

Draft Attachment F
Order Deviation Procedures

ORDER DEVIATION PROCEDURES

A. Introduction

Minor or non-material changes to the project may be required by the project proponent following the start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, an Order Deviation, as defined in Section XIII.B.3.d of the Order, may be requested by the project proponent as set forth below.

B. Process Steps

1. **Who may apply:** The project proponent or the duly authorized representative or agent (hereinafter, "project proponent") as designated in the Notice of Intent (NOI).
2. **How to apply:** By letter or email to the Water Board staff designated as the contact for the Notice of Applicability (NOA).
3. **Order Deviation Request:** The project proponent will request verification from the Water Board staff that the project change qualifies as an Order Deviation. The request should:
 - a. Describe the project change or modification, including:
 - i. Why an Order Deviation is necessary for the project;
 - ii. Why the proposed change or modification is minor in terms of impacts to waters of the state and the environment;
 - iii. How the project activity is currently addressed in the NOA; and
 - iv. The proposed net change in impact area by water body type(s) in acres, linear feet and cubic yards.
 - b. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and general protection measures and/or mitigation measures to be implemented.
 - c. Provide all updated environmental survey information for the new impact area.
 - d. Provide a map that includes the activity boundaries with photos of the site.
 - e. Provide a compensatory mitigation proposal, if applicable.

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- f. Provide verification from the CEQA Lead Agency that the proposed changes or modifications do not trigger the need for a subsequent environmental document, an addendum to the environmental document, or a supplemental EIR. (Cal. Code Regs., tit. 14, §§ 15162-15164.)

C. Order Deviation Approval: The approving Water Board will review the request and determine whether the deviation can be approved under the Order or is subject to additional permitting requirements. Project proponents will receive Order Deviation approvals, if appropriate, in writing from the approving Water Board. No activity associated with an Order Deviation request may begin until the project proponent receives the written approval.

D. Post-Construction Monitoring Report and Annual Report for Approved Order Deviations: The Post-Construction Monitoring Report and Annual Report (see Attachment D Reporting and Notification Requirements) shall include a compilation of any approved Order Deviation activities with the construction summary of all project activities. Reporting will continue until a Notice of Project Complete Letter is issued to the project proponent (Section XIII.B.2.a of the Order).