

401 Water Quality Certification and Waste Discharge Requirements Application for Dredged or Fill Impacts to Waters of the State

Do you need a Water Quality Certification or Waste Discharge Requirements?

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 the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the Water Boards have the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Action section 401 Water Quality Certifications (WQCs), WDRs, and waivers of WDRs are also referred to as orders or permits.

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 appropriate Water Board permitting authority staff ([staff directory](#)) to discuss the appropriate level of detail for the required information and items that must be submitted for a complete application. On the following pages, we have attempted to provide helpful suggestions for responding, but each suggestion may not be applicable to every project. Additionally, the State Water Board adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State on April 2, 2019. Upon the effective date of the Procedures (nine months following Office of Administrative Law approval) an updated application form will be available.

To reduce duplicative information submittals, information provided for a federal license or permit application may also be submitted with the WQC/WDR application if the materials satisfy the corresponding state application information.

To avoid processing delays, if an attachment is provided, use the related text box to indicate the attachment name, relevant section, and page number where the information may be found within the attachment.

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 application:

- Does the project require a Federal Energy Regulatory Commission (FERC) license or amendment to a FERC license?
- Does this project involve an appropriation of water?
- Does this project involve a diversion of 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	

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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 the Cal. Code Regs., tit. 23, § 2200(a)(2) fiscal year [2018-2019 fee schedule](#). 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 [web page](#). Fees are subject to change. Fees may be paid by check, payable to the State Water Board.

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 (WDRs). 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. (California Code of Regulation (CCR) § 3831(c).)

Applicant/Property Owner(s) Name	Authorized Agent Name <i>Not required. Print NA if no agent designated</i>
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

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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)	Section, Township, Range
Directions to the Project Site	

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Project Purpose and Overall Goal of Entire Activity

Project Description *Provide a full, technically accurate description of the entire activity and associated environmental impacts. Attach additional pages as necessary.*

Total Project Size *Include the footprint extent for all work/activities/construction that will be performed to meet the final goal:*

Acres	Is this a linear project? (power-line, pipeline, highway, etc.) <input type="checkbox"/> YES <input type="checkbox"/> NO	Linear Feet <i>If yes, enter the length of the Project from end to end:</i>
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Anticipated Project Start and End Dates	Estimated Construction Duration
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Will any Ground Disturbance Take Place During the Wet Season Months of October through May?
 YES NO

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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	
<p><u>U.S. Army Corps of Engineers</u></p> <p><input type="checkbox"/> Not Applicable</p> <p>District: <input type="checkbox"/> Los Angeles <input type="checkbox"/> Sacramento <input type="checkbox"/> San Francisco</p> <p><input type="checkbox"/> Individual Permit</p> <p><input type="checkbox"/> Letter of Permission</p> <p><input type="checkbox"/> Which Nationwide Permit Number has been applied for, if any? _____ <input type="checkbox"/> Non-Reporting or <input type="checkbox"/> Reporting</p> <p><input type="checkbox"/> Corps File No. _____</p> <p><input type="checkbox"/> Regional General Permit / Number _____</p> <p><input type="checkbox"/> Other: _____</p>	
Contact Name	Contact Phone Number
Contact Email	
<p><u>U.S. Fish and Wildlife Service</u></p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Biological Assessment</p> <p><input type="checkbox"/> Biological Opinion</p> <p><input type="checkbox"/> Incidental Take Permit</p>	
Contact Name	Contact Phone Number
Contact Email	
<p><u>National Marine Fisheries Service</u></p> <p><input type="checkbox"/> Not Applicable</p> <p><input type="checkbox"/> Biological Assessment</p> <p><input type="checkbox"/> Biological Opinion</p>	
Contact Name	Contact Phone Number
Contact Email	

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State Permit(s) or Completed State 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, Coastal Development Permit, and potentially other state agencies.

STATE OR LOCAL PERMIT NUMBER	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"/> California Coastal Commission (Development Permit)		
<input type="checkbox"/> California Coastal Commission (Consistency Determination)		
<input type="checkbox"/> Bay Conservation and Development Commission (Development Permit)		
<input type="checkbox"/> Bay Conservation and Development Commission (Consistency Determination)		
<input type="checkbox"/> Central Valley Flood Protection Board		
<input type="checkbox"/> Other:		
Contact Name <i>Provide additional contacts, as needed.</i>	Contact Phone Number	
Contact Email		
Contact Name	Contact Phone Number	
Contact Email		

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SECTION FOUR – 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.

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
	<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	

SECTION FIVE – CA ENVIRONMENTAL QUALITY ACT/ NATIONAL ENVIRONMENTAL POLICY ACT

The project must comply with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Although not required for a complete application, final CEQA documentation must be provided to the Water Board before an Order may be issued. (CCR § 3856 (f).)

