the Project is no longer causing excessive erosion or other water quality problems.
 - i) Mitigation reporting, including the following information:
 - i. A description of mitigation activities completed, including type and quantity of mitigation, date mitigation activities began, and date mitigation activities were completed;
 - ii. Verification that mitigation activities were conducted according to the Supplemental Attachment and the conditions of this Certification;
 - iii. The results of mitigation monitoring conducted in accordance with the conditions of this Certification and as described in the Supplemental Attachment;
 - iv. Any remedial actions taken or needed;
 - v. Any additional information specified in the Supplemental Attachment; and
 - vi. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which Central Coast Water Board staff can identify changes in size and cover of plants. Compare photos of installed mitigation with photos of the mitigation areas prior to installation.
 - j) A description of mitigation completion status, that identifies the amount of mitigation monitoring and maintenance remaining, or certifies that mitigation is complete and all required mitigation monitoring and maintenance has been conducted and all final performance criteria achieved. If the monitoring period is over, but all final performance criteria have not been achieved, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.
 - k) An update on progress toward developing the Long-term Salinas River Management Strategy, as described in Special Condition J.
5. Program Reassessment Reporting. **By May 31, 2021**, MCWRA shall submit the information listed below to the Central Coast Water Board with the 2021 Annual Report. Central Coast Water Board staff will use the information to assess the implementation and effectiveness of the Project. Submitted information shall include:

- a) A summary of maintenance activities, impacts, and mitigation activities conducted in the first five years of Project implementation; and
 - b) A summary of all monitoring information collected, as well as a detailed description and results of all analysis required, in accordance with Special Condition H.
6. Long-Term Effectiveness Assessment Reporting. MCWRA shall submit to the Central Coast Water Board the following Long-Term Effectiveness Assessment Plan reporting developed in accordance with Special Condition I. Long-Term Effectiveness Assessment Plan reports shall be submitted with the Annual Report.
- a) **By May 31, 2017**, the Long-Term Effectiveness Assessment Plan;
 - b) **By May 31, 2021**, the first report; and
 - c) **By May 31, 2026**, the final report.
7. Long-Term Salinas River Management Strategy Reporting. MCWRA shall submit to the Central Coast Water Board the following Long-Term Management Strategy reporting developed in accordance with Special Condition J. Long-Term Effectiveness Assessment Plan reports shall be submitted with the Annual Report.
- a) **By May 31, 2017**, the timeline and interim objectives for developing the strategy, and a summary of elements to be addressed in the strategy;
 - b) **By May 31, 2021**, the draft Long-Term Salinas River Management Strategy; and

L. Records and Data Management

1. MCWRA shall develop and maintain a data management system to track maintenance and mitigation activities. The data management system shall be capable of tracking the following information:
 - a) The date of all required trainings;
 - b) The date of all required pre-maintenance surveys;
 - c) Adjustments made to maintenance area alignments resulting from adaptive management decisions or pre-maintenance surveys;
 - d) The date maintenance activities occurred in each maintenance area, including repeat maintenance efforts in the same maintenance area(s);
 - e) The quantity of impacts to habitat types requiring mitigation, and the date the impact occurred;
 - f) Identification of all mitigation areas, including the location and size of each mitigation area;
 - g) The date mitigation implementation was completed in each mitigation area;
 - h) The date of all visual inspections required by Special Conditions H.1 and H.2;
 - i) The date of all compensatory mitigation monitoring activities required by Special Conditions H.3 through H.7, and the date of any remedial actions taken;
 - j) A comparison of the total mitigation obligation accrued with the total quantity of compensatory mitigation implemented; and
 - k) The date of all Long-Term Effectiveness Assessment Monitoring activities conducted in accordance with Special Condition I.
2. MCWRA shall maintain records of all visual inspections and monitoring events conducted in accordance with Special Condition H, including personnel performing the inspections, inspection dates, locations, observations, and corrective actions taken.

