

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF OCTOBER 17-18, 2024

Prepared on September 4, 2024

ITEM NUMBER: 15

SUBJECT: Clean Water Act Section 401 Water Quality Certification Program Update

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KEY INFORMATION: This item provides an overview and update on the Clean Water Act Section 401 Water Quality Certification Program

ACTION: Information/Discussion

SUMMARY

This item provides an update on the Central Coast Regional Water Quality Control Board's (Central Coast Water Board) Clean Water Act Section 401 Water Quality Certification Program. This staff report provides an overview of the program and current program activities and priorities.

DISCUSSION

Background

The Clean Water Act Section 401 Water Quality Certification Program (401 program) regulates projects placing dredged or fill material in waterbodies. The discharge of fill material is essentially any activity that alters the bottom elevation of a waterbody or otherwise substantially relocates sediment and other material within a waterbody. Typical types of projects regulated by the 401 program include transportation, flood control, and development projects. The primary goal of the 401 program is to protect beneficial uses from impacts resulting from projects occurring within waterbodies, with a focus on protection of wetland, riparian, and aquatic habitat. Staff achieves this goal by working with applicants to first avoid and minimize direct impacts to waterbodies, since leaving waterbodies unaltered is generally the most effective way to protect them. Once impacts have been avoided and/or minimized, staff focuses on mitigation of remaining impacts, typically requiring establishment or restoration of waterbody habitat equivalent to that which was impacted. This staff report discusses 401 program goals and objectives, regulatory processes, regulatory prioritization, program workload and resources, and future program plans.

Under section 401 of the federal Clean Water Act, federal agencies may not issue a permit or license to conduct any activity that may result in any discharge into waters of the United States¹ unless states issue a certification verifying that the activity is in compliance with all state water quality standards. To implement Clean Water Act section 401, the Central Coast Water Board issues regulatory orders typically referred to as water quality certifications or 401s (Certifications). The Central Coast Water Board most commonly issues these Certifications when the U.S. Army Corps of Engineers (Corps) is issuing a federal permit under Clean Water Act section 404 for the discharge of fill material to waters of the United States. While a federal 404 permit is limited to activities in waters of the United States, a Certification is not, since it addresses water quality standards for waters of the state, which are often more expansive than waters of the United States. As a result, when permit issuance by the Corps under section 404 is triggered, the Central Coast Water Board will issue a Certification that addresses the entirety of the activity or project, including resulting impacts to both waters of the United States and waters of the state. In summary, when the Central Coast Water Board issues a Certification, it is certifying that an entire project will comply with state water quality standards for water quality and beneficial use protection.

Similarly, if a project involves the discharge of fill material only to waters of the state, and not to waters of the United States, the Central Coast Water Board will issue waste discharge requirements under the California Water Code, rather than Clean Water Act section 401. The goals of these waste discharge requirements are the same as for Certifications: water quality and beneficial use protection. For simplicity, this staff report focuses on Certifications, as opposed to waste discharge requirements for impacts to state waters, since Certifications are the more common regulatory order that is issued. The discussion of Certifications and their implementation generally applies to waste discharge requirements issued for discharge of fill material as well.

Types of Projects Regulated and Impacts to State Waters

The types of projects regulated by the 401 program are wide-ranging. Most common are projects related to transportation and flood control, such as culvert and bridge repair and replacement, road widening, stream bank stabilization adjacent to roadways, and vegetation and sediment removal from waterbodies. Regulation of new development projects, such as for commercial or residential purposes, is also common. In addition to issuing Certifications for these types of individual projects, staff also issues “programmatically” Certifications regulating on-going, long-term flood control and stream maintenance programs. Examples of these programs include Monterey County Water Resources Agency’s Salinas River stream maintenance program, Santa Clara Valley

¹ The definition of the term “waters of the United States” was modified in response to the U.S. Supreme Court’s May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*. In general, waters of the United States include waters that are used for interstate commerce; territorial seas; interstate waters; relatively permanent tributaries to other waters of the United States; tributaries that significantly affect the chemical, physical, or biological integrity of other waters of the United States; and wetlands adjacent to other waters of the United States. Waters of the state are more inclusive and are broadly defined as “any surface water or groundwater.”