As lead or responsible agency, the Water Boards will determine whether a project is exempt under CEQA during review of the project information. To facilitate this review, if the applicant asserts an exemption is applicable, provide the relevant categorical or statutory exemption number.

California Environmental Quality Act/ National Environmental Policy Act					
Document Type	Status (In Preparation, Complete, or Under Revision)	Date Completed or Expected Completion Date	Document Type	(In Preparation, Complete, or Under Revision) Status	Date Completed or Expected Completion Date
Scoping Document			Notice of Preparation		
Initial Study			Environmental Document		
Negative Declaration			Mitigated Negative Declaration		
Categorical Exemption Number			Statutory Exemption Number		
Notice of Determination*		<i>*Note: A Notice of Determination by the Lead Agency, or a or Notice of Exemption is required before a certification or waiver can be issued</i>			
Lead Agency			Lead Agency Contact		
State Clearinghouse Number			Lead Agency Contact Phone Number		

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SECTION SIX – AQUATIC RESOURCE AND IMPACT INFORMATION

Attach any aquatic resource delineation reports 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).)

Aquatic Resource Delineation Report Information:	
Was an Aquatic 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

Project Hydrologic Information

Attach an additional table for projects with multiple impact sites, as needed. Provide the impacted water body name(s); for unnamed water body(ies) provide the name of the nearest named receiving water.

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](#). If known, list impacted hydrologic unit in the impacted Regional Water Board’s Basin Plan. The Basin 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.

The Lahontan Regional Water Board prohibits discharge to lands within the Lake Tahoe, Little Truckee, and Truckee River Hydrologic Basins unless specific prohibition exemption criteria are met. In addition to this application, complete the applicable prohibition criteria form for projects discharging to the [Lake Tahoe Hydrologic Basin](#) or the [Little Truckee or Truckee River](#) Hydrologic Basins.

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Project Hydrologic Information
Impacted Water Body Name(s) <i>If waters are unnamed, identify the nearest named water downstream.</i>
Basin Plan Hydrologic Unit(s) <i>If included in Basin Plan, the hydrologic area and hydrologic sub area, if known.</i>

Fill/Excavation: *Provide the fill/excavation impacts to waters of the state. Round acres to the hundredth place (0.01); round cubic yards and linear feet to the nearest integer.*

Aquatic Resource Type	Temporary Impacts			Permanent Impacts		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake/Reservoir						
Ocean/Bay/ Estuary						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

Dredge/Extraction: *Provide the dredge/extraction impacts to waters of the state, for the life of the project. Do not include excavation quantities. Round acres to the hundredth place (0.01); round cubic yards and linear feet to the nearest integer.*

Aquatic Resource Type	Temporary Impacts			Permanent Impacts		
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet
Lake/Reservoir						
Ocean/Bay/ Estuary						
Riparian Zone						
Stream Channel						
Vernal Pool						
Wetland						

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Additional Direct and Indirect Impact Information

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 (see mitigation section). Contact Regional or Water Board staff for specific criteria.

<p>Does the Proposed Project Create or Replace Impervious Surface? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p style="margin-left: 20px;"><i>If yes, total impervious area created or replaced in square feet:</i> _____ sq. ft. Impervious Area</p>
<p>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</p>
<p>Does the Proposed Project Discharge to a Water Body Discharge to a Water Body Listed as Impaired on the Clean Water Act 303(d) List? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>Does the Proposed Project Discharge to a Water Body with a Total Maximum Daily Load (TMDL)? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>Direct Impact Description <i>Describe the nature and extent of temporary and permanent impacts to waters of the state. Attach a map that clearly depicts the anticipated area of direct impacts. If an attachment is provided, indicate the name and page number where the information may be found.</i></p>
<p>Indirect Impact Description <i>Describe how project discharge could potentially degrade water quality; for example, increased turbidity, settleable matter, or other pollutants, that may affect beneficial uses associated with the proposed project area. Attach a map that clearly depicts the anticipated area of indirect impacts. If an attachment is provided, indicate the name and page number where the information may be found.</i></p>

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Cumulative Impacts *Provide a brief list/description, including estimated adverse impacts of any projects implemented by the 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 purposes of this item, the water body extends to a named source or stream segment identified in the relevant basin plan. (CCR § 3856(h)(8).)*

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).)

Has an Alternatives Analysis been Prepared? YES NO

If yes, please submit the appropriate documentation. Note: an Alternatives Analysis may be required.