3. MCWRA shall retain all required records for a period of at least 5 years.

M. General Project Requirements

1. All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
2. MCWRA shall implement effective erosion control, sediment control, and other protective measures prior to the start of any rain events.
3. MCWRA shall remove all equipment, trash, debris, and arundo debris piles outside the outer banks/levees at the end of each work day.
4. MCWRA shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.
5. All vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. All vehicle fueling and maintenance activity shall occur at least 100 feet away from the Salinas River main channel and other waters of the State, and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from Central Coast Water Board staff.
6. Dewatering and stream diversion measures are not authorized based on the application.
7. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the Project.
8. Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this Project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. MCWRA shall inform Central Coast Water Board staff of any modifications that interfere with compliance with this Certification.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Jon Rohrbough
(805) 549-3458
Jon.Rohrbough@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the 2016-2025 Salinas River Stream Maintenance Program shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent

Standards") of the Clean Water Act. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

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 strict compliance with the applicant's project description and the attached Project Information and Conditions, and (b) compliance with all applicable requirements of the Central Coast Water Board's policies and Water Quality Control Plan (Basin Plan).

John M. Robertson
Executive Officer
Central Coast Water Board

Date

**Attachment 1
PROJECT INFORMATION AND CONDITIONS**

| | |
|------------------------------------|---|
| Application Date | Received: December 25, 2016 Completed: February 3, 2016 |
| Applicant | David E. Chardavoyne Monterey County Water Resources Agency P.O. Box 930 Salinas, CA 93901 Email: ChardavoyneDE@co.monterey.ca.us 831-755-4860 |
| Applicant Representatives | Elizabeth Krafft Monterey County Water Resources Agency P.O. Box 930 Salinas, CA 93901 Email: krafftea@co.monterey.ca.us 831-755-4860 |
| Project Name | 2016-2025 Salinas River Stream Maintenance Program |
| Application Number | 32716WQ02 |
| Type of Project | Bank and Channel Modification |
| Project Location | Monterey County <u>From:</u> Latitude: 35° 58' 16.55" N Longitude: -120° 53' 20.09" W <u>To:</u> Latitude: 36° 43' 54.76" N Longitude: -121° 46' 58.70" W |
| County | Monterey |
| Receiving Water(s) | Salinas River, San Lorenzo Creek, Bryant Canyon Channel, Gonzales Slough 309.10, 309.30, and 309.40 Salinas Hydrologic Unit |
| Water Body Type | Streambed, river |
| Designated Beneficial Uses | Municipal and Domestic Supply (MUN) Agricultural Supply (AGR) Industrial Process Supply (PROC) Industrial Service Supply (IND) Ground Water Recharge (GWR) Water Contact Recreation (REC-1) Non-Contact Recreation (REC-2) Wildlife Habitat (WILD) Cold Fresh Water Habitat (COLD) Warm Fresh Water Habitat (WARM) Migration of Aquatic Organisms (MIGR) Spawning, Reproduction, and/or Early Development (SPWN) Rare, Threatened or Endangered Species (RARE) Commercial and Sport Fishing (COMM) |
| Project Description (purpose/goal) | The purpose of this Project is to provide flood risk reduction that protects ecological conditions. The Project includes maintenance activities in seven river management |

