

North Coast Regional Water Quality Control Board

401 Water Quality Certification Application for Dredged or Fill Impacts to Waters of the State Cannabis Cultivation-Related Projects ONLY

Do you need a Water Quality Certification?

State Water Resource Control Board or Regional Water Quality Control Board (collectively, Water Boards) authorization must be obtained for any project that may result in a discharge of dredged or fill material to waters of the state. Section 401 of the Clean Water Act (CWA) requires Water Board certification for any federal permit or license authorizing impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications (WQCs) are also referred to as orders or permits.

- Do you have coverage under Order WQ 2019-0001-DWQ General Waste Discharge Requirements (WDRs) for Discharges of Waste Associated with Cannabis Cultivation Activities or are you developing a property with the intent to cultivate cannabis? If so, this application is appropriate for your WQC project associated with your cannabis cultivation enrollment under Order WQ 2019-0001-DWQ.
- If you are currently cultivating cannabis or developing a property with the intent to cultivate cannabis please enroll in Order WQ 2019-0001-DWQ for WDRs using the online portal at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/ prior to submitting an application for WQC.
- If you do not currently cultivate cannabis and are not intending to cultivate cannabis, please visit the standard 401 Water Quality Certification program webpage at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/

The Water Boards have regulations that identify the required information and items that must be submitted for a complete application (California Code of Regulation (CCR) §3856(a)). The level of detail that is required to be submitted will vary depending on the project. The applicant is strongly encouraged to contact the Cannabis Permitting Unit at NorthCoast.Cannabis@waterboards.ca.gov with a subject line that includes: "WQC Question" or "WQC Application," to discuss the appropriate level of detail for the required information and items that must be submitted for a complete application.

As a requirement of an application for WQC you must also provide copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents or submitted application, if not finalized; or if no application is required a confirmation letter from the appropriate permitting agency) associated with construction, operation, maintenance, or other actions relevant to the project (CCR § 3856 (e)). To avoid processing delays and minimize re-statement of facts included in other agency permits, use the appropriate text box(es) of the application to reference

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the attachment name, relevant section, and page number where the information may be located within the attachment.

Note: If the application only includes in-kind replacement projects (i.e. infrastructure replacements that only occur within the existing road prism footprint and does not change infrastructure type, e.g. culvert-to-culvert replacement) then the applicant needs to fill out these sections of the application: Sections One, Two, Three, Six, and Nine; and if applicable, Section Four (if site-specific CEQA is required), Section Five (if within a Class I watercourse), Section Seven (if there will be permanent impacts), and Section Eight (if impacts occur outside of the existing road prism).

STOP: If you answer 'yes' to any of the following questions do not complete this application. Instead, please contact the State Water Board's Division of Water Rights to obtain a copy of their water quality certification (WQC) application:

- Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?
- Does this project involve an appropriation (e.g. diversion) of water?
- Does this project involve a diversion of surface water for domestic, irrigation, power, municipal, industrial, or other beneficial use?

Internal Use Only	
Date Received	Reg Measure ID
WDID No.	ECM Handle
Check No.	Check Amount
Place ID	

Application Fee Information

Submit only the Application Fee according to the project's fee category with the initial application; additional Project and/or Annual Fees may be imposed upon application review. Application fees are required to determine an application complete. Fee amounts are currently determined according to CCR § 2200(a)(2) fiscal year [2019-2020 fee schedule](#). Fees are subject to annual change. A [fee calculator](#), that may be used to generate estimates for project budgeting, and additional fee information are available at the State Water Board's Water Quality Certification and Wetlands Program webpage https://www.waterboards.ca.gov/water_issues/programs/cwa401/. Fees may be paid by check or money orders, payable to the State Water Board and sent to:

North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403

Note: This Application Fee and the associated Annual Fee are due in addition to the enrollment and annual fees associated with coverage under Order WQ 2019-0001-DWQ for cannabis cultivation waste discharge requirements or waivers thereof.

SECTION ONE- APPLICANT AND AGENT INFORMATION

The applicant(s) listed shall be a legally responsible party for compliance with the Clean Water Act, California Water Code, Basin Plan(s), 401 Certification Conditions and Waste Discharge Requirements. Applicant(s) may also appoint one or multiple agents. An agent is an individual authorized by an applicant to provide information to the State or Regional Water Board on behalf of the legally responsible party. (CCR § 38311).

