FIRST AMENDMENT CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION

Effective Date: **September 9, 2015** ~~**July 14, 2015**~~

Program Type: Restoration

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Place ID:	815399
SWRCB ID:	SB15002IN
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Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: 2015 Fisheries Restoration Grant Program (Project)

Applicant: California Department of Fish and Wildlife, Fisheries Branch

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I. **Amended** Order

All changes due to this amendment to the Clean Water Act Section 401 Water Quality Certification issued on July 14, 2015, are shown below as additions in **bold underline**, and deletions in ~~**bold strikethrough**~~.

This Clean Water Act (CWA) Section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Fish and Wildlife (herein after Permittee) for the Project. The application for this Order was received on April 2, 2015. On May 1, 2015, the State Water Board notified the Permittee that the application was incomplete because it lacked required application information. All required application information was submitted by the Permittee and the application was deemed complete on May 14, 2015. The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 on May 5, 2015. The State Water Board did not receive any comments during the twenty-one day comment period.

Amendment: On July 30, 2015 the State Water Board received an application from the Permittee for issuance of an amendment to the Water Quality Certification for the Project. The application was deemed complete on August 26, 2015. The application for the amendment contains 14 additional restoration projects that were not included in the first application that was received on April 2, 2015. Four additional restoration projects that were authorized as a Certification Deviation on August 14, 2015 are also included. As a result, this amendment includes changes to the original application through the addition of 18 restoration projects. The addition of these restoration projects will result in changes in temporary and permanent impacts and an increase to the area of aquatic resources that will be restored and enhanced through project activities.

II. Project Purpose

The purpose of the Project is to restore anadromous fisheries habitat in non-tidal reaches of rivers and streams, improve watershed conditions impacting salmonid streams, and improve the survival, growth, migration, and reproduction of anadromous fish.

III. Project Description

The California Department of Fish and Wildlife (CDFW) allocates grant funds through the Fisheries Restoration Grant Program (FRGP) to restore degraded anadromous fish habitat in coastal streams. Restoration projects must be consistent with procedures found in CDFW's "California Salmonid Stream Habitat Restoration Manual" http://www.dfg.ca.gov/fish/Resources/HabitatManual.asp. The FRGP manages an annual grant cycle initiated in the spring of each year.

The FRGP supports a variety of projects from sediment reduction to watershed education throughout coastal California. Projects selected for funding have two to four years to be implemented, and most of the habitat restoration activities take place during the dry summer season. The majority of the funding is awarded for habitat restoration projects that improve fish shelter, spawning gravels, and pool habitat; reduce or eliminate upland and stream bank erosion and sedimentation; and provide for fish screening and removal of barriers to fish passage. Funds are also awarded for indirect habitat restoration activities. These habitat restoration activities conform with the mandates of the Fish and Game Code and Public Resources Code.

IV. Project Location

The Project occurs in various coastal streams from Siskiyou County to Los Angeles County. Specific Information for each Project site is presented in Attachments B and C of this Certification. A map showing the Project site locations is in Attachment A of this Certification.

V. Receiving Waters Information

The Project is located within the jurisdictions of the North Coast Regional Water Quality Control Board, the San Francisco Regional Water Quality Control Board, the Central Coast Regional Water Quality Control Board, and the Los Angeles Regional Water Quality Control Board (Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the water quality control plans (Basin Plan) for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/.

The Basin Plans include water quality standards which consist of beneficial uses of waters of the state[1] and water quality objectives to protect those uses. Table 1 of Attachment C shows the receiving waters and beneficial uses of waters of the state impacted by the Project.

VI. Project Impacts to waters of the state

This Order authorizes direct permanent and temporary impacts to waters of the state associated with the Project to streams and riparian habitat. Project activities that will result in impacts to waters of the state include installation of large woody debris, log structures, and boulder structures for instream habitat improvements; removal of obstructions to fish passage; stabilization of stream banks; decommissioning of roads within waters of the state; and restoration of riparian habitat. Individual impact location and quantity is shown in Table 2 of Attachment C.

Total Project fill/excavation quantities for all impacts are summarized in Table 1. The table below shows temporary and permanent impacts. Permanent impacts are categorized as those resulting in a physical loss in area and also those degrading ecological condition only. Note that "Road decommissioning" activities in upland areas outside of waters of the state are not included in impact calculations because it was determined that they would not require a water quality certification.

[1] "Waters of the United States" means surface water and water bodies as defined by United States Environmental Protection Agency (USEPA) regulations (e.g., 40 C.F.R. § 122.2). This definition, which establishes the limits of federal jurisdiction over state waters, does exclude some surface water and water body types recognized under the California Water Code. The latter defines "waters of the state" more broadly as "any surface water or ground water, including saline waters, within the boundaries of the state." [Wat. Code, § 13050, subd. (e)]. Waters of the state that fall outside of federal jurisdiction are nonetheless fully protected under the state Water Code.

