STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

PAJARO VALLEY WATER MANAGEMENT AGENCY'S WATSONVILLE SLOUGH SYSTEM MANAGED AQUIFER RECHARGE AND RECOVERY PROJECT

Sources: **Harkins Slough, Struve Slough, Watsonville Slough**

County: **Santa Cruz**

WATER QUALITY CERTIFICATION FOR FEDERAL PERMIT OR LICENSE

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Abbreviations

ac	acre
Addendum	Watsonville Slough System Managed Aquifer Recharge and Recovery Project Addendum to the Draft Environmental Impact Report
AF	acre-foot or acre-feet
Agency	Pajaro Valley Water Management Agency
Antidegradation Policy	*Statement of Policy with Respect to Maintaining High Quality Waters in California*
Application	November 2025 certification application, including supplemental information submitted by email dated October 9, 2026
Applicant	Pajaro Valley Water Management Agency
BIO	Biological Resources
Biological Opinion	Biological and Conference Opinion on Pajaro Valley Water Management Agency's Watsonville Slough System Managed Aquifer Recharge and Recovery Project
BMP	best management practice
BR	Biological Resources
CDFW	California Department of Fish and Wildlife
Central Coast Basin Plan	Water Quality Control Plan (Basin Plan) for the Central Coast Basin
Central Coast Regional Water Board	Central Coast Regional Water Quality Control Board
CEQA	California Environmental Quality Act
certification	water quality certification
cfs	cubic feet per second
Construction General Permit	National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities
Deputy Director	Deputy Director of the Division of Water Rights
Dredge or Fill Procedures	State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State
ESA	Endangered Species Act
Executive Officer	Executive Officer of the Central Coast Regional Water Board
FERC	Federal Energy Regulatory Commission
GS	Geology and Soils
Harkins Slough Facility	Harkins Slough Managed Aquifer Recharge and Recovery Facility
HM	Hazards and Hazardous Material
HWQ	Surface Water, Groundwater, and Water Quality
HYD	Hydrology
MM	Mitigation Measure
NPDES	National Pollutant Discharge Elimination System

NTU	Nephelometric Turbidity Unit
Permittee	Pajaro Valley Water Management Agency
Programmatic EIR	Environmental Impact Report for the Basin Management Plan Update
Project	Watsonville Slough System Managed Aquifer Recharge and Recovery Project
Regional Water Boards	Regional Water Quality Control Boards
State Water Board	State Water Resources Control Board
Supplemental EIR	Watsonville Slough System Managed Aquifer Recharge and Recovery Projects Supplemental Environmental Impact Report
TMDL	total maximum daily load
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
Water Boards	State Water Board and Regional Water Boards, collectively
WDR	Waste Discharge Requirement
WPT	northwestern pond turtle

1.0 Project Description

Pajaro Valley Water Management Agency (Agency or Permittee) is proposing to construct the Watsonville Slough System Managed Aquifer Recharge and Recovery Project (Project) to augment surface water supplies for agricultural water users and reduce groundwater demand and saltwater intrusion in the Pajaro Valley Groundwater Basin. The Project is located in unincorporated Santa Cruz County, California and would divert water from Struve Slough, which is a tributary to Watsonville Slough. Watsonville Slough flows into the Pajaro River, approximately one mile southwest of the city of Watsonville (see Attachment A: Project Overview Maps).

The Project involves upgrading the existing Harkins Slough Managed Aquifer Recharge and Recovery Facility (Harkins Slough Facility) and constructing a new intake and pump station on Struve Slough; a new adjacent recharge basin; a conveyance pipeline (to connect the new Struve Slough facility to the existing Harkins Slough Facility); and 20 new wells: 10 recovery wells and 10 monitoring wells. The Project would divert up to 4,000 acre-feet (AF) of water from Struve Slough for additional groundwater recharge at the Harkins Slough Facility. Once the Project is completed the Harkins Slough Facility would supply a maximum of 6,000 AF per year for groundwater recharge and subsequent reuse, subject to applicable water right conditions.