Applicant/Property Owner(s) Name	Authorized Agent (Qualified Professional) Name
Company/Agency Name	Company/Agency Name
Address	Address
Phone Number	Phone Number
Email Address	Email Address

Statement of Authorization *(Required when Applicant is designating an authorized agent)*

I hereby authorize _____ to act on my behalf as my agent in the processing of this application, and to furnish upon request, supplemental information in support of this permit application.

Signature of Applicant and Authorized Agent also required in Section Nine.

 Print Name of the Applicant (Not the authorized agent)

 Date

 Signature of the Applicant (Not the authorized agent)

 Date

SECTION TWO – PROJECT INFORMATION

A complete application contains the overall project purpose and goal with a technically accurate description of the entire activity and associated environmental impacts. Provide a map of suitable detail, quality, and scale to easily identify the area and water body(ies) receiving any discharge (CCR § 3856(b); CCR § 3856(h)(3).

- Attach a site location map with aquatic resources clearly indicated
- Provide the latitude and longitude of the project location
- The project name or title should match all other agency permits and correspondence
- Map(s) may be provided in electronic format (e.g., shapefiles or KML/KMZ) or graphic formats (e.g., PDF or JPG), or sent as paper hard copies
- A scale of at least 1:24000 (1" = 2000') is required for paper and graphic maps
- Provide the latitude/longitude for the approximate project centroid. For linear projects, use the project midpoint
- Project location information should include the address for the project, if applicable, not a mailing address
- For additional guidance on map format and scale, consider following the [U.S. Army Corps of Engineers South Pacific Division Map and Drawing Standards](#).

Project Name or Title <i>Project name should match all other agency permits and correspondence.</i>	
Project Street Address <i>Provide the site address, not the mailing address.</i>	County
City/State/Zip <i>or nearest city/town</i>	Latitude <i>Decimal Degrees</i> Longitude <i>Decimal Degrees</i>
Assessor's Parcel Number(s)	Cannabis General Order WDID (if available)
Project Purpose and Overall Goal of Entire Activity	

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Type of Instream Work Use the boxes below to identify the type(s) of waterbody(ies), infrastructure, and work associated with this application.

Waterbody Type <i>Select all waterbody(ies) where project work is proposed</i>	Infrastructure Type <i>Select all existing or proposed infrastructure as applicable</i>	Work Type <i>Select all project work types</i>
Pond <input type="checkbox"/> On-Stream <input type="checkbox"/> Off-Stream	<input type="checkbox"/> Inlet <input type="checkbox"/> Outlet <input type="checkbox"/> Berm <input type="checkbox"/> Other: _____	<input type="checkbox"/> Replacement <input type="checkbox"/> New Installation <input type="checkbox"/> Removal
Watercourse (stream, creek, river)	<input type="checkbox"/> Culvert <input type="checkbox"/> Armored Fill <input type="checkbox"/> Bridge <input type="checkbox"/> Other	<input type="checkbox"/> In-Kind Replacement <input type="checkbox"/> Change of Type <input type="checkbox"/> New Installation <input type="checkbox"/> Removal <input type="checkbox"/> Work will only occur in the existing road footprint
Wetland or Spring	Identify project type:	Identify work type:
Point of Diversion	<input type="checkbox"/> Well <input type="checkbox"/> Spring box <input type="checkbox"/> Cistern <input type="checkbox"/> Other: _____	<input type="checkbox"/> Replacement <input type="checkbox"/> Installation <input type="checkbox"/> Removal
<p>Project Description <i>Provide a full, technically accurate description of the entire activity (including design specifications including methodology and assumptions) and associated environmental impacts. Attach additional pages or provide specific Attachment page references as necessary.</i></p>		

Total Project Size Include the complete footprint, i.e. extent of all work/activities/construction that will be performed to meet the project goal:

Acres	Is this a linear project? (i.e. within a stream channel.) <input type="checkbox"/> YES <input type="checkbox"/> NO	Linear Feet <i>If yes, enter the length of the Project from end to end:</i>
Anticipated Project Start and End Dates		Estimated Construction Duration
Will any Ground Disturbance Take Place During the Winter Period of November 15 through April 1? <input type="checkbox"/> YES <input type="checkbox"/> NO.		