Water District's stream maintenance program, and the Santa Barbara County Flood Control District's annual routine maintenance program.

Projects subject to regulation by the 401 program can result in significant impacts to water quality and beneficial uses. In the 401 program, direct impacts refer to those impacts caused by activities that occur directly within a waterbody, while indirect impacts are caused by activities outside the waterbody. The principal direct impacts the 401 program regulates result from projects that place permanent fill in waterbodies, causing a permanent reduction in waterbody area providing beneficial uses. For example, a flood control project proposing to convert a portion of a stream into a trapezoidal concrete channel causes a permanent physical loss of beneficial uses in that location. Other more pervasive projects that directly impact beneficial uses, but which are less harmful, are those projects that alter waterbody form and degrade habitat quality. For example, a rip-rap stream bank stabilization project can directly degrade aquatic habitat quality by replacing once-vegetated areas with hardscape. Such projects can also cause indirect downstream impacts by altering stream meander patterns, resulting in downstream erosion and degradation of water quality and beneficial uses. Projects subject to Certifications may also alter watershed processes, such as by limiting infiltration and groundwater recharge due to construction of new impervious surfaces. While these examples are common types of impacts resulting from 401 projects, they are just a small portion of potential impacts considered by staff when issuing Certifications.

Regulatory Process

The process for issuing Certifications is well defined. Upon receipt of an application, staff determines the appropriate regulatory route—issuance of an individual Certification or enrollment under a general Certification. There are general Certifications that offer a streamlined application process for particular categories of projects, such as emergency and restoration projects. If the application is for an individual Certification, which is most common, staff will review it for completeness. If the application is incomplete, staff notifies the applicant of the remaining information that is needed. If the application is complete, staff will begin a more detailed review of the typically lengthy application.

It is at this point that the majority of the work in the 401 program occurs. Following a detailed application review, staff will ask the applicant for supplemental information to augment the application and address staff's questions and concerns. As discussed above, staff's review focuses on avoidance and minimization of direct impacts to waterbodies first and foremost. During review, staff considers project alternatives that could achieve the project purpose while avoiding or minimizing direct waterbody impacts and pursues those alternatives with the applicant. This approach is in alignment with State of California Executive Order W-59-93 (the "No Net Loss" or "Wetland Policy"), which states the objective to "ensure no net loss and long-term gain in the quantity, quality, and permanence of wetlands acreage and values in California [...]" Avoidance and minimization of impacts is also in accordance with implementation of the State Water Board's *State Wetland Definition and Procedures for Discharges of*

Dredged or Fill Material to Waters of the State, which outlines procedures for applying impact avoidance and minimization in Certifications.

In addition to lessening direct impact area, staff seeks to lessen impact magnitude. Staff will pursue project designs that better preserve the function and value of the waterbody. For example, staff may ask the applicant to assess the feasibility of using bioengineering to stabilize a streambank, as opposed to lining the streambank with rip rap.

Once staff confirms that direct impacts to waterbodies have been avoided and/or minimized, staff will then review any compensatory mitigation proposal to determine its adequacy to offset remaining proposed impacts. Among the factors staff considers when assessing the adequacy of a compensatory mitigation proposal are the following: habitat quality and value of the impact site; endangered species presence at the impact site; type of waterbody impacted compared to type of waterbody mitigated; type of mitigation (establishment, re-establishment, restoration, enhancement, or preservation); location of mitigation relative to impact site; likelihood of mitigation survival and success; mitigation ratio; mitigation monitoring; mitigation success criteria; and other factors.

Staff will further consider other aspects of the project that could indirectly impact water quality and beneficial uses, such as changes in the geomorphology of a waterbody, changes in watershed processes at the project site, post-construction stormwater management, and construction stormwater management. Staff develops project-specific Certification conditions to ensure project design and implementation addresses these issues as necessary.

Following resolution of impact avoidance and minimization, mitigation, and other water quality factors, staff issues the Certification. The Executive Officer is authorized to issue Certifications for the Central Coast Water Board.

