16 February 2018

FISHBIO
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NOTICE OF APPLICABILITY; GENERAL SECTION 401 WATER QUALITY CERTIFICATION ORDER REQUIREMENTS FOR THE FISHBIO, SAN JOAQUIN RIVER BASIN FYKE TRAPS - NONNATIVE PREDATOR INVESTIGATION PROJECT (WDID#5B39CR00302), SAN JOAQUIN COUNTY

On 20 December 2017, FISHBIO (Applicant) filed a notification requesting coverage under the 17 March 2017 State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification and Order of the United States Army Corps of Engineers 2017 Nationwide Permits (General Certification Order) for the San Joaquin River Basin Fyke Traps - Nonnative Predator Investigation Project (Project). After review of the notification and the supplemental material submitted by the Applicant, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has determined that the Project qualifies for enrollment under this General Certification Order. The proposed activity will take place within less than 0.001 acre of waters of the United States.

The Central Valley Water Board is certifying this Project under United States Army Corps of Engineers Nationwide Permit #5 (Scientific Measurement Devices), subject to the conditions and the notification requirements described in the Nationwide Permit ("Special Conditions"). This Notice of Applicability is being issued under the General Certification Order pursuant to § 3838 of the California Code of Regulations.

A copy of the General Certification Order is enclosed. You can also find the General Certification Order on the State Water Resources Control Board's website at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/nwp_go.pdf

The Project must proceed in accordance with the requirements contained in this Notice of Applicability and General Certification Order. The Project is described in the notification form requesting coverage under the General Certification Order, dated 20 December 2017, and supplementary information (Application Package). Coverage under the General Certification Order is no longer valid if the Project (as described) is modified.

PROJECT DESCRIPTION:

The San Joaquin River Basin Fyke Traps - Nonnative Predator Investigation Project (Project) involves temporarily deploying fyke fish traps at various locations along the San Joaquin River. A single trap will be deployed at each location shown on Figure 1.

The cylindrical traps will have an approximate 9-foot diameter and up to 25-foot length, with actual size being dependent on location constraints. The traps will be used to capture nonnative predatory fish species. The traps will be attached via cables to t-posts driven approximately 3-

feet deep into the levee crown and lowered into the appropriate orientation in the waterway. The traps will be checked every 24 hours during the operational period of 1 March through 30 June.

Installation and removal of the traps typically take up to 2 days per location, will be removed within 30 days of completion of sampling, and will be reinstalled the following season.

The Project will permanently impact less than 0.001 acre of waters of the United States.

APPROXIMATE TIMEFRAME OF PROJECT IMPLEMENTATION:

1 March through 30 June annually until 2020

PROJECT LOCATION:

Various deployment sites (Figure 1) including:

Haven Acres
Section 9, Township 1 South, Range 6 East, MDB&M
Latitude: 37.86884° and Longitude: -121.32787°

Lathrop
Section 28, Township 1 South, Range 6 East, MDB&M
Latitude: 37.81648° and Longitude: -121.315425°

Head of Old River Barrier (HORB)
Section 33, Township 1 South, Range 6 East, MDB&M
Latitude: 37.807662° and Longitude: -121.326751°

River Islands
Section 4, Township 2 South, Range 6 East, MDB&M
Latitude: 37.795625° and Longitude: -121.314256°

Clifton Court
Section 20, Township 1 South, Range 4 East, MDB&M
Latitude: 37.825129° and Longitude: -121.552147°

Banta-Carbona Irrigation District (BCID)
Section 27, Township 2 South, Range 6 East, MDB&M
Latitude: 37.72836° and Longitude: -121.261229°

San Joaquin River (SJR) 1
Section 36, Township 2 South, Range 6 East, MDB&M
Latitude: 37.720902° and Longitude: -121.261229°

SJR 2
Section 36, Township 2 South, Range 6 East, MDB&M
Latitude: 37.714165° and Longitude: -121.26754°

Sturgeon Bend
Section 18, Township 3 South, Range 7 East, MDB&M
Latitude: 37.676214° and Longitude: -121.244832°

APPLICATION FEE RECEIVED:

An application fee of $200.00 was received on 20 December 2017. The remaining application fee balance of $1,300.00 was received on 29 January 2018.

The fee amount was determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category E – Low Impact Discharges by a Water Board General Order (fee code 87) with the dredge and fill fee calculator.

If you have any questions regarding this Notice of Applicability, please contact Nicholas White at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.

Original Signed by Adam Laputz for:

Pamela C. Creedon
Executive Officer

Attachment: Figure 1 – Project Locations Maps

Enclosure: State Water Resources Control Board Clean Water Act Section 401 General Water Quality Certification and Order of United States Army Corps of Engineers 2017 Nationwide Permits

cc: [Via email only] (w/enclosure)

Sam Ziegler
United States Environmental Protection Agency
Ziegler.Sam@epa.gov

Department of Fish and Wildlife
R2LSA@wildlife.ca.gov

CWA Section 401 WQC Program
State Water Resources Control Board
StateBoard401@waterboards.ca.gov

cc: (w/enclosure)

Chandra Browne (Non-Reporting)
United States Army Corps of Engineers
Sacramento District Office
Regulatory Division
1325 J Street, Suite 1350
Sacramento, CA 95814-2922

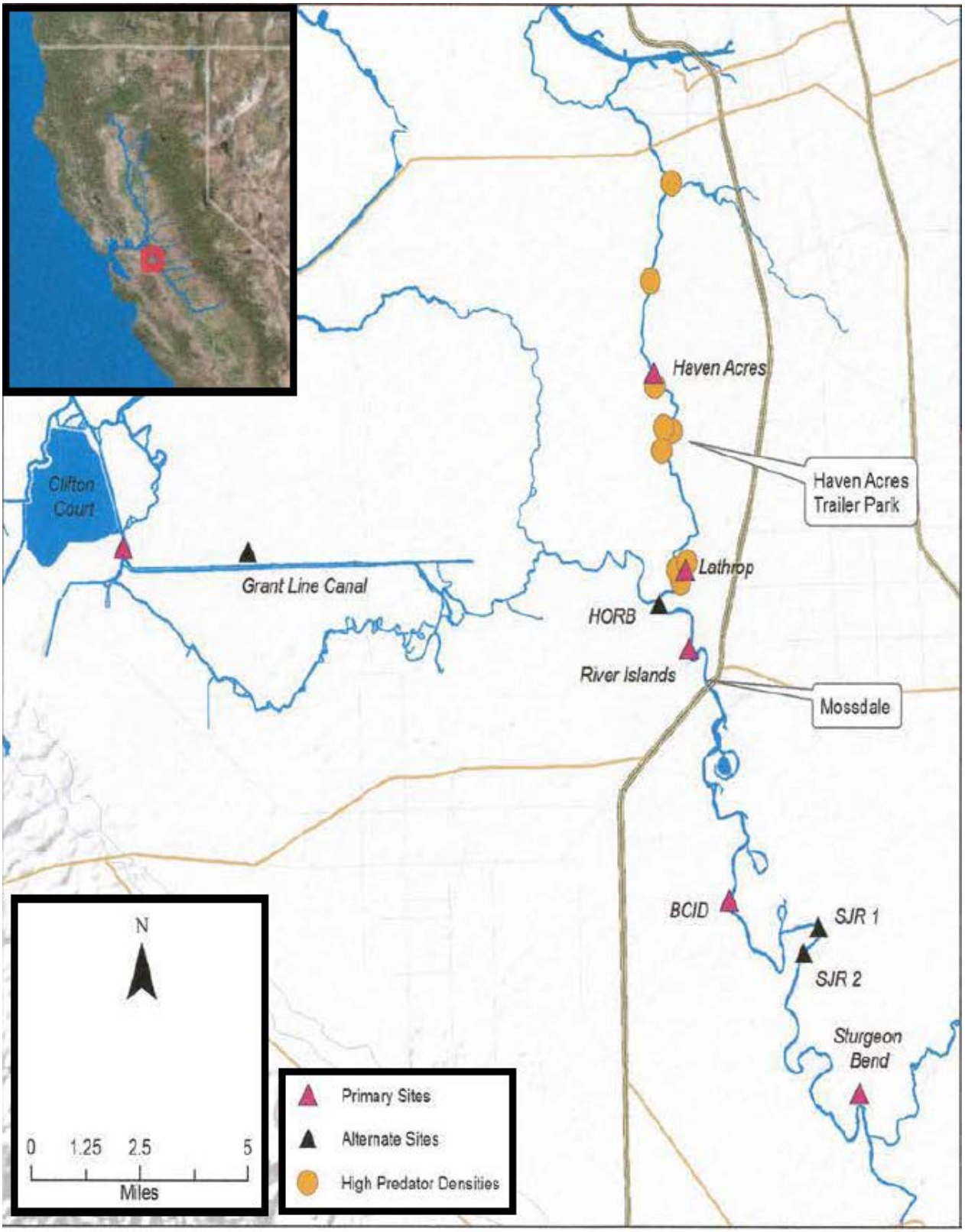

Figure 1. Site map for the proposed locations on the San Joaquin River

CLEAN WATER ACT SECTION 401
GENERAL WATER QUALITY CERTIFICATION AND ORDER

Effective Date: March 17, 2017
Program Type: Fill/Excavation

Reg. Meas. ID: 411836
SWRCB ID: SB17001GN

Project: State Water Board Certification of the 2017 Nationwide Permits (Project)

Applicant: Department of the Army, Corps of Engineers
Applicant Contact: Colonel David G. Ray, P.E.
District Commander
1325 J Street
Sacramento, CA 95814-2922
Phone: (916) 557-5100

State Water Board Staff: Jean Bandura
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1001 I Street, 15th Floor
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State Water Board Contact Person:
If you have any questions, please call State Water Resources Control Board (State Water Board) Staff listed above or (916) 341-5478 and ask to speak with the Water Quality Certification and Wetlands Unit Program Manager.

Table of Contents

I. Executive Summary 3

II. General Order 4

III. Public Notice 5

IV. Project Purpose 5

V. Project Description 5

VI. Project Location 5

VII. Project Impact and Receiving Waters Information 5

VIII. Description of Direct Impacts to Waters of the State 6

IX. Avoidance and Minimization 6

X. California Environmental Quality Act (CEQA) 6

XI. Petitions for Reconsideration 7

XII. Application Fees 7

XIII. Conditions 7

XIV. Nationwide Permits Denied without Prejudice 23

XV. Water Quality Certification 24

Attachment A Notice of Intent
Attachment B Reporting and Notification Requirements
Attachment C Project Maps
Attachment D Signatory Requirements

I. Executive Summary

This Clean Water Act (CWA) section 401 Water Quality Certification action and General Order (General Order) with attachments A through D is issued at the request of U.S. Army Corps of Engineers (herein after Corps). On March 19, 2017, the Corps Nationwide Permits (NWPs) go into effect. This General Order conditionally certifies 14 NWPs for projects discharging to only waters of the United States. The remaining 38 NWPs are denied without prejudice.