SECTION THREE – ADDITIONAL DOCUMENTATION REQUIRED

Provide copies of any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents or submitted application, if not finalized) associated with construction, operation, maintenance, or other actions relevant to the project. If a draft or final document is not available, a list of all remaining agency regulatory approvals being sought should be included (CCR § 3856 (e)).

Federal Permit(s) or Completed Federal Applications	
<u>U.S. Army Corps of Engineers</u> <input type="checkbox"/> Not Applicable: <i>include associated correspondence from the Army Corps</i> District: <input type="checkbox"/> Los Angeles <input type="checkbox"/> Sacramento <input type="checkbox"/> San Francisco <input type="checkbox"/> Individual Permit: <input type="checkbox"/> Letter of Permission: <input type="checkbox"/> Nationwide Permit Number: <input type="checkbox"/> Non-Reporting or <input type="checkbox"/> Reporting <input type="checkbox"/> Corps File No.: <input type="checkbox"/> Regional General Permit / Number: <input type="checkbox"/> Other:	
Contact Name	Contact Phone Number
Contact Email	

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<u>U.S. Fish and Wildlife Service</u>		
<input type="checkbox"/> Not Applicable <input type="checkbox"/> Biological Assessment <input type="checkbox"/> Biological Opinion <input type="checkbox"/> Incidental Take Permit		
Contact Name		Contact Phone Number
Contact Email		
<u>National Marine Fisheries Service</u>		
<input type="checkbox"/> Not Applicable <input type="checkbox"/> Biological Assessment <input type="checkbox"/> Biological Opinion		
Contact Name		Contact Phone Number
Contact Email		
State and Local Permit(s) or Completed State and Local Application(s) (A copy should be submitted with this application). List permits for activities related to water quality or other resources, whether applied for or approved, i.e. Lake or Streambed Alteration Agreement (Fish and Game Code Section 1600-1608), CESA Section 2081 Incidental Take Permit, Construction Stormwater Enrollment, county grading permit, Coastal Development Permit, and potentially other state or local agencies.		
STATE OR LOCAL PERMIT NUMBER (County grading permit, etc.)	FILE DATE	TRACKING NO
<input type="checkbox"/> CDFW Lake and Streambed Alteration Agreement (Fish and Game Code Section 1600)		
<input type="checkbox"/> CDFW Incidental Take Permit (Fish and Game Code Section 2081)		
<input type="checkbox"/> CDFW Consistency Determination (Fish and Game Code Section 2080)		
<input type="checkbox"/> State Water Board Construction Stormwater General Permit Enrollment		
<input type="checkbox"/> Other:		

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Contact Name <i>Provide additional contacts, as needed.</i>	Contact Phone Number
Contact Email	
Contact Name	Contact Phone Number
Contact Email	

SECTION FOUR – CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Projects that are covered by the General Water Quality Certification in the Cannabis Order and Policy are generally exempt from CEQA pursuant to Water Code Section 13149 and California Code of Regulations Section 15308 (See Cannabis General Order page 17, finding 47).

Does the project require a site-specific approval granted by an agency other than the Water Board and CEQA analysis and documentation was developed by that agency for the project? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If no, then skip to Section Five. If yes, provide the information indicated below.</i>		
Document Type	Status	Date Completed or Expected Completion Date
	<input type="checkbox"/> In Preparation <input type="checkbox"/> Complete <input type="checkbox"/> Under Revision	
Lead Agency	Lead Agency Contact	
State Clearinghouse Number	Lead Agency Contact Phone Number	

SECTION FIVE – SPECIAL STATUS SPECIES AND AQUATIC RESOURCES

Special Status Species

If known, provide information about the presence of rare, threatened, or endangered species. Attach all biological assessments, surveys, formal consultation determination letters, and mitigation proposals, as applicable and reference appropriate pages or sections.

Potential for Impacts to any Species Identified as Rare, Threatened, or Endangered under State or Federal Law <i>Attach all biological assessments, surveys, formal consultation determination letters and mitigation proposals.</i>				
Species Habitat and/or Name	Biological Assessment	Survey Conducted?	Dates Survey Conducted	Attached Reference Document (Name and Page Number)
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO		

Aquatic Resources

Note this section must be filled out if this project may impact wetlands.