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| | <p>units (RMUs) along the Salinas River in Monterey County, including RMUs 4 and 5, which were previously permitted under Water Quality Certification No. 32714WQ03 for the Salinas River Multi-Benefit Demonstration Project. This Certification replaces Water Quality Certification No. 32714WQ03.</p> <p>Central Coast Regional Water Quality Control Board (Central Coast Water Board) staff understands that the Project includes the following activities:</p> <ol style="list-style-type: none"> 1. Removing vegetation from 123 secondary channels and two selective treatment areas within the main channel of the Salinas River between river miles 2 and 94; 2. Removing vegetation from portions of three tributaries (San Lorenzo Creek, Bryant Canyon Channel, and Gonzales Slough); 3. Removing sediment from designated maintenance areas; and 4. Constructing temporary access routes into the Salinas River main channel where needed to conduct vegetation and sediment management activities. |
| U.S. Army Corps of Engineers Permit No. | Regional General Permit No. _____ |
| Federal Public Notice | NA |
| Dept. of Fish and Wildlife Streambed Alteration Agreement | Streambed Alteration Agreement is pending. Final, signed copy shall be forwarded immediately upon execution. |
| Status of CEQA Compliance | Environmental Impact Report Lead Agency: Monterey County Water Resources Agency (CEQA Findings of Fact are included in Attachment 2) |
| Total Certification Fee | \$90,000 |
| Area of Disturbance | Approximately 863.7 acres total Streambed: 863.7 acres temporary |
| Dredge Volume | NA |
| Excavation Volume | Approximately 554,420 cubic yards total (maximum, per year) Streambed: 554,420 cubic yards temporary (maximum, per year) |
| Fill Volume | NA |
| Compensatory Mitigation | See Special Condition G |
| Monitoring Requirements | See Special Conditions H and I |
| Reporting Requirements | See Special Condition K |

**Attachment 2
FINDINGS**

A. CEQA Findings of Facts

1. Environmental Review. On July 30, 2014, MCWRA, as lead agency, certified a Final Environmental Impact Report (EIR) (State Clearinghouse No. 2011041066) for the Project and filed a Notice of Determination with the State Clearinghouse on July 31, 2014. The Central Coast Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069), and in making its determinations and findings must presume that MCWRA's certified Final EIR comports with the requirements of CEQA and is valid (Pub. Resources Code, § 21167.3). The Central Coast Water Board has reviewed and considered the Final EIR and finds that the Final EIR prepared by MCWRA addresses the Project's water resource impacts (Cal. Code Regs., tit. 14, § 15096, subd. (f)). The Final EIR includes the mitigation, monitoring, and reporting program developed by MCWRA for all mitigation measures that have been adopted for the Project to reduce potential significant impacts (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d)).
2. Incorporation by Reference.
 - a) Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Certification based on the Project Final EIR, the application for this Certification, and the *Salinas River Stream Maintenance Program Permit Application Supplemental Attachment*, dated January 2016 (Supplemental Attachment).
 - i. The Project Draft EIR, which includes analyses of broad impacts and serves as a first tier document for the Final EIR, is available at:
http://www.mcwra.co.monterey.ca.us/salinas_river_maintenance/eir.php.
 - ii. All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project Final EIR which is incorporated herein by reference. The Project Final EIR is available at:
http://www.mcwra.co.monterey.ca.us/salinas_river_maintenance/eir.php.
 - b) Requirements under the purview of the Central Coast Water Board in the mitigation, monitoring, and reporting program are incorporated herein by reference.
 - c) MCWRA's application for water quality certification of the Project, including the Supplemental Attachment and all other supplemental information provided, is incorporated herein by reference.
3. Findings. The Final EIR describes the potential significant environmental effects to water resources. Having considered the whole of the record (including comments received during the public review process for this Certification), the Central Coast Water Board makes the following findings:
 - a) Findings regarding impacts that will be mitigated to a less than significant level. (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(1).)

There are changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

i.A. Potential Significant Impact: Loss of Waters of the State

The Project could result in the loss and/or disturbance of waters of the State. The Project includes targeted removal of riparian vegetation from the Salinas River main channel. The Project's vegetation removal activities could result in temporary disturbance to and loss of riparian habitat, and could thereby increase habitat fragmentation and reduce riparian habitat quality.

i.B. Facts in Support of Finding:

All Project impacts are temporary. In addition, the Project provides mitigation for impacts to riparian habitat. The Project includes removal of arundo, which will directly improve ecological function of the riparian corridor and will allow recruitment of native habitat in arundo removal areas.