Table 1: Total Project Fill/Excavation Quantity[2]									
Aquatic Resource Type	**Temporary Impact[3]**			**Permanent Impact**					
				Physical Loss of Area			Degradation of Ecological Condition Only		
	Acres	YD^3	LF	Acres	YD^3	LF	Acres	YD^3	LF
Riparian Zone	**292.17** ~~283.77~~		**58,006.08** ~~65,166.88~~	2.36		6,864			
Stream Channel	**54.89** ~~45.83~~		**159,414.34** ~~133,37280~~	**4.81** ~~3.80~~		**13,965.60** ~~11,061.601~~			

VII. Avoidance, Minimization, and Mitigation

Projects receiving certification from the State Water Board that authorize impacts to waters of the state must demonstrate the Project design has first avoided and then minimized impacts to waters of the state to the maximum extent practicable. After all opportunities to avoid and minimize impacts to waters of the state have been implemented, any remaining, unavoidable impacts to waters of the state must be offset by compensatory mitigation.

The Project is a fisheries restoration project that results in a net benefit to aquatic habitat and therefore does not require compensatory mitigation. Adequate avoidance and minimization measures to waters of the state are required by the project procedures mandated by the FRGP.

VIII. California Environmental Quality Act (CEQA)

The CDFW , as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2014122048) for the Project and filed a Notice of Determination (NOD) at the SCH on January 21, 2015. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment D.

IX. Fees Received

An application fee deposit of $200.00 was received on April 21, 2015 as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3). **An additional application fee of $300.00, for the amended certification, was received on August 25, 2015.**

X. Conditions

The State Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watershed(s) of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions.

[2] Cubic Yards (YD^3); Linear Feet (LF).

[3] Include only temporary direct impacts to waters of the state and do not include upland areas of temporary disturbance which could result in a discharge to waters of the state.

A. Reporting and Notification Requirements

For reporting and notification details see Attachment G. When submitting written reports and notifications, include the Report and Notification Cover Sheet in Attachment G which must be signed by the Permittee or an authorized representative.

1. **Annual Reporting:** The Permittee shall submit Report Type 1 Topic 1 each year on July 1. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the Permittee.

2. **Project Status Notifications**

   a. **Commencement of Construction:** The Permittee shall submit Report Type 2 at least seven (7) days prior to start of initial ground disturbance activities for the first restoration site of all the 2015 FRGP sites.

   b. **Request for Notice of Completion of Discharges Letter:** The Permittee shall submit Report Type 3, Request for Notice of Completion of Discharges Letter following completion of active Project construction for the final restoration site of the funded 2015 FRGP sites, including any restoration and onsite mitigation, if post-construction monitoring is required by this Order. This request shall be submitted to the State Water Board staff within thirty (30) days following completion of all Project construction activities for the final restoration site of the funded 2015 FRGP sites. Upon approval of the request State Water Board staff shall issue a Notice of Completion of Discharges Letter to the Permittee which will end the active discharge period and associated annual fees for the Project.

   c. **Request for Notice of Project Complete Letter:** The Permittee shall submit Report Type 4, Request for Notice of Project Complete Letter, when construction and/or any post-construction monitoring is complete[4] or not required and no further Project activity is planned at any of the restoration sites under the Project. This request shall be submitted to State Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request the State Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post discharge monitoring period and associated annual fees for the Project.

3. **Regional Board Notification:** No later than 30 days prior to the start of construction, the Permittee shall submit to the 401 Program Manager of the appropriate Regional Water Board(s), and the appropriate State Water Board staff person, notification indicating the expected start/completion dates of restoration project activities, project ID, and water body name(s).

   a. For restoration projects that include placement of new culvert and channel liner, the notification shall also include the following information:

[4] Completion of post-construction monitoring shall be determined by State Water Board staff and shall be contingent on successful attainment of restoration and mitigation performance criteria.

i. Describe installation activities; include any structural control details, such as structure for diverting stream flow around the in-stream excavation area, temporary rubber dam, silt curtain, and any treatment device/facility.

ii. Describe the control measures, or Best Management Practices (BMPs), during construction and post construction, to minimize impacts (e.g., habitat losses, erosion control measures, flow diversions; etc.).

iii. Any compensatory mitigation required by permitting agencies.

b. If upland work occurs during the winter period (November 1 – April 15), a written notification (e-mail is acceptable) must be submitted to the 401 Program Manager of the appropriate Regional Water Board at least seven (7) business days prior to the start of work. The notification must specify timing, location, approximate distance to nearest water body and control measures or BMPs that will be used to contain potential runoff prior to commencement of work.