Notwithstanding the provisions of this general certification, the State Water Board or Regional Water Boards (collectively Water Boards) may deny any NOI and instead require a discharger to apply for an individual certification or a certification under another general order. A discharger may choose to apply for an individual water quality certification.

Certified Nationwide Permits

NWP No.	Nationwide Permit	Decision	Title 14 of the California Code of Regulations Section/Exemption
1	**Aids to Navigation:** Allows the placement of USCG-approved navigational aids.	Certify subject to conditions	§15304 /Minor Alterations to Land; and §15311 /Accessory Structures
4	**Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities:** Allows fish and wildlife harvesting devices and activities.	Certify subject to conditions and specific activity restrictions	§15304 /Minor Alterations to Land
5	**Scientific Measurement Devices:** Allows the placement of scientific gages, recording devices, water quality testing and improvement devices, and similar structures; allows the construction of weirs and flumes constructed primarily to record water quantity and velocity.	Certify subject to conditions and notification requirements	§15306 /Information Collection
6	**Survey Activities:** Allows core sampling, seismic exploration, and plugging of exploration bore holes.	Certify subject to conditions and notification requirements	§15304 /Minor Alterations to Land
9	**Structures in Fleeting and Anchorage Areas:** Allows placement of structures to facilitate mooring of vessels within anchorage areas established by the USCG.	Certify subject to conditions	§15301 /Existing facilities; and §15304 /Minor Alterations to Land
10	**Mooring Buoys:** Allows non-commercial, single-boat mooring buoys.	Certify subject to conditions	§15304 /Minor Alterations to Land
11	**Temporary Recreational Structures:** Allows the temporary placement of buoys, markers, small floating docks, and similar structures placed during special water events.	Certify subject to conditions	§15304 /Minor Alterations to Land
12	**Utility Line Activities:** Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities.	Certify subject to conditions, specific activity restrictions and notification requirements	§15301 Existing Facilities; 15302 Replacement or Reconstruction; 15303 New Construction or Conversion of Small Structures; §15304 /Minor Alterations to Land; and 15309 Inspections

Certified Nationwide Permits (cont.)			
20	**Response Operations for Oil and Hazardous Substances:** Allows cleanup of oil and hazardous substances provided the work activity is done in accordance with federal regulations and any existing State contingency plans, and has the concurrence of the federal Regional Response Team.	Certify subject to conditions	§15307 /Actions by Regulatory Agencies for Protection of Natural Resources; §15308/ Action by Regulatory Agencies for Protection of the Environment; and §15330/Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances
22	**Removal of Vessels**: Allows minor discharges of fill in connection with removal of disabled or abandoned vessels or manmade obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or river snagging.	Certify subject to conditions	§15301 /Existing Facilities; and §15303/ New Construction or Conversion of Small Structures
28	**Modifications of Existing Marinas**: Allows the reconfiguration of existing dock space in an authorized marina. No dredging or expansion of any kind would be permitted.	Certify subject to conditions and notification requirements	§15301 /Existing Facilities; and §15303/ New Construction or Conversion of Small Structures
32	**Completed Enforcement Actions**: Allows any structure, work, or discharge that is in compliance with a final federal court decision, consent decree, or settlement agreement resulting from a federal enforcement violation action under section 404 or section 10.	Certify subject to conditions and notification requirements	§15321 / Enforcement Action by Regulatory Agencies
36	**Boat Ramps:** Activities required for the construction of boat ramps.	Certify subject to conditions, specific activity restrictions and notification requirements	§15303 /New Construction or Conversion of Small Structures; and §15304 /Minor Alterations to Land
54	**Living Shorelines:** Activities required for the construction and maintenance of living shorelines to stabilize banks and shores in coastal waters.	Certify subject to conditions and notification requirements	§15304 /Minor Alterations to Land and §15333/ Small Habitat Restoration Projects

II. General Order

This General Order is for the purpose described in the application submitted by the Corps. The application was received on June 1, 2016, the date the Corps first noticed the NWPs in the Federal Register to solicit comments on the proposed new and modified NWPs, general conditions and definitions (81 Fed.Reg. 35186-35240 (Jun. 6, 2016)). On June 30th, the State Water Board received a letter from Colonel David G. Ray requesting review and approval of the proposed NWPs. The application was determined to be complete on January 6, 2017, the date the Corps announced an effective date for the reissuance of the Nationwide Permits (NWPs), general conditions, definitions with some modifications, and also the issuance of two new NWPs and one new general condition in the Federal Register (82 Fed.Reg. 1860-2008 (Jan. 6, 2017)).

III. Public Notice

In addition to the Corps notice, the State Water Board provided public notice of the proposed certification of the 2017 NWPs pursuant to California Code of Regulations, title 23, section 3858 from January 25, 2017 to March 11, 2017. The State Water Board did not receive any comments during the comment period.

IV. Project Purpose

The Corps is seeking a water quality certification action by the State Water Board for the 2017 NWPs. The Corps issues NWPs to authorize certain activities that require Corps permits under section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbor Act of 1899. The Corps issues general conditions for the NWPs that modify, suspend, or revoke NWPs for specific activities or within specific geographic regions. In addition, districts or divisions add other conditions, called regional conditions to the general conditions. The Corps will reissue 50 existing NWPs, general conditions, and definitions, with some modifications. The Corps will also issue two new NWPs and one new general condition. The effective date for the new and reissued NWPs is March 19, 2017. These NWPs will expire on March 18, 2022. The NWPs will protect the aquatic environment and the public interest while effectively authorizing activities that have no more than minimal individual and cumulative adverse environmental effects.

V. Project Description

The NWPs authorize a variety of activities, such as aids to navigation, utility line crossings, erosion control activities, road crossings, stream and wetland restoration activities, residential developments, mining activities, commercial shellfish aquaculture activities, and agriculture activities. The two new NWPs authorize the removal of low-head dams and the construction and maintenance of living shorelines.

Some NWP activities may proceed without notifying the Corps, as long as those activities comply with all applicable terms and conditions of the NWPs, including regional conditions imposed by division engineers. Other NWP activities cannot proceed until the discharger has submitted a pre-construction notification to the Corps, and for most NWPs that require pre-construction notifications, the Corps has 45 days to notify the discharger whether the activity is authorized by NWP.

VI. Project Location

An individual project authorized by the Water Board under this General Order (project) may occur anywhere within California except as restricted herein. A map showing the nine California Regional Water Boards: the North Coast Regional Water Board, San Francisco Regional Water Board, Central Coast Regional Water Board, Los Angeles Regional Water Board, Central Valley Regional Water Board, Lahontan Regional Water Board, Colorado River Regional Water Board, Santa Ana Regional Water Board and San Diego Regional Water Board (collectively Regional Water Boards), jurisdictional boundaries is found in Attachment C of this General Order.

VII. Project Impact and Receiving Waters Information

Receiving waters and groundwater potentially impacted by individual projects authorized under this General Order are protected in accordance with the applicable water quality control

plans for the regions and other plans and policies which may be accessed online at: http://www.waterboards.ca.gov/plans_policies/. The water quality control plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

Dischargers will identify the receiving waters and beneficial uses of waters of the state to be impacted by a proposed project, as listed in the applicable Regional Water Board water quality control plan. This information will be included in the Notice of Intent (NOI; Attachment A), which must be completed by a discharger to apply for an individual NWP certification under this General Order.

VIII. Description of Direct Impacts to Waters of the State

The Corps issues a "decision document" for each NWP to fulfill the requirements of the National Environmental Policy Act. The decision documents serve as an environmental assessment of the potential effects of the authorized dredge or fill discharge impacts to waters of the U.S. The decision documents also include an alternatives analysis conducted pursuant to the Clean Water Act section 404(b)(1) Guidelines. The final decision document for each NWP is available on the internet at: www.regulations.gov (docket ID number COE-2015-0017). In addition, the Corps district engineers will issue supplemental decision documents to address their decisions concerning regional conditions for the NWPs (82 Fed.Reg.1866 (Jan. 6, 2017)).

Dischargers will describe all proposed direct project impacts in the NOI, which must be completed for certification under NWP 5, 6, 12, 22 28, 32, 36 and 54.

IX. Avoidance and Minimization

The NWPs provide benefits by encouraging project proponents to minimize their proposed impacts to waters of the United States and design their projects within the scope of the NWPs, rather than applying for individual permits for activities that could result in greater adverse impacts to the aquatic environment. Project impacts to waters of the state must be avoided and minimized to the greatest practicable extent.

Dischargers will describe project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable in the NOI, which must be completed for certification NWP 5, 6, 12, 22 28, 32, 36 and 54 .

X. California Environmental Quality Act (CEQA)

The State Water Board has determined that projects authorized by this General Order are exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061.Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section(s) listed in the table provided in Executive Summary section I. Additionally, the State Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order. The State Water Board will file a Notice of Exemption with the State Clearinghouse within five (5) working days from the issuance of this Order (Cal. Code Regs., tit. 14, § 15062).

XI. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this General Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this General Order.

XII. Application Fees

Fees are not required for NWPs 1, 4, 9, 10, 11 and 20. An application fee is required for NWP 5, 6, 12, 22 28, 32, 36 and 54 project under this General Order. The application fee amount is determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and is calculated as category F - General Orders for CEQA Exempt Projects (fee code 19) with the dredge and fill fee calculator located at http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml. Note that this fee periodically adjusted. Dischargers should confirm the correct fee amount prior to submitting an NOI.

XIII. Conditions

The Water Board will independently review the record of any project proposed for authorization by this General Order to analyze impacts to water quality and designated beneficial uses within the watersheds of the project. This General Order grants certification to NWPs 1,4,5,6,9,10,11,12,20,22,28,32,36, and 54 subject to the following terms and conditions:

A. Notification and Reporting Requirements The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment B, including specifications for photo and map documentation. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment B, which must be signed by the authorized representative.

