

Instructions for Completing the Clean Water Act Section 401 Water Quality Certification Application Central Coast Region

Projects requiring federal permits must obtain Clean Water Act (CWA) Section 401 Water Quality Certifications (Certifications). Typically, Certifications are required when U.S. Army Corps of Engineers 404 permits are issued for discharges of dredged or fill material to waters of the United States, including wetlands and other water bodies. Such discharges may result from navigational dredging, flood control channelization, levee construction, channel clearing, fill of wetlands for development, or other activities. Projects obtaining permits under Section 10 of the Safe Rivers and Harbors Act also are also required to obtain a Certification.

Section 1: Applicant / Agent Information

Please include name, title, company, address, telephone, fax number, and email address of applicant. Complete agent information only if certification application is being transmitted by an agent/consultant. Please include name, title, company, address, telephone, fax number, and email address of agent.

Section 2: Project Description

- a) Provide a project name or title consistent with other agency applications
- b) Describe the purpose and final goal of project
- c) Describe specific project activities relating to fill or excavation of the waterbody, and activities outside the waterbody. Provide a full technically accurate description including cubic yards of dredge, fill or excavation, type of fill, area of disturbance within waterbody, entire project area including areas outside the waterbody (such as upland construction, staging areas and roads).
- d) Describe the Proposed Schedule including the start-up, duration, and completion dates of project

If, during the course of the project the project description should change, contact the Central Coast Water Board immediately. Changes to your application or Certification may be required in order to maintain compliance.

Section 3: Project Site Description

Indicate the project location on a road map *and* a map of suitable detail, quality, and scale (like an USGS 7.5-minute quadrangle topographic map) to allow identification of the project area and any water body(ies) potentially receiving a discharge.

- a) Indicate the city or area, county, longitude and latitude, township/Range (if available)
- b) Indicate the area type or description (check as appropriate)

If the project site is within the jurisdiction of more than one Regional Water Board, the application must be submitted to the State Water Resources Control Board, not the Regional Board, for review.

State Water Resources Control Board
Water Quality Certification Unit
1001 I Street, 15th Floor
Sacramento, CA 95814

Section 4: Impacted Water Bodies

- a) Identify the water body(ies) that may receive a discharge and type(s) of receiving water body(ies). The term “waterbody” in this document, refers to any stream, creek, intermittent drainage, drainage swale, drainage ditch, seep, pond, bay, estuary, vernal pool, marsh, wetland, ground water basin, or any other waters of the State. Most receiving water bodies are listed in the Water Quality Control Plan, Central Coast Region (Basin Plan). For unlisted waters, the major tributary(ies) must be identified.
- b) Streambed and riparian impacts should be reported above and below the Ordinary High Water Mark. The Ordinary High Water Mark can be described as the line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Include impacts to U.S. Army Corps of Engineers Jurisdictional Wetlands and all other wetlands that are not considered to be US ACOE Jurisdictional.
 - Report discharge area in acres.
 - Report discharge length in Linear Feet. Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment, and channelization projects.
- c) Indicate in cubic yards the volume of dredged material. Dredged material is defined as removing sediment in deeper water to increase the depth and is best described by the volume of the discharge. Indicate in cubic yards the volume and in acres or linear feet the area of fill material. Fill material is defined as moving sediment or soil in shallow waters or under no-flow conditions where impacts are best described by the area of the discharge. The total area of disturbance within the waterbody is the summation of all temporary and permanent impacts.
- d) Describe the type(s) of material proposed to be dredged. In addition to soil types, applicants must determine if dredged soils are contaminated. Attach chemical analysis if appropriate.

Section 5: Water Quality Sampling

- a) Indicate the potential for pollutant release resulting from the entire proposed project (including during and post-construction)
- b) Indicate whether water quality sampling has occurred and if yes, what parameters were sampled. Also provide data from the sampling if appropriate.
- c) Indicate whether water quality sampling is planned and if so, what parameters will be sampled.