4. Conditional Notifications and Reports: The following notifications and reports are required in the event of accidental discharges of hazardous materials, violation of compliance with water quality standards, or notification of in-water work.

a. Accidental Discharges of Hazardous Materials[5]

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Wat. Code, § 13271):

i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then:
- first call – 911 (to notify local response agency)
- then call – Office of Emergency Services (OES) State Warning Center at: (800) 852 - 7550 or (916) 845 – 8911
- Lastly follow the required OES procedures as set forth in: http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf

ii. Following notification to OES the Permittee shall notify the State Water Board, as soon as practicable. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

iii. This notification must be followed within three (3) business days by submission of Report Type 5.

[5] "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment (Health and Safety Code, § 25501).

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

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

ii. This notification must be followed within three (3) business days by submission of Report Type 6.

B. Water Quality Monitoring

1. **General:** Continuous visual surface water monitoring shall be conducted to detect accidental discharge of construction related pollutants (i.e. oil and grease, turbidity plume, or uncured concrete).

2. **Accidental/Noncompliance Discharges:** Upon notification of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, the State Water Board may require water quality monitoring based on the discharge constituent and applicable water quality objectives. The source of any discharge must be eliminated as soon as practicable.

3. **In-Water Work or Diversions:** Water quality monitoring shall be in conformance with the Mitigation Measures, Monitoring and Reporting Program (MMRP) for the Project in Appendix B of the Project IS/MND (a copy of the MMRP is in Attachment E).

C. Standard

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

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent Certification application was filed pursuant to subsection 3855(b) of chapter 28, title 23 of the California Code of Regulations, and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This Order is conditioned upon total payment of any fee required under title 23 of the California Code of Regulations and owed by the Permittee.

4. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

D. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Any such Order previously granted shall immediately be revoked, and any or all discharges shall cease. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.

2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in the Basin Plans by any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy.

3. In response to a suspected violation of any condition of this Certification, the State Water Board may require the holder of this Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem appropriate, provide that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

4. The Permittee must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support this Certification; and all subsequent submittals required as part of this Certification. The conditions within this Order and attachments supersede conflicting provisions within Permittee submittals.

5. This Order and all of its conditions contained herein are not subject to the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. § 1344) permit issued by the Corps for this Project. This Order and all of its conditions contained herein shall remain in full effect, and are enforceable until deemed complete by the State Water Board. For purposes of Clean Water Act, section 401(d), the completion of all conditions contained in this Order constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

6. The Permittee shall adhere to all requirements in the Mitigation Measures, Monitoring and Reporting Program for the Project (Appendix B) within the IS/MND as required by CEQA and incorporated herein by reference.

E. Administrative

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

2. The Permittee shall submit a commencement of construction report by submission of all of the required information as described in Report Type 2 of Attachment G at least seven (7) days prior to start of initial ground disturbance activities.

3. The State Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Permittee, if the State Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.

4. The State Water Board may add to or modify the conditions of this Certification, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) or Clean Water Act section 303 (33 U.S.C. § 1313).

5. The Permittee shall give advance notice to State Water Board staff if Project implementation as described in the 401 Water Quality Certification application is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Permittee shall inform State Water Board staff of any modifications that interfere with compliance with this Certification.

6. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Certification.

7. The Permittee shall grant Water Board staff, or an authorized representative (including an authorized contractor acting as a Water Board- representative), upon presentation of credentials and other documents as may be required by law, permission to:

   a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification.

   b. Have access to and copy any records that must be kept under the conditions of this Certification.

   c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification.

   d. Sample or monitor for the purposes of assuring Order compliance.

8. This Order is not transferable in its entirety or in part to any person or organization except after notice to the State Water Board in accordance with the following terms:

a. **Transfer of Property Ownership:** The Permittee must notify the State Water Board of any change in ownership or interest in ownership of the Project area. Notification of change in ownership must include a statement that the Permittee has provided the purchaser with a copy of this Order and that the purchaser understands and accepts the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so. The Permittee and purchaser must sign and date the notification and provide such notification to the State Water Board at least 10 days prior to the transfer of ownership. The new owner, or purchaser, must also submit a written request to the State Water Board to be named as the permittee in a revised order.

b. **Transfer of Post-Construction BMP[6] Maintenance Responsibility:** The Permittee assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the State Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Permittee must provide such notification to the State Water Board at least 10 days prior to the transfer of BMP maintenance responsibility.

c. **Seller Responsibilities:** Until such time as this Order has been modified to name the purchaser as the responsible entity, the Permittee shall continue to be responsible for all requirements set forth in this Order.

9. A copy of this Order shall be provided to any contractor and all subcontractors conducting the construction work, and copies shall remain in their possession at the Project site during the life of the Project. The Permittee shall be responsible for work conducted by its contractor and any subcontractors.