1. Request for Authorization The administrative process for authorization by this General Order varies according to NWP, as follows:

a. Other than the accidental discharge of hazardous materials reporting, dischargers with projects authorized under NWP 1, 4, 9, 10, 11 and 20 are not required to submit notifications or reports to the Water Board as required in this General Order. Dischargers shall comply with all other applicable General Order conditions. Failure to comply with the General Order conditions may subject a discharger to administrative and/or judicial enforcement.

b. Dischargers with projects authorized under NWP 5, 6, 12, 22 28, 32, 36 and 54 shall pay the required fee and follow notification and reporting requirements described in the Project Status Notifications section below, and found in Attachments A and B of this General Order. Dischargers shall submit a complete NOI to the appropriate Water Board(s) as described in Attachment A at least 45 days before any project activity. The Notice of Intent shall include a description and delineation of impact sites.

2. **Project Status Notifications**

   a. **Commencement of Construction:** The discharger shall submit a Commencement of Construction Notice at least seven (7) days prior to start of initial ground disturbance activities.

   b. **Request for Notice of Project Complete Letter:** This request shall be submitted to the Water Board within thirty (30) days following completion of all project activities including post-construction monitoring of restoration sites. Upon approval of the request, the Water Board shall issue a Notice of Project Complete Letter to the discharger.

3. **Project Reporting**

   a. **Annual Reporting:** If required in the NOA, the discharger shall submit an Annual Report each year on the anniversary of date the project is authorized by this General Order. Annual reporting shall continue until a Notice of Project Complete Letter is issued to the discharger. The discharger shall provide at least one annual report, in the event that the project is completed in less than one year.

4. **Conditional Notifications and Reports** The following notifications and reports are required, as applicable:

   a. **Accidental Discharges of Hazardous Materials**[1] 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) discharger 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 discharger shall notify the Water Board, as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

[1] "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 & Saf. Code, § 25501.)

iii. Within five (5) working days of notification to the Water Board, the discharger must submit an Accidental Discharge of Hazardous Material Report.

b. **Violation of Compliance with Water Quality Standards:** The discharger shall notify the 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) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. **In-Water Work:**

i. The discharger shall notify the Water Board at least forty-eight (48) hours prior to initiating work in flowing or standing water or stream diversions. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to the Water Board.

d. **Modifications to Project:** The discharger shall give advance notice to the Water Board if project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The discharger shall inform the Water Board of any project modifications that will interfere with the compliance with this General Order.

e. **Transfer of Property Ownership:** Authorization by this General Order is not transferable in its entirety or in part to any person or organization except after notice to the Water Board in accordance with the following terms:

i. The discharger must notify the Water Board of any change in ownership or interest in ownership of the project area by submitting a Transfer of Property Ownership Report. The discharger and purchaser must sign and date the notification and provide such notification to the Water Board at least 10 days prior to the transfer of ownership. The purchaser must also submit a written request to the Water Board to be named as the discharger in a revised order.

ii. Until such time as this Order has been modified to name the purchaser as the discharger, the discharger named on the NOI shall continue to be responsible for all requirements set forth in this Order.

f. **Transfer of Long-Term BMP Maintenance:** If maintenance responsibility for post-construction BMPs is legally transferred, the discharger must submit to the 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 or designer specifications. The discharger must provide such notification to the Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

B. Water Quality Monitoring

1. **General:** In work areas during construction, visual monitoring shall be conducted to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

2. **Accidental Discharges/Noncompliance:** Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, the Water Board may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

3. **In-Water Work or Diversions:** For projects involving planned work in water or stream diversions, a water quality monitoring plan shall be submitted to the Water Board for acceptance at least 30 days in advance of any discharge to the affected water body. Water quality monitoring shall be conducted in accordance with the approved plan.

4. **Post-Construction:** If the proposed project includes ground disturbance, visually inspect the project site during the rainy season (October 1 – April 30) until a Notice of Completion is issued to ensure excessive erosion, stream instability, or other water quality pollution is not occurring in or downstream of the project site. If water quality pollution is occurring, contact the Water Board staff member overseeing the project within three (3) working days. The Water Board may require the submission of a Violation of Compliance with Water Quality Standards Report. Additional permits may be required to carry out any necessary site remediation.

C. Standard Conditions

1. This General 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, chapter 28, Article 6 commencing with section 3867. Additionally, the State Water Board may cancel or modify and reissue this General Order pursuant to California Code of Regulations, title 23, chapter 28, section 3861.

2. This General 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 that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

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

4. In the event of any violation or threatened violation of the conditions of this General 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 General Order.

D. General Compliance

1. Failure to comply with any condition of this General Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The 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 water quality control plans by any applicable Regional Water Board or any applicable State Water Board water quality control plan or policy (including the California Ocean Plan). The source of any such discharge must be eliminated as soon as practicable.

3. In response to a suspected violation of any condition of this General Order, the Water Board may require a discharger with authorization under this General Order to furnish, under penalty of perjury, any technical or monitoring reports the Water Board 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. This General Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.

5. **Historical Sites:** This General Order does not authorize any activity adversely impacting a significant historical or archeological resource; directly or indirectly destroying a unique paleontological resource or site or unique geologic feature; disturbing any human remains; or eliminating important examples of the major periods of California history or prehistory, unless the activity is authorized by the appropriate historical resources agencies.

6. **Construction General Permit Requirement:** The discharger shall maintain compliance with conditions described in, and required by, NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002). For ground disturbing activities that do not require enrollment in Order No. 2009-0009-DWQ, project plans included with the NOI shall include appropriate erosion and sediment control measures. Specific measures are required in the construction conditions listed in section XIII.H. below.

7. **Cumulative Impacts:** Activities permitted under this General Order shall not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

8. **Grandfather Provision:** Authorization under this General Order shall extend until the Corps NWPs expire on March 18, 2022. If a project authorized by the 2017 NWPs has

commenced or is under contract to commence by March 18, 2022, one year from the NOA date will be allowed to complete the project under the terms of the 2017 General Order. If a project has not commenced or is not under contract to commence by March 18, 2022, a new Notice of Intent, or individual application, and applicable fees will be required.

E. General Prohibitions

1. This General Order conditionally certifies 14 NWPs for projects discharging to only waters of the United States. Applicants proposing projects that discharge to waters of the state that are not waters of the United States must apply to the Water Board for waste discharge requirements.

2. This General Order shall not apply to projects for which any Corps NWP conditions or regional conditions have been waived by the Corps District Engineer.

3. This General Order shall not apply to projects for which more than one NWP has been issued by the Corps except as provided in NWP 12 –Utility Line Replacements section XIII.F.2.a.

4. This General Order shall not apply to projects requiring compensatory mitigation for impacts to waters except as provided in NWP 12 –Utility Line Replacements section XIII.F.2.e.

5. This General Order shall not apply to projects impacting vernal pools.

6. This General 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 General Order held by the discharger, the discharger 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 discharger is responsible for meeting all requirements of the applicable endangered species act for the project authorized under this General Order.

F. Nationwide Specific Compliance

1. **NWP 4 –Survey Activities –Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities:** No activities that could be permitted under NWP 48–Commercial Shellfish Aquaculture Activities, shall be permitted under this certification of NWP 4.

2. **NWP 12 –Utility Line Activities:** Because of the number, geographic scale, and variety of potential environmental impacts that are possible under NWP 12, temporary and permanent impacts to waters of the state are subject to the project, discharger and statewide size limits and restrictions below. Cumulative statewide, permanent impacts for all projects certified under NWP 12 are limited to a total of five (5) acres; in the event that this statewide maximum is met, applicants for additional proposed NWP 12 projects with permanent impacts must apply for an individual water quality certification. In addition,

each discharger shall be restricted to one-quarter acre of permanent impacts for the life of this General Order.

a. Individual Project Impact Size Limits to Waters of the States

i. This General Order authorizes projects for which more than one NWP 12 has been authorized as long as the following size restrictions are not exceeded:

ii. Temporary Impacts Acreage: The project shall not result in more than one-half (½) acre (0.5 acre) of temporary impacts to waters of the state.

iii. **Permanent Impact Acreage:** The project shall not result in more than 200 square feet (0.005 acre) of permanent impacts to waters of the state.

iv. **Temporary Impact Length:** The project shall not result in more than 400 linear feet of temporary impacts to waters of the state.

v. **Permanent Impact Length:** The project shall not result in more than 50 linear feet of permanent impacts to waters of the state.

b. Nationwide Permit 12 Prohibitions:

i. **Lahontan Water Board:** Any NWP 12 activity within the Lake Tahoe Hydrologic Unit (HUC;634.00) and the Truckee River HUC (635.00) and the Little Truckee River HUC (636.00) is prohibited.

ii. **Overhead Crossings:** Construction, replacement, or maintenance of overhead utility lines (e.g., telephone or electric lines) spanning any water of the state can only be authorized when trimming of riparian vegetation causes less than a five percent canopy reduction.

iii. **Riparian Tree Removal:** If a project involves removal of riparian trees list the following information on the project NOI form for each adult tree proposed for removal: species; common name; diameter breast height; and whether part of the riparian understory or overstory. Any removal of trees that results in adverse effects to water quality is prohibited.

iv. **Roads:** Maintenance of utility line access roads under this NWP shall be confined to the previously existing road prism, except for minor, targeted widening or improvements. Grading of throughcut roads (any road having a running surface lower than the surrounding terrain on both sides of the road) is prohibited.

v. Construction, replacement, or expansion of facilities in any ocean, bay, tidal waters or the shores thereof is prohibited.

vi. **Armoring facilities:** Placement of in-stream armor over or surrounding a utility line or pipe that is above the streambed is prohibited.

vii. **Gabions:** Use of gabions ("rock gabions" and similar wire basket structures) in waters of the state is prohibited.

viii. **Grouted riprap:** Use of grouted riprap in waters of the state is prohibited.

c. **Authorized Permanent Impacts:** This General Order authorizes permanent impacts resulting from the following activity types only when associated with the construction, maintenance, or repair of utility lines, and subject to the restrictions and limits in subsections a and b above:

i. **Facility Replacements:** such as poles, underground lines, foundations for overhead utility line towers, and other activities associated with utility lines or their access roads (e.g., wet crossings, culverts, bridge abutments) and appurtenances (e.g., guy wires, anchors, grounding wires, valves), located more than thirty feet from the original location. May also include structure removals.