After issuance of a Certification, the oversight stage of staff's involvement with the project begins. Oversight is generally composed of annual report reviews and compliance inspections. Starting in 2014, staff commenced with requiring all 401 projects to provide an annual report, regardless of whether project construction has started. This was an important step in Certification compliance assessment, since up to that point, annual reports were only required after project construction was completed. That approach was problematic, because staff often did not know project construction status and therefore did not know when projects should be reporting. As a result, annual reports were oftentimes not submitted and mitigation was not effectively tracked by staff. The current annual reporting requirements rectify this deficiency and allow for staff to closely track mitigation success, a critical factor for the 401 program. Central Coast Water Board staff was the first to implement this reporting approach, which has since been adopted by several other regions in the state.

Staff also conducts compliance inspections of 401 projects. These inspections can occur during the construction phase of the project, or more commonly, following project construction and mitigation installation. Inspections during the construction phase focus

on the projects being constructed as described in the application, while ensuring waterbody impact areas are limited to those authorized in the Certification. Inspections conducted following project construction and mitigation installation typically assess compliance of mitigation design and installation, as well as mitigation progress towards achieving success criteria, such as plant survival and lack of invasive species.

Once a project is completed, all monitoring has been conducted, and mitigation has achieved its success criteria, the applicant will submit a final report requesting Certification termination. Staff reviews the report to confirm mitigation success and compliance with all Certification requirements. If necessary, staff will perform a final compliance inspection. Upon confirmation of compliance with all Certification requirements, staff then terminates the Certification.

Program Goals and Objectives

The primary goal of the 401 program is to protect beneficial uses from impacts resulting from projects occurring within waterbodies, with a focus on protection of wetland, riparian, and aquatic habitat. Objectives for achieving this goal include avoiding and minimizing direct and indirect impacts to waterbodies, while optimizing mitigation for unavoidable impacts. The concept of avoidance of impacts to waterbodies is critical to the 401 program, since healthy waterbodies are best protected when they are left in place and unaltered. Staff prioritizes working with applicants to achieve projects that avoid direct impacts. For those direct impacts that cannot be totally avoided, staff then pursues minimizing the size of the impacts occurring directly within waterbodies. Once direct impacts have been minimized, staff works with applicants to develop compensatory mitigation that will replace waterbody area and function to offset any remaining direct impacts.

To help maintain focus on these impact avoidance and mitigation objectives and assess program performance, staff has developed various performance measures. The most valuable of these performance measures assess direct environmental outcomes resulting from 401 program implementation. Specifically, for each Certification issued, staff compares the acreage of direct impact to waterbodies, as initially proposed by the applicant, versus the acreage of direct impact to waterbodies that is ultimately authorized in the Certification. Likewise, staff also compares the initial proposed acreage of mitigation versus the acreage of mitigation eventually required in the issued Certification. In this way, staff can quantitatively measure how much direct impacts have been decreased, and how much mitigation has been increased, due to staff's regulation of 401 projects.

For 2024, staff's regulation of standard 401 projects has resulted in a reduction of temporary and permanent impact area by approximately 0.13 acres total. While this value is relatively modest, it may indicate that project proponents are incorporating avoidance and minimization of impacts to waters into project design, which has been a long-term goal of the Central Coast Water Board. The value also does not include impact reductions achieved prior to application submittal or during emergencies, since those reductions are time intensive to track. Also in 2024, staff has increased mitigation

for impacts by approximately 2.5 acres total, which is a substantial gain in aquatic habitat and riparian area within the region.

Staff also tracks its efficiency in processing applications. In 2024, staff has taken required action on applications within the legally required timeframes 100 percent of the time.

A significant undertaking by the 401 program in 2024 is the development of a general order regulating fire and flood risk management activities in waters of the state and riparian areas. This general order is expected to facilitate efficient permitting of fire and flood risk reduction projects. The initial draft of this general order was released for public review and comment in June 2024. Staff is currently reviewing comments and revising the draft general order. Staff expects to reissue an updated draft of the general order in fall of 2024, with final adoption expected in late 2025.