As part of the Project, the Agency is proposing to:

- Update the Harkins Slough Facility including installation of an intake screen and replacement of the intake pumps at the filter plant.
- Demolish the existing filters at Harkins Slough filter plant to allow water diverted for groundwater recharge to bypass filtration.
- Construct a 200-foot-long, 26-inch-diameter irrigation pipeline to connect the Harkins Slough Facility to the Coastal Distribution System[1].
- Construct an 800-foot-long, 24-inch-diameter water pipeline to connect the existing 24-inch pipeline from the Harkins Slough Facility to the new Southeast Recharge Basin.
- Install an intake covered by two, 10-foot diameter cone screens supported on concrete piers at Struve Slough.
- Install a pump station and approximately 100 feet of access road at the Struve Slough intake, with two, 400-horsepower pumps and one, 75-horsepower pump with a total designed capacity of 25 cubic feet per second (cfs).
- Construct a 250-foot-long, 36-inch-diameter high-density polyethylene pipeline to connect the screened Struve Slough intake to the Struve Slough pump station and an 8,000-foot-long, 30-inch diameter pipeline to connect the Struve Slough pump station to the Harkins Slough Facility's existing filter plant.

[1] The Coastal Distribution System is an existing irrigation-pipeline network that conveys the Agency's supplemental water supply to agricultural users. The supply consists of a blend of recycled water, groundwater recovered from the Harkins Slough recharge facilities, and inland groundwater.

- Construct the new 12.7-acre Southeast Recharge Basin with a maximum storage capacity of 128 AF and construction of 20 new wells (10 recovery wells and 10 monitoring wells).

Project construction is expected to occur over approximately 18 months during seasonal work windows between May through January. Construction is anticipated to begin in June 2027.

Project implementation will require a permit from the United States Army Corps of Engineers (USACE) pursuant to Clean Water Act section 404. A 404 permit from USACE requires the Agency obtain a water quality certification from the State Water Resources Control Board (State Water Board) for the Project. On September 24, 2025, the Agency applied to USACE for an individual 404 permit for the Project. On October 8, 2025, USACE published a public notice of the 404 permit application for the Project and assigned the Project the designation number SPN-2024-00084.

2.0 Water Rights

The Project will involve the diversion and storage of surface water at Harkins Slough and Struve Slough. Diversions from Harkins Slough would continue under the Agency's existing Water Right Permit 21039, while a new water right is required for diversions from Struve Slough. The Agency has a pending water right application (State Water Board Application A033151) with the Division of Water Rights.

Table A below lists the Project-related water rights maintained by the Agency[2].

Table A. Agency's Water Rights and Pending Requests Related to the Project

Application ID/ Permit ID (Priority Date)	Sources	Diversion and Storage Details	Purposes of Use
A030522/21039 (March 11, 1996)	Harkins Slough, Watsonville Slough	30 cfs diversions from November 1-May 31 Total of 2,000 AF per year to storage	Irrigation, Municipal, Industrial, Water Quality, Recreation, Stockwatering, Fish and Wildlife Preservation and Enhancement, and Fish Culture
A033151/Not Applicable (September 4, 2020)	Struve Slough	30 cfs diversions from January 1-December 31 Total of 4,000 AF per year to storage and direct diversion.	Irrigation

[2] Information is from the State Water Board's California Water Accounting, Tracking, and Reporting System.

3.0 Regulatory Authority

3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. § 1251 et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) The Clean Water Act recognizes, preserves, and protects "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources...." (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires any applicant for a federal license or permit to conduct any activity which may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the state agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. § 1341(d).) These certification conditions shall become conditions of any federal license or permit for the project (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 provides that the State Water Board may "establish monitoring, inspection, entry, reporting, and recordkeeping requirements" and obtain "other information as may be reasonably required" for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director), as provided for in State Water Board Resolution 2012-0029. (State Water Board 2012.) In the *Redelegation of Authorities* memorandum issued by the Deputy Director on April 20, 2023, this authority is redelegated to the Assistant Deputy Directors of the Division of Water Rights. (State Water Board 2023.)

3.2 Procedure, Application, and Noticing

On November 20, 2025, the Agency filed a certification application with the State Water Board under section 401 of the Clean Water Act and supplemented it via email on October 9, 2026.

On December 18, 2025, the State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the Project on the State Water Board's website.

On October 15, 2026, State Water Board staff shared the certification application with the Central Coast Regional Water Quality Control Board (Central Coast Regional Water Board). (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).) On October 21, 2026, the Central Coast Regional Water Board responded with comments related to the Project's restoration actions and future operations. State Water Board staff considered and incorporated the Central Coast Regional Water Board's comments into this certification as appropriate. On October 28, 2026, State Water Board staff shared a draft certification with the Central Coast Regional Water Board. No comments were received.