ii. **Access Road Crossing Repair, Improvements, and Upgrades**: the replacement or repair of existing culverts and associated outlets/headwalls, bridge abutments, or other road crossings repairs or resurfacing in waters of the state. The repair of existing or installation of new minor non-grouted rip rap, armoring or other erosion control measures to protect existing utility access roads or existing structures from scour and erosion.

iii. **New Access Road Crossings/Structures/Outfalls and widening of existing roads**: includes new structures, outfalls, bridge abutments, road repairs or resurfacing, installation of new culverts or associated outlets, and erosion control/dissipation devices to protect the existing utility access roads. For example, the installation of concrete or non-grouted rip rap on an existing utility access road to create a low-water (Arizona) crossing. Also includes the minor widening of existing roads.

iv. **Utility Structure Upgrades:** includes the installation of similar poles with upgrades (e.g., new caissons), upgrades to larger poles or poles of different composition, conversion of overhead to underground, etc. Also includes the installation of new caissons, non-grouted rip rap, or other armoring to protect existing structures from scour and erosion, and new minor line extensions.

v. **Underground Linear Activities:** excavation for inspection or repair of underground facilities, installation of new pipes/cables across streams, placement of structures or erosion control to protect under-stream pipes/cables, and installation of new valves or other appurtenances.

vi. **Other:** includes facility drainage system repair, maintenance, or installation at existing facilities such as substations and other bank stabilization efforts.

d. **Nationwide Permit 12 Specially Designated Temporary Impacts**

i. **Poles or Culvert Relocation:** Poles or culvert relocation within thirty feet is considered a temporary impact as long as the replacement footprint does not exceed ten percent of the original footprint, and the original footprint is completely restored.

ii. **Roadside ditches:** Impacts to roadside ditches are considered temporary if the roadside ditch has the following characteristics:

- the feature is artificially constructed (e.g., man-made);
- the feature is not in or a part of a stream channel or other waters of the state, or in a stream channel or other waters of the state that has been relocated in uplands;
- the feature would not cause or contribute to an impairment of downstream beneficial uses; and
- the feature is restored following construction such that the pre-construction course, condition and capacity are retained to the maximum extent practicable.

e. **Nationwide Permit 12 Compensatory Mitigation Requirements:** The discharger shall adhere to the process below for any proposed projects that would result in permanent impacts to waters of the state:

i. Prior to submitting an NOI for an individual project, the discharger shall submit a letter of credit in favor of the State Water Board for the purchase of mitigation bank or in-lieu fee program credits sufficient to offset total anticipated permanent impacts for all proposed projects for the current year.

ii. By January 15 of each year, the discharger shall submit to the State Water Board, a mitigation plan that includes elements as outlined in 40 CFR § 230.94(c)(5)-(6) and the following:

1. A report of permanent impacts incurred through December 31 of the previous year as detailed in Attachment B; and

2. Proposed credit purchase for to offset the previous year's permanent impacts from a Corps approved mitigation bank or in-lieu fee program.

The following mitigation ratios apply towards the purchase of establishment or reestablishment credits. If enhancement or preservation credits are proposed, mitigation ratios will be determined on an individual project basis.

Mitigation Description	Mitigation Ratio
In-kind, in watershed	1:1
In-kind, outside of watershed	2:1
Out-of-kind, in watershed	3:1
Out-of-kind, outside of watershed	4:1

These ratios apply only if credits are purchased within eighteen months of impact, otherwise mitigation ratios may be increased to account for temporal loss.

3. By June 1, the discharger shall submit proof of credit purchase to the State Water Board that offset the previous year's permanent impacts.

3. NWP 36 –Boat Ramps:

a. Lake Tahoe Basin: Any NWP 36 activity within the Lake Tahoe Hydrologic Unit (HUC;634.00) and the Truckee River HUC (635.00) and the Little Truckee River HUC (636.00) is prohibited.

b. Any material excavated to prepare a site for placement of the permitted fill material must be properly disposed of in an upland area. The disposal area must be located at a sufficient distance away from flowing or standing water such that the excavated material does not erode or move in any way into any water of the state. The disposal area shall be identified in the project NOI.

c. To prevent the release of uncured cement or cement components into water, use of concrete in areas where ramps may be submerged before the concrete is fully cured is prohibited.

G. Administrative

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

2. The discharger 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 are kept.

b. Have access to and copy any records that are kept and are relevant to the project or the requirements of this General Order.

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

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

3. A copy of this General Order shall be provided to any consultants, contractors, and subcontractors working on the project. Copies of this General Order shall remain at the project site for the duration of this General Order. The discharger shall be responsible for work conducted by its consultants, contractors, and any subcontractors.

4. A copy of this General Order must be available at the project site(s) during construction for review by site personnel and agencies. All personnel performing work on the project shall be familiar with the content of this General Order and its posted location at the project site.

5. Lake and Streambed Alteration Agreement – If issued, the discharger shall submit a signed copy of the Department of Fish and Wildlife's lake and streambed alteration agreement to the Water Board prior to any discharge to waters of the state.

H. Construction Conditions

Best management practices shall be followed to protect water quality from fill and/or excavation impacts as much as possible. If applicable, the following conditions apply to each project authorized by this General Order:

Good Site Management "Housekeeping"

1. All materials and supplies necessary for implementing these construction conditions must be on-site and ready for use at the start of construction activity, and must remain in supply and ready for implementation throughout the construction process. All non-structural BMP materials (e.g., training documents, compliance tracking procedures) must be ready for use at the start of construction.

2. Construction material, debris, rubbish, spoils, soil, silt, sawdust, rubbish, steel, welding slag, welding rods, waste material, waste containers, other organic or earthen material, or any other substances which could be detrimental to water quality or hazardous to aquatic life that is discharged as a result of project related activities shall be prevented from entering waters of the state.

3. The limits of project disturbance must be clearly identified in the field prior to start of construction activities within waters of the state. Such identification must be properly maintained until construction is completed and the soils have been stabilized. Equipment, materials, or any other substances or activities that may impact waters of the state outside of the limits of project disturbance are prohibited.

4. Environmentally sensitive areas and environmentally restricted areas must be delineated for exclusion prior to start of construction.

Excavation

5. Topsoil: For any excavation, including utility line trenches, the top 6 to 12 inches of topsoil shall be removed and stockpiled separately during construction. Following installation of the utility line(s), the topsoil shall be replaced and seeded with native vegetation.

Toxic and Hazardous Materials

6. Activities permitted under this General Order shall not discharge substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

7. Discharge of unset cement, concrete, grout, damaged concrete spoils, or water that has contacted uncured concrete or cement, or related washout to surface waters, ground waters, or land is prohibited. If concrete washout is necessary at a site, washout containment to prevent any discharge shall be used. Wastewater may only be disposed by delivery to a sanitary waste water collection system/facility (with authorization from the facility's owner or operator) or a properly licensed disposal or reuse facility.

8. Appropriate BMPs must be implemented throughout project activities to prevent and control potential leaks/spills/drainage of potentially hazardous materials such as: petroleum lubricants, fluids and fuels; non-petroleum lubricants, fluids and fuels such as

non-petroleum hydraulic fluid; cured and uncured cements; epoxies, paints and other protective coating materials; cement concrete or asphalt concrete, and washings and cuttings thereof.

9. Activities permitted under this General Order shall not discharge waste classified as "hazardous" as defined California Code of Regulations title 22, section 66261 and Water Code section 13173. Appropriate BMPs for hazardous substances shall be included in project plans provided in the NOI. These BMPs shall include, at minimum:

a. All personnel handling fuels and other hazardous materials shall be properly trained.

b. Adequate spill prevention and cleanup equipment and materials shall be present on site at all times during project implementation.

c. All mechanized equipment shall be maintained in good operating order and inspected on a regular basis.

d. All on-site fuel trucks or fuel containers shall be stored in an area where risk of contamination of water bodies by leaks or spills is minimized.

e. All equipment shall be fueled, maintained, and/or parked overnight in an upland area at least 100 feet from any delineated waters of the state.

f. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of any delineated waters of the state, and shall be stored in appropriate containers with appropriate secondary containment.

g. Pumps or other stationary equipment operating within 100 feet of a waterbody or wetland shall utilize appropriate secondary containment systems to prevent spills.

h. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants or any other potential pollutants shall be promptly and completely treated using appropriate materials and equipment.

10. Spill containment supplies shall be on site in all work areas in sufficient quantities to allow immediate remediation of fuel, oil, hydraulic fluid or similar leaks and spills.

11. A staging area for equipment and vehicle fueling and storage shall be designated at least one-hundred (100) feet away from waters of the state, in a location where fluids or accidental discharges cannot flow into waters of the state.

Use of Mechanized Equipment

12. Activities permitted under this General Order shall be conducted in a manner that minimizes ground disturbance, soil compaction, rutting and other mechanical impacts. Equipment shall be operated and maintained in a manner that reduces the risk of spills or the accidental exposure of fuels or hazardous materials to water bodies or wetlands. Appropriate project-specific BMPs shall be specified by the discharger and shall be provided as part of the project description included in the NOI.

Invasive Species and Soil Borne Pathogens

13. The discharger is responsible for ensuring that all project personnel follow proper weed control practices, and that appropriate weed prevention measures are included in project plans.

14. Any straw, hay or other unprocessed plant material used for any purpose must be certified or documented as being weed free.

15. Soil borne pathogens are any nematodes, or any bacterial, protozoan, viral or fungal pathogens that can cause disease or death to native plants, agricultural crops or ornamental plants (e.g., Phytophthora ramorum, the cause of sudden oak death syndrome, and Phytophthora lateralis, the cause of Port Orford cedar root disease). Any equipment entering or leaving the project area from an area of known soil borne pathogen infestation shall be thoroughly cleaned using methods appropriate for the known pathogen before entering or leaving the project area. The fungus that causes Valley Fever, Coccidioides spp., is not considered as a soil borne pathogen in this certification.

Work in Delineated Waters

16. Work in delineated waters must not cause water quality objectives of the receiving waters to be exceeded. Work in delineated waters commences at the onset of the regulated activity and continues until the activity is finished and all restoration of the affected work area is complete. The term “work” means any ground disturbing activities in any delineated waters of the state that are permitted under this General Order, regardless of the presence or absence of flowing or standing water.