Workload, Resources, and Prioritization

The workload for the 401 program is constantly changing, because it is dependent upon external factors such as strength of the economy, rates of development, municipal infrastructure maintenance funding, and weather. However, in general, there have recently been approximately 400-600 active 401 projects within the region at any given time. Currently, there are approximately 340 active individual certifications and approximately 160 active general order enrollments, which is a 56 percent increase over the number of projects that were active in 2020. In terms of applications received, over the last five years an average of approximately 130 applications were submitted annually. Worth noting is the increase in emergency projects in recent years. In 2023 and 2024, the average number of emergency projects was approximately 63, while in previous years the average was approximately ten emergency projects. With increasing extreme weather related to climate change, the number of emergency projects is expected to continue to rise. In addition, the recent U.S. Supreme Court Sackett decision, which decreased federal jurisdiction over waters, will reduce staff's ability to issue Certifications, resulting in the need to issue additional individual waste discharge requirements, which are much more time intensive, further increasing the workload of the 401 program.

Currently, about 4.7 personnel years are expended within the program annually. Efforts to fill an additional two positions are also underway. Environmental Scientists Kim Sanders, Kathleen Hicks, April Woods, and Alia Ajina all work in the 401 program full time. Senior Environmental Scientist Phil Hammer supervises the program with about 70 percent of his time. Staff is generally assigned 401 projects according to geographic assignment areas. Kim Sanders oversees projects in Santa Cruz, San Mateo, Santa Clara, and San Benito Counties. April Woods oversees 401 projects in Santa Barbara County as well as dredging projects. Kathleen Hicks oversees 401 projects in San Luis Obispo County. Alia Ajina oversees Caltrans 401 projects and projects in Monterey County. Geographic areas of responsibility are assigned to balance workload amongst staff.

Staff prioritizes its work within staff geographic assignment areas. Primary factors staff takes into consideration during prioritization are size of direct impact, type of direct impact (permanent or temporary), quality of habitat impacted, and size of mitigation area. Generally, projects with over 0.1 acre of permanent impacts and/or over 0.3 acre of mitigation are considered high priority, while projects with less than 0.1 acre of mitigation are considered low priority. Due to size of impact, project types that are commonly high priority include on-going flood control and stream maintenance programs, large scale transportation projects, and large residential development projects. Project types that are commonly considered lower priority include restoration projects, survey projects, and minor maintenance projects.

Prioritization helps dictate the level of staff's project oversight, both before and after issuance of a Certification. While all applications receive a baseline level of review, staff more closely reviews applications and negotiates Certification conditions for high priority projects. High priority projects also receive detailed annual report reviews and compliance inspections. Conversely, low priority projects may only receive an initial application review, screening level annual report reviews, and no compliance inspections.

The following are examples of high priority projects staff is currently working on:

- Froom Ranch (San Luis Obispo County) is a large development project that will include realigning a significant portion of Froom Creek. The realignment will be designed to increase the flood capacity of the creek while also establishing and enhancing the riparian corridor and adding stream length. Staff worked with the project team to improve the restoration and monitoring plan for the creek realignment to include metrics for pool/riffle ratios that will help ensure that the realigned portion of the creek maintains habitat value for steelhead that are present in the San Luis Obispo Creek watershed.
- The Coastal Christian school campus (San Luis Obispo County) has experienced recurring slope stability issues during rain events originating from a drainage upstream from the school. Staff coordination with the project team addressed how to place rock slope stabilization in a way that will have minimal impact to the stream habitat, improving a sediment basin that had been constructed in previous years to respond to emergency situations while also protecting and enhancing wetland habitat present on campus.
- The Big Creek Reserve Emergency Bank Stabilization Repair project in Big Sur (Monterey County) will repair the roads of the Big Creek Reserve owned by UC Santa Cruz along Big Creek and Devil's Creek to provide stabilization to the roadway that was impacted by the 2022/2023 winter storms. Staff is working with UC Santa Cruz and Big Creek Reserve staff to minimize impacts as much as possible by using hybrid bank stabilization techniques. This includes the use of gravel filters, planting and filling of rock slope protection, and incorporating root wads, logs, and other woody debris to provide habitat for fish.
- The emergency work in the Santa Maria River downstream of Highway 1 (Santa Barbara County) is an example of aligning emergency projects necessary to protect life and property with the Central Coast Water Board's mission to protect