Direct Impact Avoidance *Describe the efforts to avoid and minimize direct impacts to waters of the state.*

Indirect Impacts Avoidance *Describe proposed actions or methods to avoid and minimize potential indirect impacts to waters of the state which might affect water quality. Include 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.*

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Erosion Control Method *Describe the actions or methods proposed for erosion control, including winterization strategies to stabilize all bare soils, and re-vegetation proposals.*

Disturbance and Erosion Control Methods Map *Attach a map indicating the approximate locations and area of soil, land, and vegetation disturbance and proposed erosion and sediment control best management practices to avoid and minimize impacts from the disturbance.*

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.

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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 Management Practices (BMPs) to Protect Water Quality During Construction *Briefly describe other actions/BMPs 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.*

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SECTION EIGHT – RESTORATION OF TEMPORARY IMPACTS AND COMPENSATORY MITIGATION

Restoration of Temporary Impacts

Restoration of temporary impacts is typically provided through the on-site and in-kind rehabilitation of aquatic resources. If active restoration activities to restore temporary impacts to pre-project conditions are planned, submit a draft restoration plan that outlines design, implementation, assessment, and maintenance. Components of a draft restoration plan may include: project objectives, plans for grading impacted areas to pre-project contours, a planting palette, and/or an invasive species management plan. Maintenance and assessment components of a draft restoration plan often includes performance measures, description of performance standards, attainment objectives, and timing proposed to reach attainment objectives. If adequate performance standards are not provided, compensatory mitigation may be required. In addition, compensatory mitigation may be required for temporary impacts that result in a temporal loss or other significant loss of aquatic resource function(s).

Although information describing plans to restore temporary impacts to pre-project conditions is not required for a complete application, supplying detailed information will aid in expediting the application review process.

An applicant may provide a draft restoration plan as supplemental information attached to this application. If the draft restoration 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 restoration plan if one is not submitted with this application. If restoration of temporary impacts will occur through natural ecological processes, provide that information in the text box below.

Is a Restoration Plan Attached? YES NO

Describe the Restoration Plan and/or indicate where information is located within an attachment:

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Provide Proposed Restoration Quantities <i>Round acres to the hundredths place (0.01); round cubic yards and linear feet to the nearest integer:</i>		
Aquatic Resource Type	Acres	Linear Feet
Lake/Reservoir		
Ocean/Bay/Estuary		
Riparian Zone		
Streambed		
Vernal Pool		
Wetland		

Compensatory Mitigation

Compensatory mitigation is required for any unavoidable impacts. Compensatory mitigation method means the re-establishment, establishment (creation), rehabilitation, 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. There are four categories of mitigation methods: mitigation banks; in-lieu fee programs; permittee responsible and unknown.

For a discussion of compensatory mitigation methods and types see 40 Code of Federal Regulations (CFR) 230 § 404(b)(1)(subpart J).

Compensatory mitigation may be required when permanent and temporary impacts to waters of the state occur (temporary impacts addressed in Section 8, above).

Permanent Impacts, or Other Impacts Requiring Compensation

Purchase of mitigation credits from a mitigation bank or in-lieu fee (ILF) program may be sufficient. Attach mitigation bank or ILF bills-of-sale for purchase credits, if previously obtained. Note: Prior mitigation credit purchase does not guarantee that the Water Boards will find the purchase to be sufficient; different or additional mitigation may be required if need is demonstrated.

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Permittee Responsible Mitigation

Permittee Responsible Mitigation may also be provided for permanent impacts, or other impacts requiring mitigation. (Note that Permittee Responsible Mitigation is a complex process. Applicants who are unfamiliar with environmental mitigation regulations and requirements should seek expert assistance.) Provide the location, size, type, functions, and values of the proposed mitigation sites as requested below. A mitigation plan should also be provided. This plan should describe mitigation goals, performance and success criteria, monitoring methods, long-term funding, management, and site protection instrument for the mitigation site. For guidance on a complete mitigation plan see 40 CFR 230 § 404(b)(1)(subpart J).

Proposed Compensatory Mitigation <i>For projects with multiple mitigation sites, attach an additional table.</i>										
Mitigation Method <i>Check one, attach additional tables as needed:</i>										
Mitigation Banks				In Lieu Fee Program				Permittee Responsible		
Proposed Compensatory Mitigation <i>Indicate compensatory mitigation in acres and linear feet (where appropriate) for the total quantity of waters of the state proposed to be Established, Re-Established, Rehabilitated, Enhanced, or Preserved. If contributing to an In-Lieu Fee Program and the mitigation type is not known, mark Unknown.</i>										
Aquatic Resource Type	Established		Re-Established		Rehabilitated		Enhanced		Preserved	
	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet	Acres	Linear Feet
Lake/Reservoir										
Ocean/Bay/Estuary										
Riparian Zone										
Streambed										
Vernal Pool										
Wetland										

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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