17. Disturbed areas in delineated waters of the state must be temporarily stabilized to prevent erosion at least 48 hours prior to the predicted commencement of a rainfall event with greater than a 50 percent probability of occurrence, as predicted by the National Oceanic and Atmospheric Administration (NOAA) - National Weather Service. If the predicted commencement of such a rainfall event is less than 48 hours after the prediction is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

Dewatering and Construction Diversions of Water

18. Temporary diversions or impoundments of water, cofferdams, or similar structures installed for the purpose of temporary dewatering work areas may be permitted if the project description provided by the discharger in the NOI includes: (a) an adequate description of the proposed dewatering structures, including design criteria, (b) appropriate BMPs for the installation, operation, maintenance and removal of those structures, and (c) appropriate monitoring for water quality upstream and downstream of diversion structures as required in section XIII.B of this General Order.

19. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to waters of the state.

20. Except for the following conditions, equipment must not be operated in standing or flowing waters without site-specific approval from Water Board staff:

All construction activities must be effectively isolated from water flows to the greatest extent possible. This may be accomplished by working in the dry season or dewatering the work area in the wet season. When work in standing or flowing water is required, structures for isolating the in-water work area and/or diverting the water flow must not be removed until all disturbed areas are cleaned and stabilized. The diverted water flow must not be contaminated by construction activities. All open flow temporary diversion channels must be lined with filter fabric or other appropriate liner material to prevent erosion. Structures used to isolate the in-water work area and/or diverting the water flow (e.g., coffer dam, geotextile silt curtain) must not be removed until all disturbed areas are stabilized.

Coffer dams and water barrier construction must be adequate to prevent seepage into or from the work area to the greatest extent feasible.

Flow diversions must be conducted in a manner that prevents pollution and/or siltation and in a manner that restores pre-project flows (except for variation in flows due to seasonality, upstream diversions, etc.) upon completion of the activity. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion. Diversions must be designed, installed, and maintained to reduce erosion. Pre-project flows must be restored to the affected surface water body upon completion of work at that location.

21. If groundwater dewatering is required for the project, the discharger shall consult with the Water Board to determine if additional permits are required. If additional Water Board permits relating to dewatering are required, the designated Water Board staff contact identified in the project's NOA must be notified and copied on pertinent correspondence pertaining to those other required permits.

22. All temporary dewatering methods shall be designed to have the minimum necessary impacts to waters of the state. All dewatering methods shall be installed such that natural flow is maintained upstream and downstream of the diversion area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the diversion area. All dewatering methods shall be removed immediately upon completion of activities for which diversions are needed.

23. All temporary dewatering activities are subject to the work-in-water reporting and monitoring conditions presented in sections XII.B. above.

Directional Drilling

24. Because Horizontal Directional Drilling (HDD) and similar drilling operations may affect water quality, the following conditions shall apply to all drilling operations under waters of the state:

a. The discharge of bentonite, drilling muds, lubricants or any drilling compounds into waters of the state is prohibited. A draft HDD or drilling plan shall be prepared, and shall be subject to review by Water Board staff at least 30 days before drilling activities under waters of the state. No HDD or other drilling operations under waters of the state shall commence until the HDD plan is approved by Water Board staff.

b. Release of bentonite, drilling muds, lubricants or any drilling compounds through fractures in the streambed or bank substrate during drilling is referred to as a "frack-out." Because of the potential for frack-outs to occur, the HDD or drilling plan shall include a frack-out response plan. The frack-out response plan shall specify all measures to be initiated if frack-outs should occur during HDD operations.

c. For all HDD and other drilling sites, a means of containment (e.g., damming, fluming) or screening capable of capturing all of the potential discharge shall be described in the HDD plan. The downstream end of any such containment structure shall be capable of containing all bentonite or other drilling muds or debris that may be released during boring or drilling. Any drilling mud, spoils, etc. must be completely removed from the streambed prior to removal of the containment structures (e.g., dam, flume, and screen).

d. An environmental monitor shall provide monitoring for compliance with the HDD or drilling plan throughout drilling operations under waters of the state.

e. Any HDD or other drilling operation shall be designed and directed in such a way as to minimize the risk of spills and discharges of all types including the frack-out release of drilling lubricants through fractures in the streambed or bank substrates. In substrates where frack-outs are likely to occur, HDD contractors shall employ all reasonable means and methods available to minimize potential for frack-out.

f. All drilling muds or compounds will be contained and properly disposed of after drilling activities are completed.

g. If bore pits are excavated to support drilling operations, spoils shall be stored a minimum of 25 feet from the top of the bank of streams or wetland/riparian boundary, where feasible; if site specific conditions warrant storing spoils less than 25 feet from the top of the bank of streams or wetland/riparian boundary this request must be provided in the HDD or drilling plan submitted to the Water Board prior to any drilling activities with potential impacts to waters of the state. Spoils shall be stored behind a sediment barrier and covered with plastic or otherwise stabilized (i.e., tackifiers, mulch, or detention).

Dust Abatement

25. Dust abatement activities can cause discharges of sediment to streams and uplands through application of water or other fluids. Dust abatement chemicals added to water can be hazardous to wildlife and, if allowed to enter streams, detrimental to water quality. Therefore, dust abatement activities shall be conducted so that sediment or dust abatement chemicals are not discharged into waters of the state. Dust abatement

products or additives that are known to be detrimental to water quality or wildlife shall not be used, unless specific management needs are documented and product-specific application plans are approved by Water Board staff.

Roads and Bridges

26. The number of access routes, number and size of staging areas, and the total area of the activity must be limited to the minimum necessary to achieve the project goal. Routes and work area boundaries must be clearly demarcated.

27. Bridges, culverts, dip crossings, or other structures must be installed so that water and in-stream sediment flow is not impeded. Appropriate design criteria, practices and materials must be used in areas where access roads intersect waters of the state.

28. Temporary materials placed in any water of the state must be removed as soon as construction is completed at that location, and all temporary roads must be removed or re-contoured and restored according to approved re-vegetation and restoration plans.

29. Any structure, including but not limited to, culverts, pipes, piers, and coffer dams, placed within a stream where fish (as defined in Fish and Game Code section 45) exist or may exist, must be designed, constructed, and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish due to impedance of their upstream or downstream movement. This includes, but is not limited to, maintaining the supply of water and maintaining flows at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any structure results in a long-term reduction in fish movement, the discharger shall be responsible for restoration of conditions as necessary (as determined by the Water Board) to secure passage of fish across the structure.

30. A method of containment must be used below any temporary bridge, trestle, boardwalk, and/or other stream crossing structure to prevent any debris or spills from falling into the waters of the state. Containment must be maintained and kept clean for the life of the temporary stream crossing structure.

Erosion and Sediment Control

31. No later than 24 hours prior to the start of a likely rain event, the discharger shall ensure that disturbed areas that drain to waters of the state are protected with correctly installed erosion control measures (e.g., jute, straw, coconut fiber erosion control fabric, coir logs, straw, etc.) or revegetated with propagules (seeds, cuttings, divisions) of locally collected native plants. The likely rain event is defined as any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. The discharger shall obtain on a daily basis a printed copy of the precipitation forecast information (and keep for record) from the National Weather Service Forecast Office (this can be done by entering the zip code of the project's location at http://www.srh.noaa.gov/forecast).

32. The timing for installation of the post-construction stormwater BMP subdrains, soils, mulch, and plants shall be scheduled to ensure that the installed bioretention areas do not receive runoff from exposed or disturbed areas that have not been landscaped. The

constructed post-project stormwater BMPs shall not receive site runoff until all project landscaping is planted, and effective erosion control measures implemented to ensure that the stormwater features are protected from sediment accumulation.

33. Use of any new or expanded stream channel or bank armor or artificial structural components placed to prevent channel or bank erosion or movement shall be avoided where possible and minimized when unavoidable and shall be designed so that hydrology of the project area and the affected channel, upstream and downstream, is not adversely affected.

Stormwater Management

34. No individual construction activity may be started if that activity and its associated erosion control measures cannot be completed prior to the onset of precipitation if that construction activity may cause the introduction of sediments into the stream. After any rain event, the discharger shall inspect all sites currently under construction and all sites scheduled to begin construction within the next 72 hours for erosion and sedimentation problems and take corrective action as needed. Seventy-two hour weather forecasts from the National Weather Service shall be consulted prior to start-up of any phase of the project that may result in sediment-laden runoff to the project site, and construction plans made to meet this condition.

I. Mitigation for Temporary Impacts

1. The discharger shall restore all areas of temporary impacts to waters of the state and all project site upland areas of temporary disturbance which could result in a discharge of waters of the state as described in an approved restoration plan. The restoration plan shall be submitted for written acceptance by Water Board staff with the NOI. The restoration plan shall provide the following: a schedule; plans for grading of disturbed areas to pre-project contours; planting palette with plant species native to the project area; seed collection location; invasive species management; performance standards; and maintenance requirements (e.g. watering, weeding, and replanting). The discharger shall provide annual monitoring reports in accordance with Reporting and Notification Attachment B.

2. The Water Board may extend the monitoring period beyond requirements of the restoration plan upon a determination by Water Board staff that the performance standards have not been met or are not likely to be met within the monitoring period.

3. If restoration of temporary impacts to waters of the state is not completed within three hundred sixty five (365) days of the impacts, compensatory mitigation may be required to offset temporal loss of waters of the state.

XIV. Nationwide Permits Denied without Prejudice

The remaining 38 NWPs are denied certification without prejudice. These NWPs are: 2, 3, 7, 8, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, 27, 29, 30, 31, 33, 34, 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52 and 53. These NWPs have a wide breadth and scope of activities such that their potential direct, indirect, and cumulative impacts could reasonably invalidate their exemption from CEQA. Clean Water Act section 401 certification of projects

authorized by these 38 NWPs will be considered on an individual, project-specific basis. These NWPs may be considered for certification in the future.

XV. Water Quality Certification

I hereby issue the General Order for the State Water Board Certified 2017 NWPs Project (file number SB17001GN) certifying that as long as all of the conditions listed in this General 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 Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards).
The State Water Board will file a Notice of Exemption (NOE) at the SCH within five (5) working days of issuance of this General Order. This discharge is also regulated pursuant to State Water Board Water Quality General Order No. 2003-0017-DWQ which authorizes this General 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 General Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this General Order and the attachments to this General 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.