water quality and beneficial uses. Recent severe storms required immediate action by the Santa Barbara County Flood Control District (SBCFCD) to alleviate flooding in the Santa Maria River. In the process, impacts to river channel morphology, riparian habitat, and a population of endangered plant species occurred. Staff have worked collaboratively with the SBCFCD and state and federal wildlife agencies to develop a habitat restoration plan that will mitigate impacts incurred from the emergency work.

- In support of the U.S. Army Corps of Engineers' maintenance dredging operations to keep navigation channels open for ship passage, the Central Coast Water Board acts as a state agency authorizing discharge of dredged materials to ocean disposal sites and/or use of suitable dredge materials (sand) for ecologically beneficial reuse projects. Moss Landing Harbor (Monterey County) presents unique opportunities and challenges as much of the dredged material is suitable for beneficial reuse, such as enhancing wildlife habitat, while isolated "hot spots" of sediment within the harbor contain legacy pesticide pollutants in exceedance of water quality standards, leaving it unsuitable for either reuse or ocean disposal. Staff is working with multiple state and federal agencies and conservation groups to identify viable projects that can benefit from suitable sand for reuse, while also finding a path forward to address sediment management of legacy pollutants.
- The Santa Clara Valley Water District, now known as Valley Water, is a water resources management agency in Santa Clara County. Valley Water engages in stream maintenance each year for the purposes of flood protection and conducts compensatory mitigation projects to offset impacts caused by maintenance activities. Staff is working with Valley Water to renew their permitting for their maintenance and mitigation activities. Valley Water's projects may include repeated sediment and vegetation removal in lower waterbody reaches, select vegetation removal elsewhere, levee and bank stabilization with hardscape, and application of herbicides. They propose to offset impacts with multi-benefit projects such as dam removal in steelhead bearing streams. Staff is working to ensure their proposed multi-benefit projects and other mitigation sufficiently offset the impacts resulting from stream maintenance.

Future Program Plans

Staff is continually working to improve the effectiveness and efficiency of the 401 program. The following are areas staff plans to focus on over the next one to two years:

- As noted above, the 401 program will continue development of a general order regulating fire and flood risk management activities in waters of the state and riparian areas. Staff expects to reissue an updated draft of the general order in fall of 2024, with final adoption expected in late 2025.
- The region has experienced an increase in unauthorized work being conducted within waters of the state, likely due to extreme weather events prompting parties to take corrective action quickly and without proper permits. Staff plans to work with these parties to ensure impacts from the unauthorized activities are adequately mitigated. Staff also plans to shift some program resources from

reviewing low priority projects to increasing field presence and issuing informal enforcement actions for unauthorized work.

- The U.S. Supreme Court's Sackett ruling has decreased the jurisdiction of federal waters. Staff plans to continue coordinating with the U.S. Army Corps of Engineers on methods to differentiate between federal and state waters based on the ruling. In addition, as a result of the ruling, staff anticipates issuing more waste discharge requirements under state law as opposed to Clean Water Act section 401 Water Quality Certifications under federal law. Staff plans to develop processes to efficiently issue waste discharge requirements.
- Various agencies within the region conduct routine maintenance in waterbodies, typically for flood control purposes. Some of these agencies, such as the Santa Barbara County Flood Control District and the Santa Clara Valley Water District, have programmatic Certifications that cover a range of their activities, so that individual Certifications are often not needed for specific projects. The programmatic Certifications ultimately reduce time spent on permitting for both staff and applicants, while also allowing for issues to be addressed wholesale, rather than on a case-by-case basis. Staff plans to pursue similar efforts with other appropriate agencies within the region.