Attach any aquatic resource delineation reports (e.g. a wetland delineation report) and maps for all aquatic resources that may qualify as waters of the state, including those outside of federal jurisdiction. Water Board staff will verify the presence or absence of waters of the state outside of federal jurisdiction during the application review process. (CCR § 3856 (h)(7)).

A map verified as a United States Army Corps of Engineers preliminary jurisdictional determination may satisfy this requirement if it includes all potential waters of the state. The permitting authority may require that the map(s) be submitted in electronic format (e.g., shapefiles or KML/KMZ) (CCR Tit. 23, § 3856(h)).

Was a Wetland Delineation Report Prepared? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, attach and label the report.</i>	
Report Title	Delineation Dates
Name of Person who Prepared the Report	Date of U.S. Corps of Engineers Verification
Title of Person who Prepared the Report	Organization/Company of Person who Prepared the Report

SECTION SIX –IMPACT INFORMATION

Project Hydrologic Information

Receiving waters and groundwater potentially impacted by any project are protected in accordance with the applicable [water quality control plans](#) (Basin Plans) for the regions and [other plans and policies](#).

Impacted Water Body Name(s) <i>If waters are unnamed, identify the nearest named water downstream.</i>
Basin Plan Hydrologic Unit(s) <i>(HUC-12, HUC-8, and CalWater Numbers associated with the project location)</i>

Project Scope Questions

Does the Proposed Project Create or Replace Impervious Surface? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, provide the total impervious area created or replaced:</i> square feet Impervious Area
Does the Proposed Project Discharge to an Area of Special Biological Significance (ASBS) or Marine Protected Area? <input type="checkbox"/> YES <input type="checkbox"/> NO
Does the Proposed Project Discharge to a Water Body Listed as Impaired on the Clean Water Act 303(d) List? <input type="checkbox"/> YES <input type="checkbox"/> NO
Does the Proposed Project Discharge to a Water Body with a Total Maximum Daily Load (TMDL)? <input type="checkbox"/> YES <input type="checkbox"/> NO
Do the Impacts Only Affect the Existing Road Prism? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, provide the existing road dimensions:</i>
Do the Impacts Affect 20 Linear Feet or Less Outside of the Existing Road Prism? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, provide the dimensions:</i>
Are the Impacts Associated with the Installation of Energy Dissipation (i.e. Rip-Rap)? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, provide the dimensions and size of rock:</i>
Are the Impacts Associated with the Installation of a Culvert Downspout? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, provide the dimensions:</i>
Will Any Trees or Bushes Be Removed as Part of Performing This Work? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If yes, identify species, number, and tree diameter at breast-height:</i>

Impervious Surface Stormwater Control Plan *Depending on the quantity of new or replaced impervious surface area resulting from the project, a post-construction stormwater control plan with drainage maps, detailed designs for Low Impact Development or other post-construction stormwater treatment and control measures, design calculations, and/or an operations and maintenance plan may be required to mitigate potential post-construction stormwater impacts. Contact Regional or State Water Board staff for specific criteria.*

SECTION SEVEN – AVOIDANCE AND MINIMIZATION MEASURES

A description of any steps that have been taken (or will be taken) to avoid and minimize loss of or significant adverse impacts to beneficial uses of water of the state is required for a complete application. (CCR § 3856(h)(6)). List the appropriate measures (Best Practicable Treatment or Control (BPTC)) from Attachment A of the State Cannabis General Order (Order No. WQ 2019-00001-DWQ) and describe how that BPTC will be specifically met during the implementation of the proposed project.

Does the project include permanent impacts? YES NO *If no, then skip to Section Eight. Please note additional information may be required by Water Board staff during the application review process.*

Has an Alternatives Analysis been Prepared? YES NO *If yes, please submit the appropriate documentation.*

Impact Avoidance *Describe proposed actions or methods to avoid and minimize direct impacts and potential indirect impacts to waters of the state, which might affect water quality. Include BPTCs or additional best management practices proposed to prevent discharges of pollutants, such as petroleum hydrocarbons, oil and grease, fertilizers, pesticides, cement, etc., from entering waters. Attach additional information if necessary.*

Erosion Control Methods Describe the actions or methods proposed for erosion control, including winterization strategies to stabilize all bare soils, including any disturbed areas associated with the project and re-vegetation proposals.