10. A copy of this Order must be available at the Project sites during construction for review by site personnel and agencies. All personnel performing work on the Project shall be familiar with the content of this Order and its posted location at the Project site.

11. Lake and Streambed Alteration Agreement – The Permittee shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the State Water Board immediately upon execution and prior to any discharge to waters of the state.

F. Construction

1. Appropriate BMPs shall be implemented throughout Project activities as described in this Certification. All BMP materials shall be on site prior to construction activity and ready for use.

2. Restoration techniques shall be implemented according to the specifications in the *California Salmonid Stream Habitat Restoration Manual* (Fourth Edition, July 2010).

3. No work shall be conducted within waters of the state, including waters of United States during the winter period (November 2 - June 14). However, work in upland areas may

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

occur if proper control measures or BMPs are installed and maintained to prevent runoff causing erosion, turbidity, or discharge of pollutants into waters. If upland work occurs during the winter period, a written notification (e-mail is acceptable) must be submitted to the 401 Program Manager of the appropriate Regional Water Board at least seven (7) business days prior to the start of work. The notification must specify timing, location, approximate distance to nearest water body and control measures or BMPs that will be used to contain potential runoff prior to commencement of work.

4. All work areas shall be effectively isolated from stream flows using suitable control measures before commencement of any in-water work. The diverted stream flow shall not be contaminated by construction activities. Structures for isolating the in-water work area and/or diverting the stream flow (e.g., coffer dam, geo-textile silt curtain) shall not be removed until all disturbed areas are cleaned and stabilized.

5. In the event of rain, any in-water work area shall be temporarily stabilized before stream flow exceeds the capacity of the diversion structure. The streambed shall be stabilized so that the disturbed areas will not come in contact with the stream flow.

6. Substances resulting from restoration construction activities that could be harmful to aquatic life shall not be discharged to waters of the state, including but not limited to petroleum lubricants and fuels, cured and uncured cements, epoxies, paints and other protective coating materials, Portland cement concrete or asphalt concrete, and washings and cuttings thereof.

7. Vehicles shall not be driven through, or equipment operated in, waters of the state, unless approved in advance by the Regional Water Board staff. At a minimum, the limits of the work area must be clearly flagged and spill prevention control equipment must be available in the immediate vicinity of the approved vehicle operation area.

8. Equipment shall not be fueled, maintained, parked or staged within or near any stream, channel, or water body margin in such a manner that petroleum products or other pollutants from the equipment may enter these areas under any flow conditions.

9. All areas disturbed by individual restoration projects shall employ appropriate washout and erosion control BMPs to protect waters of the state.

10. For restoration projects requiring re-vegetation of disturbed areas, viable seed of native species from the same watershed, or the greater watershed, shall be used.

11. When a restoration project is completed, any trash, excess material, or other debris shall be removed from the work area and disposed of properly.

Storm Water

12. CDFW must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Order 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006 DWQ) (Construction Storm Water Permit, or Construction General Permit). CDFW shall also notify the designated staff contact upon enrollment, when any changes to the enrollment are made, and when a request for Notice of Termination is submitted.

G. Ecological Restoration and Enhancement

The sole Project purpose is restoration and enhancement. The total restoration for temporary and permanent impacts to waters of the state for the Project is shown in table 2.

Table 2: Total Ecological Restoration and Enhancement Quantity (CIWQS mitigation/restoration table side B)

Aquatic Resource Type	Comp Mit. Type[7]	Units	Method					
			Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	ILF	Acres						
	ILF	LF						
	MB	Acres						
	MB	LF						
	PR	Acres			**292.17** ~~286.13~~			
	PR	LF			**64,870.08** ~~72,030.88~~			
Stream Channel	ILF	Acres						
	ILF	LF						
	MB	Acres						
	MB	LF						
	PR	Acres			**59.7** ~~49.63~~			
	PR	LF			**173,379.94** ~~144,434.40~~			

[7] Compensatory mitigation type may be: In-Lieu-Fee (ILF); Mitigation Bank (MB); Permittee-Responsible (PR).

H. Certification Deviation

Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water resources. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the State Water Board has determined that any potential water resource impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. Project modification that warrant or necessitate changes to Order conditions that are not addressed by the Order conditions and the CEQA Findings will require an amendment to this Order and do not qualify for the Certification Deviation procedures set forth in Attachment H of this Order. After the termination of construction, this Order will be amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

XI. Issuance of Order

I hereby issue the Order for the 2015 Fisheries Restoration Grant Program, SB15002IN certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plan s), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order, and (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies, and the IS/MND for the Project.

Thomas Howard
Executive Director
State Water Resources Control Board

9/9/15
Date

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