Thomas Howard 3/17/17

Thomas Howard
Executive Director
State Water Resources Control Board

Date

Attachment A Notice of Intent
Attachment B Reporting and Notification Requirements
Attachment C Project Maps
Attachment D Signatory Requirements

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State Water Board Certification of the 2017 Nationwide Permits Notice of Intent

Section 1: Nationwide Permit Number			
Scientific Measurement Devices	NWP 5 ☐	Modification of Existing Marinas	NWP 28 ☐
Survey Activities	NWP 6 ☐	Completed Enforcement Actions	NWP 32 ☐
Utility Line Activities	NWP 12 ☐	Boat Ramps	NWP 36 ☐
Removal of Vessels	NWP 22 ☐	Living Shorelines	NWP 54 ☐

Section 2: Applicant and Agent Information		
	Applicant:	Agent:
Company/ Agency Name:		
Name of Contact:		
Title:		
Address:		
City, State, Zip:		
Phone Number(s):		
Email Address:		

Section 3: Fees

Application Fee: Attach a fee check payable to the State Water Board.

Section 4: Other Agency Permits/ Licenses/ Agreements/ Plans/ Email correspondence (attach application if final action not yet taken):

Agency:	Have you applied?:	If yes, have you received the permit?:	Permit type:	ID number (e.g. Corps file number):
☐ Corps NWP PCN (for notifying NWPs 11,12,22, 36 and 54)	Y☐ N☐	Y☐ N☐		
☐ USFWS	Y☐ N☐	Y☐ N☐		
☐ NMFS	Y☐ N☐	Y☐ N☐		
☐ Other Federal Permit	Y☐ N☐	Y☐ N☐		
☐ CDFW Lake or SAA	Y☐ N☐	Y☐ N☐		
☐ Coastal Development Permit	Y☐ N☐	Y☐ N☐		
☐ Other State Permits	Y☐ N☐	Y☐ N☐		
☐ Local Permit(s)	Y☐ N☐	Y☐ N☐		
☐ SWPPP	Y☐ N☐	Y☐ N☐		

Section 5: Project Information

Project Name:

Center Coordinate	Deg.	Min.	Sec. N	Deg.	Min.	Sec. W

Project Address: Street:

Section 5: Project Information (cont.)			
City:	**Zip Code:**	**County:**	**APN:**
Construction Timeframe (Provide approximate start and end dates):			
Project Description/Purpose:			

Section 6: Avoidance, Minimization and Cumulative Impacts
Avoidance and Minimization:
Cumulative Impacts:

Section 7: Temporary Impacts, Permanent Impacts and Compensatory Mitigation Information

Temporary Impacts: Would your project result in temporary impacts? Yes ☐ No ☐
If yes, attach the restoration plan.

Total temporary impacts: _____ acre _____ linear feet

Riparian Tree Removal: Would your project result in the removal of riparian trees? Yes ☐ No ☐
If yes, use this table for each adult tree proposed for removal (or attach a similar table if additional rows are needed):

Species:	Common name:	Diameter Breast Height:	Circle to indicate whether the individual is part of the: Overstory Understory
			Overstory Understory
			Overstory Understory

Permanent Impacts: Would your project result in permanent impacts? Yes ☐ No☐
If submitting an NOI for NWP 12: has your irrevocable letter of credit been submitted? Yes ☐ No ☐
If no, do not proceed with this NOI.

Total permanent impacts: _____ acre _____ linear feet

Table 1: Receiving Water(s) Information							
Impact Site ID	**Waterbody Name**	**Impacted Aquatic Resource Type**	**Water Board Hydrologic Units**	**Receiving Waters**	**Receiving Waters Beneficial Uses**	**303d Listing Pollutant**	**eCRAM ID**

Table 2: Individual Direct Impact Information									
Impact Site ID	**Latitude**	**Longitude**	**Direct Impact Dimensions**	**Dredge**			**Fill/Excavation**		
				Acres	**Cubic Yards**	**Linear Feet**	**Acres**	**Cubic Yards**	**Linear Feet**
1			**Temporary**						
			Permanent						
2			**Temporary**						
			Permanent						
3			**Temporary**						
			Permanent						
4			**Temporary**						
			Permanent						
5			**Temporary**						
			Permanent						
			Total Temporary						
			Total Permanent						

Section 8: Documentation		
Check any of the following documents that are applicable to your Project and attach copies to your NOI:		
☐ **Fee check**	☐ **Other agency correspondence listed**	☐ **Delineation report submitted to the Corps**
☐ **Riparian trees proposed for removal**	☐ **Temporary impact restoration plan**	☐ **Map of at least 1:24000 (1" = 2000') detail of proposed discharge site**
☐ **Pre-project photographs**	☐ **Additional pages and/or supplemental information**	

Section 9: Applicant and Agent Signature			
I hereby designate and authorize the agent/consultant identified in Section 1 to act on my behalf in the processing of this Notice of Intent, and to furnish, upon request, supplemental information in support of this notice:			
Applicant Name		**Applicant Signature**	
I certify that the information provided on this form and all attachments related to this project are true and accurate to the best of my knowledge:			
Applicant Name		**Applicant Signature**	
Agent Name		**Agent Signature**	

Submit the completed Notice of Intent, attachment and fees to the appropriate Regional Water Board, or to the State Water Board for NWP 12 projects or for multi-regional projects.

For Internal Water Board Use	
Reviewer	
Date Received	
Reg. Measure ID	
WDID	
Check #	

Notice of Intent Instructions

Applicants seeking General Order authorization for Nationwide Permits (NWP) 5, 6, 12, 22, 28, 32, 36 and 54 from are required to submit a complete Notice of Intent (NOI) form to the appropriate Water Board. Mail NOIs, with the fee check to the Regional Water Board with jurisdiction where the proposed project impacts would occur made payable to "State Water Board". A map showing Regional Water Board jurisdictional boundaries is available online at http://www.waterboards.ca.gov/waterboardsmap.shtml and are also provided in Attachment C of this General Order. Submit NOIs for NWP 12 activities, and for projects affecting more than one Regional Board, to the State Water Board with a copy to the appropriate Regional Board(s).

To avoid project delays, submit the NOI as early as possible. Within 30 days of NOI receipt the Water Board shall determine if the application is complete. If the application is complete, within 45 days of NOI receipt, the Water Board will issue either a Notice of Applicability (NOA), informing the discharger that the proposed activity qualifies for authorization, or a Notice of Exclusion (NOE), which informs the discharger that the proposed activity does not qualify for General Order authorization. If an NOE or NOA is not issued by Water Board staff within 45 days from NOI receipt, the discharger may proceed with the project according to all applicable General Order conditions.

Definitions

Consider the following definitions while completing your NOI:

Permanent aquatic resource impacts means permanent loss of aquatic resource area or resource function resulting from a discharge of dredged or fill material that changes an aquatic area to dry land or changes the bottom elevation or dimensions of a waterbody, or changes the surface elevation or dimensions of a wetland.

Temporary aquatic resource impacts means temporary impacts to aquatic resources (e.g., waters temporarily filled, excavated, or drained) where the area, contours, and uses of the impacted aquatic resource is typically restored to pre-project conditions within one year of disturbance. However, the Water Board may determine on a project specific basis that specific time frames for restoration must be imposed to avoid temporal loss which would otherwise be included in permanent loss.

Form Instructions

The information below is required pursuant to California Water Code section 3861(c)(3):

Section 1: Nationwide Permit Number

Identify the NWP number that applies to the applicant's project.

Section 2: Applicant and Agent Information

Applicant Company, Contact Name and Title: Provide the full, legal company name of the applicant or responsible party. Most commonly, the applicant is the property and/or facility owner. If the applicant is an individual and not a company, indicate that a company name is not applicable. If the applicant is an agency, company, corporation or other organization, a contact name (First, Middle Initial, Last) of the main representative of the company and their title must be provided. The applicant will be the entity or individual responsible for compliance with the Clean Water Act, California Water Code, applicable Water Quality Control Plans and General Order Conditions.

Applicant Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Consultant/Agent Company, Contact Name and Title: The agent's role is to oversee the processing of the NOI and to make the day-to-day decisions regarding the NOI. It is not a requirement to have an agent. If you choose to be represented by an agent, provide the agent's information in Section 2 of the form. If you choose to not be represented by an agent leave this section blank.

Consultant/Agency Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Section 3: Fees

Application Fee: The application fee must be paid at the time of NOI submittal. The fee amount is determined as required by California Code of Regulations, title 23, sections 3833(b)(3) and 2200(a)(3), and was calculated as category F - General Orders for CEQA Exempt Projects (fee code 19). The dredge and fill fee calculator may be accessed at http://www.waterboards.ca.gov/water_issues/programs/cwa401/index.shtml . This fee is adjusted periodically. ***Dischargers should confirm the correct fee amount prior to submitting an NOI.***

Section 4: Other Agency Permits/ Licenses/ Agreements/ Plans/ Email Correspondence

Provide the following information for each agency:

Permit required: Check yes (Y) if a permit is needed from any of the listed agencies.

If yes, have you received the final permit: If received, check yes (Y) and attach the permit. If not yet received, check no (N) and attach the permit application.

ID number: If the agency issued an identification (ID) number for the project, list it here.

Section 5: Project Information

Project Name: Give the project a name. The Project Name will be used in all correspondence referencing the project. Be sure this Project Name is consistent with other agency applications for the same project, and is consistent on all maps, drawings and reports. Project Name should be clearly relevant to the Project (e.g., Blue Creek Bridge Project; Jones Subdivision Road Widening Project).

Center Coordinates: Indicate the location for the center point of your project in degrees, minutes, seconds (approximate location is acceptable). Assistance in determining a project's coordinates is widely available through various free online services or your local library.

Project Address: Provide the street address of the project location. If the proposed project does not have a physical street address, be as descriptive as possible in the street address line. For example, "Leisure Town Rd., 5.5 miles south of the intersection of I-80 and Leisure Town Rd".

APN: Provide the Assessor's Parcel Number.

Project Construction Timeframe: Provide the estimated start and end dates for the proposed project.

Project Description/ Purpose: Provide a detailed, technically accurate narrative description of the proposed project purpose, project design, all activities planned to complete the design, and total impacts, including area of ground disturbance and areas of impact to all aquatic resources on the site (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc). Note that if the U.S. Army Corps of Engineers has declined jurisdiction for any aquatic resources impacted by the Project, the Project is disqualified for this certification of the NWPs, and individual WDRs may be required.

Section 6: Avoidance, Minimization and Cumulative Impacts

Avoidance and Minimization: Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the project area. If the effects of impervious surfaces will be minimized through implementation of Low Impact Development treatments, describe those minimization treatments.