Waste Disposal Describe the types of waste anticipated to be produced during this project work and disposal methods, waste disposal facility, amount of waste material anticipated, and stabilization methods if earthen waste material is to be left on site.

Disturbance, Erosion Control Methods, and Waste Disposal Map Attach a map indicating the approximate locations and area of soil, land, and vegetation disturbance; proposed erosion and sediment control best management practices to avoid and minimize impacts from the disturbance, and location of earthen waste remaining on site after completion of the project.

Water Diversions and Dewatering Plan:

Does the Proposed Project Include any Dewatering, Work in Standing or Flowing Water, and/or Construction Diversions of Water? YES NO *If yes, describe the water diversions and dewatering plan or indicate where information is located within an attachment:*

If Plan Includes any Discharges of Water to Surface Waters *include receiving water body name, estimated volume, flow rates and management measures proposed.*

If Plan Includes Discharges to Detention Ponds or Upland Treatment Facilities, such as temporary settling basins, filters bags, storage and/or treatment containers, etc., *include location and indicate if detention pond or treatment facility is on-site or off-site.*

For Stream Channel Diversions include location, including upstream diversion points and downstream discharge point, and a diversion plan that provides measures to prevent erosion and turbidity, maintain fish passage, etc.

Other Best Practicable Treatment or Control Measures to Protect Water Quality During Construction *Briefly describe other actions/BPTCs to be implemented during construction to avoid and minimize impacts including, but not limited to, preservation of habitats, erosion control measures, project scheduling, flow diversions, etc.*

SECTION EIGHT –COMPENSATORY MITIGATION

Will any instream work occur or impact areas outside the existing road prism?

YES NO *If no, then skip to Section Nine. Please note additional mitigation may be required at the time of approval of this application.*

Compensatory mitigation is required for any unavoidable impacts. Compensatory mitigation method means the re-establishment (restoration), establishment (creation), rehabilitation (remediation), enhancement, and in some circumstances, preservation, of aquatic resources for the purpose of offsetting unavoidable temporary and permanent adverse impacts, which remain after all appropriate and practicable avoidance and minimization has been achieved.

Compensatory mitigation type is the manner in which the permittee will carry out the compensatory mitigation that is required for unavoidable adverse impacts associated with the project. Compensatory mitigation may be required when permanent and temporary impacts to waters of the state occur.

For a discussion of compensatory mitigation methods and types see title 40 Code of Federal Regulations (CFR) Part 230 – Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material.

If the mitigation plan is part of a larger document, please identify the specific section and page number where the requested information may be found in the attached document in the text box provided. Water Board staff may request a mitigation plan if one is not submitted with this application. If mitigation of temporary impacts will occur through natural ecological processes, provide that information in the text box below.

Note: Applicants who are unfamiliar with environmental mitigation regulations and requirements should seek assistance from a qualified professional.

Proposed Compensatory Mitigation Plan

For projects with multiple mitigation sites, attach an additional table.

Provide the location, size, type, functions, and values of the proposed mitigation sites as requested below. Components of a mitigation plan may include: project objectives, plans for grading impacted areas to pre-project contours, a planting plan and palette, and/or an invasive species management plan. The mitigation plan should describe mitigation goals, performance and success criteria, monitoring methods, long-term funding, management, and site protection for the mitigation site. Maintenance and assessment components of a mitigation plan often include; performance measures, description of performance standards, attainment objectives, and timing proposed to reach attainment objectives. If adequate performance standards are not provided additional compensatory mitigation may be required.

Proposed Compensatory Mitigation *Indicate compensatory mitigation in square feet and linear feet (where appropriate) for the total quantity of waters of the state proposed to be Established, Re-Established, Rehabilitated, Enhanced, or Preserved.*

Aquatic Resource Type	Established		Re-Established		Rehabilitated		Enhanced		Preserved	
	Square Feet	Linear Feet	Square Feet	Linear Feet	Square Feet	Linear Feet	Square Feet	Linear Feet	Square Feet	Linear Feet
Lake or Reservoir										
Ocean, Bay, or Estuary										
Riparian Zone										
Streambed										
Vernal Pool										
Wetland										

SECTION NINE – APPLICATION SIGNATURE

Print Name of the Applicant (Not the authorized agent)

Signature of the Applicant (Not the authorized agent)

Date

Print Name of the Agent

Signature of the Agent

Date