Human Right to Water

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

While the 401 program does not specifically focus on drinking water quality or human health issues, it is inherently aligned with the Water Boards' Human Right to Water Policy because it conditions projects so that they maintain watershed processes that are critical to water supply. The 401 program also applies requirements to protect water quality so that projects are compliant with water quality standards, including beneficial uses related to drinking water.

Environmental Justice

Environmental Justice principles call for the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income in the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies that affect every community's natural resources and the places people live, work, play, and learn. The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of all people, including Underrepresented Communities. Underrepresented Communities include but are not limited to Disadvantaged Communities (DACs), Severely Disadvantaged Communities (SDACs), Economically Distressed Areas (EDAs), Tribes, Environmentally

Disadvantaged Communities (EnvDACs), and members of Fringe Communities.² Furthermore, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

Projects regulated through the 401 program occur throughout the region, including in disadvantaged communities. Due to regulatory process requirements, all 401 applications must receive detailed review and oversight from 401 program staff, regardless of project location. Staff strives for mitigation to occur in locations near impacts, so that one area or community does not disproportionately bear the burden of impacts to waterbodies while not benefitting from the waterbodies' restoration or other mitigation.

Climate Change

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution 2017-0012.

Program staff currently incorporates climate change adaptability requirements into Certifications. To account for the increased likelihood of more extreme dry weather periods, staff is closely assessing water supply for mitigation projects. In addition, staff is allowing the use of reference sites to determine mitigation success. With this approach, as conditions at reference sites adjust in response to climate change, the expectations for mitigation site success change accordingly. Staff also continues to require low impact development approaches to post-construction stormwater

² Disadvantaged Community: a community with an annual median household income that is less than 80% of the statewide annual median household income (Public Resources Code section 80002(e)); Severely Disadvantaged Community: a community with a median household income of less than 60% of the statewide average. (Public Resources Code section 80002(n)); Economically Distressed Area: a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less with an annual median household income that is less than 85% of the statewide median household income and with one or more of the following conditions as determined by the department: (1) financial hardship, (2) unemployment rate at least 2% higher than the statewide average, or (3) low population density. (Water Code section 79702(k)); Tribes: federally recognized Indian Tribes and California State Indian Tribes listed on the Native American Heritage Commission's California Tribal Consultation List; EnvDACs: CalEPA designates the top 25 percent scoring census tracts as DACs. Census tracts that score the highest five percent of pollution burden scores but do not have an overall CalEnviroScreen score because of unreliable socioeconomic or health data are also designated as DACs (refer to the CalEnviroScreen 3.0 Mapping Tool or Results Excel Sheet); Fringe Community: communities that do not meet the established DAC, SDAC, and EDA definitions but can show that they score in the top 25 percent of either the Pollution Burden or Population Characteristics score using the CalEnviroScreen 3.0.

management in new and redevelopment projects, helping ensure natural groundwater recharge and stream baseflows are maintained – conditions that may become increasingly critical during times of drought.

When issuing Certifications, 401 program staff also considers the potential for increasingly severe and more frequent storm events. Staff seeks setbacks for new development from waterbodies, to better protect both waterbodies and property, thereby reducing the need for further stabilization within the waterbodies in the future. In addition, staff has taken steps to facilitate emergency responses. Staff has developed an Emergency Storm and Wildfire Response Project Application Form that applicants can use to apply for authorization to conduct an emergency storm response projects. This streamlines the application and permitting processes for emergency projects, since applicants and staff can proceed without waiting for U.S. Army Corps of Engineers determinations regarding proper permitting pathways. Staff is also developing a general order for certain flood risk reduction activities, which will provide a more efficient permitting approach for fire and flood prevention and response projects.

CONCLUSION

The ultimate goal of the 401 program is protection of beneficial uses from projects occurring in waterbodies, with a focus on protection of wetland, riparian, and aquatic habitat. Staff will continue to focus on the highest priority sites with the objective of being able to quantitatively demonstrate program success through reduced direct impacts to waterbodies and increased mitigation to offset remaining impacts. Staff will pursue program improvements by implementing the activities identified in this report, while consistently looking for new opportunities to increase program effectiveness.