Cumulative Impacts: Include a discussion of any potential cumulative impacts. Provide a brief description, including estimated adverse impacts of any projects implemented by the project applicant within the last five years or planned for implementation by the applicant within the next five years that are in any way related to the proposed activity or that may impact the same receiving water body(ies) as the proposed activity. For the purpose of this item, the waterbody extends to a named source or stream segment identified in the relevant Regional Water Quality Control Plan (Basin Plan).

Section 7: Temporary Impacts, Permanent Impacts and Compensatory Mitigation Information

Temporary Impacts: Check yes if your project results in temporary impacts to waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandths of an acre. Also state linear feet of impacts, to the nearest whole foot; this quantity must match the sum of temporary impact quantities listed in Table 2. Attach a restoration plan meeting all General Order conditions with your NOI.

Riparian Tree Removal: Check yes if your project results in the removal of mature riparian trees and attach a table listing tree(s) species name(s); common name(s); diameter(s) at breast height (DBH); and whether the removed trees are part of the riparian overstory or understory, or both.

Permanent Impacts: Check yes if your project results in permanent impacts and provide the total permanently impacted area in acres, to the nearest thousandths of an acre; and linear feet, to the nearest whole foot; this quantity must match the sum of permanent impact quantities listed in Table 2.

Table 1: Receiving Waters Information: List each aquatic resource impact site in Table 1.

Impact Site ID: Identify the impact site with a Site ID; Site IDs should correspond to those used in project maps and other agency application materials.

Waterbody Name: List the Water Body name found in the basin plan. If the impact Site ID occurs in an unnamed waterbody state “unnamed tributary” to either the next unnamed tributary or the named receiving waters. Contact Water Board staff for basin plan maps or general assistance completing this section, if needed.

Impacted Aquatic Resource Type: For each impact Site ID, identify the impacted aquatic resource type from the following list: Lake, Ocean, Riparian Zone, Stream Channel, Vernal Pool or Wetland. (More refined or precise resource classifications may be used in Project plans and related documents.)

Water Board Hydrologic Units: Identify the Water Board basin plan hydrologic unit code (HUC). Note that the Basin Plan HUC is *not* the same as a U.S. Geological Survey (USGS) Hydrologic Unit Code (USGS HUC). If unknown, indicate UNK and this information will be completed by Water Board staff.

Receiving waters: List the first downstream waterbody with beneficial use designation in the Water Board basin plan. If unknown, indicate UNK and this information will be completed by Water Board staff.

Receiving Waters Beneficial Uses: List the beneficial use designation. If unknown, indicate UNK and this information will be completed by Water Board staff.

303d Listing Pollutant: List pollutants for receiving waters that have a 303d impairment designation, if the water is not listed indicate NA. If unknown, indicate UNK and this information will be completed by Water Board staff.

eCRAM ID: If a California Rapid Assessment Method (CRAM) assessment has been performed at this location, provide the CRAM assessment area ID and attach the CRAM score sheet.

Table 2: Individual Direct Impact Information

Impact Site ID: Identify the impact site with a Site ID; Site IDs should correspond to those used in Table 1.

Latitude and Longitude: Provide the center coordinate of the impact site.

Direct Impact Dimensions: Provide the area, length, and volume of material excavated, filled or dredged to the nearest cubic yard. When the project impacts a shoreline, record the length of shoreline impacted. When a project impacts a channel, bed, banks, or adjacent riparian area, record the length of channel impacted in the direction of flow. For polygonal projects that do not have a clear linear aspect (such as transmission line tower foundations), record the distance of the longest line that can be drawn across or through the site. For activities that don't include excavation or filling (such as road grading), enter NA for cubic yards.

Section 8: Documentation

Attach the following documents to your NOI: Use this checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project write NA in the corresponding box:

a. **Fee check for the appropriate amount (NOI Section 3)**
b. **Other agency correspondence (NOI Section 4)**
c. **Delineation report submitted to the Corps**
d. **Table 3: Mature riparian trees proposed for removal (NOI Section 7)**
e. **Temporary impact restoration and monitoring plan (NOI Section 7)**
f. **Map(s) (NOI Section 7)** Submit maps of sufficient detail to clearly illustrate all project elements, site characteristics, and impacts, with a scale of at least 1:24000 (1" = 2000'). Acceptable map formats, listed in order of preference, are:

    i. **GIS shapefiles**: Shapefiles must depict the boundaries of all project areas, site characteristics, and extent of aquatic resources impacted or avoided. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD 83) in the California Teale Albers projection in feet.
    ii. **KML files:** Saved from on-line mapping services. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
    iii. **Other electronic format:** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a table with the object ID and attributed with the extent/type of aquatic resources impacted.

iv. Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)**; Original or legible copies are acceptable. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

g. **Pre-project photographs:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

h. **Attach additional pages as needed:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested on the NOI.

Section 9: Agent and Applicant Signature

Please sign and submit to the appropriate Regional Board. Water Board mailing addresses are located on General Order Attachment B. An original signature is required; electronic signatures are not accepted.

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Report Submittal Instructions

1. Check the box on the Report and Notification Cover Sheet next to the report or notification you are submitting.

   - **Part A (Annual Report):** This report will be submitted annually from the anniversary of project effective date until a Notice of project Complete Letter is issued.

   - **Part B (Project Status Notifications):** Used to notify the Water Board of the status of the project schedule that may affect project billing.

   - **Part C (Conditional Notifications and Reports):** Required on a case by case basis for accidental discharges of hazardous materials, violation of compliance with water quality standards, notification of in-water work, or other reports.

2. Sign the Report and Notification Cover Sheet and attach all information requested for the Report Type.

3. **Electronic Report Submittal Instructions:**
   - Submit signed Report and Notification Cover Sheet and required information via email to the appropriate Water Board staff.
   - NWP 12: Submit NWP 12 Reports and Notifications to SWBNWP12@waterboards.ca.gov.

Terms

1. **Notice of Intent:** The application to enroll any project under this General. The NOI is located in attachment A.
2. **Notice of Applicability:** The authorization issued by the Water Board upon approval of the project.
3. **Effective Date:** The date the NOA is issued, or 45 days from the date the NOI is received by the Water Boards.
4. **Regulatory Measure ID:**The Water Board unique identifier for your project, provided in the NOA.
5. **Annual Reports:** A report required from dischargers with projects authorized under this General Order. Dischargers with projects authorized under NWP 5, 6, 22, 28, 32, 36 and 54 shall provide an annual report on the anniversary of the effective date. Dischargers with projects authorized under NWP 12 shall provide annual reports on January 15. If the project duration is less than one year a single annual report is required.

Map/Photo Documentation Information

When submitting maps or photos, please use the following formats.

1. **Map Format Information:**
   Preferred map formats of at least 1:24000 (1” = 2000’) detail (listed in order of preference):
   - **GIS shapefiles**: The shapefiles must depict the boundaries of all project areas and extent of aquatic resources impacted. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify

datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD83) in the California Teale Albers projection in feet.

- **Google KML files** saved from Google Maps: My Maps or Google Earth Pro. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- **Other electronic format** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)** printouts. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.

2. **Photo-Documentation:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.

REPORT AND NOTIFICATION COVER SHEET

Project:

Permittee:

Reg. Meas. ID:

Effective Date:

Report Type Submitted

Part A – Project Reporting		
Report Type 1	☐	**Annual Report**
Part B - Project Status Notifications		
Report Type 2	☐	**Commencement of Construction**
Report Type 3	☐	**Request for Notice of Project Complete Letter**
Part C - Conditional Notifications and Reports		
Report Type 4	☐	**Accidental Discharge of Hazardous Material Report**
Report Type 5	☐	**Violation of Compliance with Water Quality Standards Report**
Report Type 6	☐	**In-Water Work/Diversions Water Quality Monitoring Report**
Report Type 7	☐	**Modifications to Project Report**
Report Type 8	☐	**Transfer of Property Ownership Report**
Report Type 9	☐	**Transfer of Long-Term BMP Maintenance Report**

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Print Name [1]	**Affiliation and Job Title**
Signature	**Date**

[1]STATEMENT OF AUTHORIZATION (include if authorization has changed since application was submitted)

I hereby authorize _____ to act in my behalf as my representative in the submittal of this report, and to furnish upon request, supplemental information in support of this submittal.

_____ Permittee's Signature

_____ Date

***This Report and Notification Cover Sheet must be signed by the Permittee or a duly authorized representative and included with all written submittals.**

Part A – Project Reporting

Report Type 1	**Annual Report**
Report Purpose	Notify the Water Boards staff of project status.
Report Contents	For each project period, the annual report shall include applicable topics indicated below **<u>During the Construction Period</u>** • **Topic 1: Construction Summary** • **Topic 2: Mitigation for Temporary Impacts Status** • **Topic 3 NWP 12: Compensatory Mitigation for Permanent Impacts Status**
Annual Report Topics (1-3)	
Annual Report Topic 1	**Construction Summary**
Report Contents	**1.** Project progress and schedule including initial ground disturbance, site clearing and grubbing, road construction, site construction, and the implementation status of construction storm water best management practices (BMPs). If construction has not started, provide estimated start date and reasons for delay. **2.** Map showing general project progress. **3.** If applicable: **a.** Summary of Conditional Notification and Report Types 6 and 7 (Part C below).
Annual Report Topic 2	**Mitigation for Temporary Impacts Status**
Report Contents	**1.** Planned date of initiation and map showing locations of mitigation for temporary impacts to waters of the state and all upland areas of temporary disturbance which could result in a discharge to waters of the state**.** **2.** If mitigation for temporary impacts has already commenced, provide a map and information concerning attainment of performance standards contained in the restoration plan.
Annual Report Topic 3	**NWP 12 Proposed Compensatory Mitigation Plan and Summary**
Report Contents	**Part A. Proposed Compensatory Mitigation Plan** **1.** A report of each permanent impact amount and location for all permanent impacts incurred through December 31 of the previous year provided in a table and as an GIS map layer that indicates the location of each impact. **2.** Proposed credit purchase for the previous year's permanent impacts from a Corps approved mitigation bank or in-lieu fee program; include the name and contact information for the bank or the ILF. **Part B. Summary of Permanent Impacts and Mitigation** **1.** For all NWP 12 projects previously authorized list the following: Regulatory Measure ID, effective date; impacted waterbody type (lake, ocean/bay/estuary, stream channel, or wetland); permanent impact quantity (acres and linear feet),

	compensatory mitigation quantity required for impacts to waters of the state (acres and linear feet) and mitigation required by CDFW for riparian impacts.