ii.A. Potential Significant Impact: Water Quality

The Project could result in degradation of water quality, with corollary degradation of beneficial uses. The Project includes operation of vehicles and equipment within the Salinas River main channel.

ii.B. Facts in Support of Finding:

All maintenance activities will be conducted between June 1 and November 15 each year, when water is unlikely to be present in the Salinas River outside the low-flow channel. No maintenance activities, including operation of vehicles and equipment, will be permitted in standing or flowing water. No vehicles or equipment will be permitted to enter or cross the low-flow channel when standing or flowing water is present. In addition, this Certification includes standard water quality protection provisions addressing staging, vehicle refueling and maintenance, and activities during rain events.

iii.A. Potential Significant Impact: Steelhead

The Project's vegetation removal and sediment management activities could affect steelhead migration habitat due to increased turbidity. Project activities could increase the amount of fine sediment available to be mobilized by the river and increase water column turbidity, particularly during high flows in the winter and spring.

iii.B. Facts in Support of Finding:

Sediment removed during maintenance activities will not be stockpiled within waters of the State, and will be disposed of outside of the main channel. MCWRA will implement erosion and sediment controls to prevent sediment from stockpile and disposal areas from re-entering the main channel. The Salinas River is already a very turbid waterbody: The FEIR estimates the average sediment load carried by the Salina River to be 1.57 million cubic yards.¹ In addition, Project activities will disturb only 863 acres out of approximately 12,400 acres of riparian habitat within the main channel estimated by the EIR.² Sediment mobilization related to

¹ *Salinas River Stream Maintenance Program Revised Final EIR*, volume 1. June, 2014. (p. 3-142).

² *ibid.*, p. 2-26.

vegetation and sediment management activities would make a negligible contribution to sediment load compared with sediment supplied by the riverbed itself and from upland sources conveyed to the river during storm events.³ The Project also includes erosion and sediment control measures to reduce sediment discharges related to Project activities.

iv.A. Potential Significant Impact: Sensitive Species

The Project could affect sensitive species through runoff of sediments or pollutants. The Project includes herbicide application for control of non-native and invasive species.

iv.B. Facts in Support of Finding:

The Project includes erosion and sediment control measures to reduce pollutant discharges related to Project activities. Herbicides will be limited to products approved by the U.S. Environmental Protection Agency for aquatic use, and herbicide application will comply with Water Quality Order No. 2013-0002-DWQ Statewide General NPDES Permit for Residual Aquatic Pesticide Discharges to Waters of the United States from Algae and Aquatic Weed Control Applications.

4. Determination.

The Central Coast Water Board has determined that the Project, when implemented in accordance with the mitigation, monitoring, and reporting program and the conditions in this Certification, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) The Central Coast Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Certification. (Cal. Code Regs., tit. 14, §§ 15096, subd. (i).)

B. Public Review and Comment

1. Central Coast Water Board staff posted MCWRA's application for water quality certification for the Project on February 1, 2016, for a 21-day public review and comment period. Notice of the application was posted on the Central Coast Water Board website and distributed to interested parties.
2. Central Coast Water Board staff posted the draft Certification on July 6, 2016, for a 23-day public review and comment period. Notice of the draft Certification was posted on the Central Coast Water Board website and distributed to interested parties.
3. Central Coast Water Board staff reviewed and considered all public comments during preparation of this Certification. Central Coast Water Board staff prepared written responses to public comments, and posted the responses, along with the final Certification, on the Central Coast Water Board website, and distributed notice of Central Coast Water Board staff responses to comments and this Certification to the interested parties list.
4. The Central Coast Water Board Executive Officer has reviewed all public comments received on MCWRA's application for water quality certification and on this Certification, Central Coast Water Board staff's responses to comments, and this Certification.

³ *Salinas River Stream Maintenance Program Revised Final EIR*, volume 1. June, 2014. (pp. 3-141 to 3-142).