Section 6: Dewatering Operations

Describe the method used to remove groundwater and divert surface water if necessary to implement the proposed project. Please attach a diagram with the description. Identify the following if applicable

- a) Discharge to surface waters, name of receiving water, estimated volume and flow rate, and management measures proposed (requires NPDES permit, contact Regional Board for further information)
- b) Discharge to retention ponds, location (on-site or off-site), and control measures
- c) Diversion of state waters, location (on-site or off-site), control measures

Section 7: Waste Discharge

Projects that include a waste treatment system (e.g., septic/leach field) as part of the project should fill out this section. Discharge from any system associated with the project should be described.

- a) Nature/Composition of waste including projected volume (in GPD) and source
- b) Location of treatment and disposal system, attach a map if necessary
- c) Proposed method for treatment

Section 8: Federal Licenses / Permits

- a) Specify the federal permit or license being sought. 401 Certification is dependent upon a valid application for a 404 permit from the ACOE or another application for a federal license or permit.
- b) Include the U.S. Army Corps of Engineers Permit Type(s) - Nationwide reporting or non-reporting, Individual, or Regional. Attach a copy of the US ACOE application
- c) Identify if the project requires any other Federal Application(s), Notification(s), or Correspondence. Attach copy(ies) of other Federal applications (if necessary)
- d) Identify if the project requires a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license.

Section 9: Other Licenses/Permits/Agreements

- a) List all other local or state required regulatory approvals.
If a Lakebed or Streambed Alteration Agreement (LSAA) from the Department of Fish and Wildlife (DFW) is appropriate for the project, please provide a copy of the application or agreement.

Section 10: California Environmental Quality Act (CEQA)

The Central Coast Water Board is required to comply with CEQA before approving a project. 401 Certification will not be granted without final CEQA documentation.

- Indicate the type of CEQA document (e.g., Environmental Impact Report, Mitigated Negative Declaration or Categorical Exemption) and the Lead Agency
- Submit a copy of the final determination and indicate the State Clearinghouse Number. Neither a Notice of Intent nor a State Clearinghouse number or stamp are proof of final CEQA.
- Submit a certified/approved final CEQA document. If the document has not been certified/approved indicate the expected approval/filing date. If a certified/approved final CEQA document is not available, submit a draft document.

Section 11: California Environmental Quality Act (CEQA) Mitigation

Describe all mitigation measures required for CEQA compliance relating the following:

- Biological Resources
- Septic Systems
- Soil Erosion/Grading
- Water Supply/Groundwater
- Water Quality/Hydrology
- Riparian Areas
- Wetlands
- Wildlife

Describe in the application or reference mitigation measures in the Final CEQA Document

Section 12: Compensatory Mitigation

- Indicate in acres and linear feet the total quantity of proposed mitigation.

The Regional Board strives to maintain a “no net loss” of value and physical size of wetlands and other waterbodies. The Board requires mitigation measures for temporary and permanent impacts.

Section 13: Other Actions / Best Management Practices (BMPs)

Briefly describe or reference other actions or BMPs to be implemented to avoid and/or minimize impacts to waters, including preservation of habitat, erosion control measures, project scheduling, flow diversions, etc.

- Describe efforts that have been or will be taken to avoid adverse impacts to waters of the State. Impact avoidance actions might include reconfiguring a project to avoid filling a waterway and to provide creek or wetland buffers, using a span bridge rather than a culvert for a roadway crossing.
- For impacts that cannot be avoided, describe steps that have been taken or will be taken to minimize adverse impacts. Impact minimization actions might include using bioengineering techniques, minimizing the use of hardscaping and reducing impervious surfaces to reduce stormwater runoff.

Section 14: Past/Future Proposals by the Applicant

Briefly list or describe, including adverse impacts, any project implemented by the applicant within the last five years or planned for implementation in the next five years that relate in any way to the proposed activity or may impact the receiving body of water. For purposes of this item, the water body extends to a named source or stream segment identified in the relevant basin plan.

Section 15: Signature

Sign and date the application.

Filing Fee

- For all types of discharges and applications, refer to the 401 Fee Calculator:
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/401wqcert/index.shtml
- After the certification has become effective annual fees will be based on the fee schedule that is current at the time of billing.

All fees shall be made payable to the Central Coast Regional Water Quality Control Board and submitted to:
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Attn. 401 Coordinator

For additional questions about filling out the 401 application please contact our office (805) 549-3147.