Part B – Project Status Notifications

Report Type 2	**Commencement of Construction**
Report Purpose	Notify Water Boards staff prior to the start of construction.
When to Submit	Must be received at least seven (7) days prior to start of initial ground disturbance activities.
Report Contents	**1.** Date of commencement of construction. **2.** Anticipated date when discharges to waters of the state will occur.

Report Type 3	**Request for Notice of Project Complete Letter**
Report Purpose	Notify Water Boards staff that construction and/or any post-construction monitoring is complete, or is not required, and no further project activity is planned.
When to Submit	Must be received by Water Boards staff within thirty (30) days following completion of all project activities.
Report Contents	**Part A: Mitigation for Temporary Impacts** **1.** A report establishing that the performance standards outlined in the restoration plan have been met for restored areas of temporary impacts to uplands and waters of the state. **2.** Pre- and post-photo documentation of all restoration sites. **Part B: Post-Construction Storm Water BMPs** **3.** Date of storm water Notice of Termination(s), if applicable. **4.** Report status and functionality of all post-construction BMPs.

Part C – Conditional Notifications and Reports

Report Type 4	**Accidental Discharge of Hazardous Material Report**
Report Purpose	Notifies Water Boards staff that an accidental discharge of hazardous material has occurred.
When to Submit	Within five (5) working days following the date of an accidental discharge. Continue reporting as required by Water Boards staff.
Report Contents	**1.** The report shall include the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. **2.** If applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites. **3.** Locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

Report Type 5	**Violation of Compliance with Water Quality Standards Report**
Report Purpose	Notifies Water Boards staff that a violation of compliance with water quality standards has occurred.
When to Submit	The Permittee shall report any event that causes a violation of water quality standards within three (3) working days of the noncompliance event notification to Water Boards staff.
Report Contents	The report shall include: the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and any monitoring results if required by Water Boards staff.

Report Type 6	**In-Water Work and Diversions Water Quality Monitoring Report**
Report Purpose	Notifies Water Boards staff of the completion of in-water work.
When to Submit	Within three (3) working days following the completion of in-water work. Continue reporting in accordance with the approved water quality monitoring plan.
Report Contents	As required by the approved water quality monitoring plan.

Report Type 7	**Modifications to Project Report**
Report Purpose	Notifies Water Boards staff if the project, as described in the application materials, is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority.
When to Submit	If project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or

	federal regulatory authority.
Report Contents	A description and location of any alterations to project implementation. Identification of any project modifications that will interfere with the Permittee's compliance with the Order.

Report Type 8	**Transfer of Property Ownership Report**
Report Purpose	Notifies Water Boards staff of change in ownership of the project or Permittee-responsible mitigation area.
When to Submit	At least 10 working days prior to the transfer of ownership.
Report Contents	**1.** A statement that the Permittee has provided the purchaser with a copy of the Order and that the purchaser understands and accepts: **a.** the Order's requirements and the obligation to implement them or be subject to administrative and/or civil liability for failure to do so; and **b.** responsibility for compliance with any long-term BMP[1] maintenance plan requirements in this Order. **2.** A statement that the Permittee has informed the purchaser to submit a written request to the Water Boards to be named as the permittee in a revised order.

Report Type 9	**Transfer of Long-Term BMP Maintenance Report**
Report Purpose	Notifies Water Boards staff of transfer of long-term BMP maintenance responsibility.
When to Submit	At least 10 working days prior to the transfer of BMP maintenance responsibility.
Report Contents	A copy of the legal document transferring maintenance responsibility of post-construction BMPs.

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

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CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

Office of Public Affairs: (916) 341-5254
Office of Legislative Affairs: (916) 341-5251
Office of the Ombudsman: (916) 341-5254

P.O. Box 100, Sacramento, CA 95812-0100
www.waterboards.ca.gov

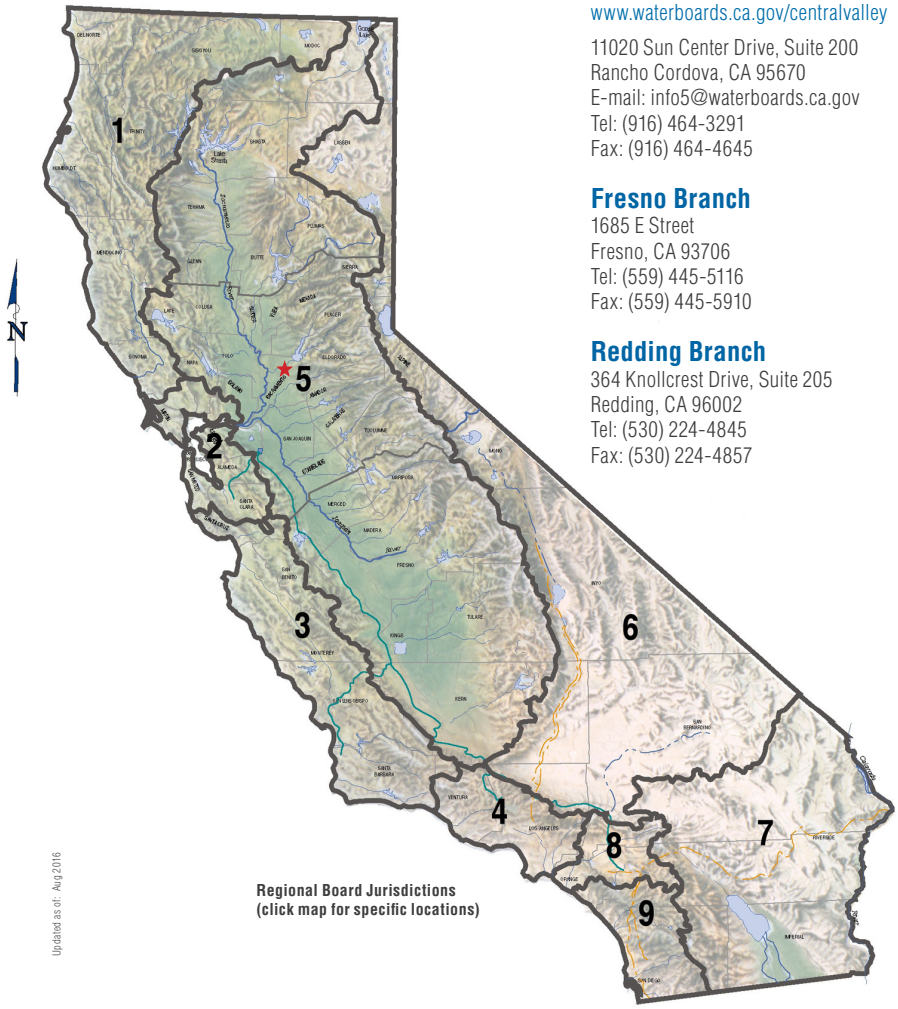
Water Quality information: (916) 341-5455
Water Rights information: (916) 341-5300
Financial Assistance information: (916) 341-5700

NORTH COAST REGION (1)
www.waterboards.ca.gov/northcoast

5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
E-mail: info1@waterboards.ca.gov
Tel: (707) 576-2220
Fax: (707) 523-0135

SAN FRANCISCO BAY REGION (2)
www.waterboards.ca.gov/sanfranciscobay

1515 Clay Street, Suite 1400
Oakland, CA 94612
E-mail: info2@waterboards.ca.gov
Tel: (510) 622-2300
Fax: (510) 622-2460



Regional Board Jurisdictions
(click map for specific locations)

Updated as of: Aug 2016

CENTRAL COAST REGION (3)
www.waterboards.ca.gov/centralcoast

895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
E-mail: info3@waterboards.ca.gov
Tel: (805) 549-3147
Fax: (805) 543-0397

LOS ANGELES REGION (4)
www.waterboards.ca.gov/losangeles

320 W. 4th Street, Suite 200
Los Angeles, CA 90013
E-mail: info4@waterboards.ca.gov
Tel: (213) 576-6600
Fax: (213) 576-6640

CENTRAL VALLEY REGION (5)
www.waterboards.ca.gov/centralvalley

11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
E-mail: info5@waterboards.ca.gov
Tel: (916) 464-3291
Fax: (916) 464-4645

Fresno Branch
1685 E Street
Fresno, CA 93706
Tel: (559) 445-5116
Fax: (559) 445-5910

Redding Branch
364 Knollcrest Drive, Suite 205
Redding, CA 96002
Tel: (530) 224-4845
Fax: (530) 224-4857

LAHONTAN REGION (6)
www.waterboards.ca.gov/lahontan

2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
E-mail: info6@waterboards.ca.gov
Tel: (530) 542-5400
Fax: (530) 544-2271

Victorville Branch
15095 Amargosa Road - Bldg 2, Ste 210
Victorville Ca 92394
Tel: (760) 241-6583
Fax: (760) 241-7308

COLORADO RIVER BASIN REGION (7)
www.waterboards.ca.gov/coloradoriver

73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260
E-mail: info7@waterboards.ca.gov
Tel: (760) 346-7491
Fax: (760) 341-6820

SANTA ANA REGION (8)
www.waterboards.a.gov/santaana

3737 Main Street, Suite 500
Riverside, CA 92501-3348
E-mail: info8@waterboards.ca.gov
Tel: (951) 782-4130
Fax: (951) 781-6288

SAN DIEGO REGION (9)
www.waterboards.ca.gov/sandiego

2375 Northside Drive, Suite 100
San Diego, CA 92108
E-mail: info9@waterboards.ca.gov
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Fax: (619) 516-1994

★ State Water Board (Headquarters)

Felicia Marcus, Chair
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SACRAMENTO, CA 95814
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STATE OF CALIFORNIA
Edmund G. Brown Jr., *Governor*

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Matthew Rodriquez, *Secretary*

STATE WATER RESOURCES CONTROL BOARD
Thomas Howard, *Executive Director*

STATE WATER RESOURCES CONTROL BOARD
Cris Carrigan, *Director, Office of Enforcement*

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SIGNATORY REQUIREMENTS

All Documents Submitted In Compliance With This Order Shall Meet The Following Signatory Requirements:

1. All applications, reports, or information submitted to the Water Board must be signed and certified as follows:

   a) For a corporation, by a responsible corporate officer of at least the level of vice-president.
   b) For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
   c) For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.

2. A duly authorized representative of a person designated in items 1.a through 1.c above may sign documents if:

   a) The authorization is made in writing by a person described in items 1.a through 1.c above.
   b) The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
   c) The written authorization is submitted to the State Water Board Staff Contact prior to submitting any documents listed in item 1 above.

3. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."