3.3 Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Project must ensure compliance with applicable water quality standards in the Central Coast Regional Water Board's *Water Quality Control Plan for the Central Coast Basin* (Central Coast Basin Plan)[3] (Central Coast Regional Water Board 2024) and any amendments thereto.

Water quality control plans designate the beneficial uses of water to be protected (such as municipal and domestic supply, industry, agricultural, and fish and wildlife), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans, and applicable state and federal antidegradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The nine California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) The State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt these plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313.)

[3] Available online at: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/basin_plan/docs/2024_basin_plan_r3.pdf. Accessed October 30, 2026.

3.4 Central Coast Basin Plan

The Central Coast Regional Water Board adopted, and the State Water Board and USEPA approved, the Central Coast Basin Plan. The Central Coast Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The Central Coast Basin Plan identifies existing beneficial uses for Watsonville Slough, Struve Slough, and Harkins Slough as: water contact recreation; non-contact water recreation; wildlife habitat; warm fresh water habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; rare, threatened, or endangered species; estuarine habitat; and commercial and sport fishing.

3.5 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy)[4] (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

3.6 Construction General Permit

Coverage under the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit)[5] (State Water Board 2022) is required for activities that disturb one or more acres of soil or that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground, such as stockpiling or excavation, but do not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Coverage is required pursuant

[4] State Water Board Resolution No. 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on October 13, 2026.

[5] State Water Board Order No. 2022-0057-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed November 10, 2026.

to Clean Water Act sections 301 and 402 which prohibit certain discharges of stormwater containing pollutants except in compliance with an NPDES permit. (33 U.S.C. §§ 1311, 1342(p); 40 C.F.R. pts. 122, 123, and 124.) The Agency must comply with the Construction General Permit in implementing the Project.

3.7 State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Water of the State

The *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures)[6] (State Water Board 2019 and 2021[7]) provide California's definition of wetland, wetland delineation procedures, and procedures for submitting applications for activities that could result in discharges of dredged or fill material to waters of the state. The Dredge or Fill Procedures ensure that State Water Board regulatory activities will result in no net loss of wetland quantity, quality, or permanence, consistent with California Water Code, division 7, chapter 28, sections 16200-16201. The Agency must comply with the Dredge or Fill Procedures when conducting dredge or fill activities that may impact waters of the state, including wetlands.

3.8 Clean Water Act 303(d) Listing

The 2024 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report) (2024 Integrated Report) (State Water Board 2024) was partially approved and partially disapproved by USEPA on December 13, 2024. The State Water Board listed the following portions of the Project-affected waterbodies as impaired in the 2024 Integrated Report:

- Harkins Slough is listed for indicator bacteria, dissolved oxygen, chlorophyll-a, toxicity, and turbidity.
- Struve Slough is listed for E. coli, turbidity, pH, fecal coliform, dissolved oxygen, chlorophyll-a, and toxicity.
- Watsonville Slough is listed for dichlorodiphenyldichloroethylene (DDE), malathion, toxicity, turbidity, nitrate, dissolved oxygen, aluminum, chlorpyrifos, copper, imidacloprid, nickel, and pyrethroids.

Section 303(d) of the Clean Water Act requires the development of total maximum daily loads (TMDLs) for impaired waterbodies. TMDLs define the maximum amount of a pollutant that a waterbody can receive without exceeding water quality standards and establish wasteload and load allocations for point and nonpoint sources of pollution, respectively. TMDLs have been approved restricting levels of nitrate, orthophosphate,

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[6] The Dredge or Fill Procedures and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html. Accessed May 2026.

[7] Resolution No. 2021-0012 is available at: https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/wrapp/rs2021_0012.pdf. Accessed on October 13, 2026.

un-ionized ammonia, and fecal coliform in receiving waters of Harkins Slough, Struve Slough, and Watsonville Slough (Central Coast Regional Water Board 2024.)

4.0 California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Resources Code, § 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. For the Project, the Agency is the lead agency for the purpose of CEQA and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The State Water Board is a responsible agency under CEQA. (Cal. Code Regs., tit. 14, § 15381.)

On April 16, 2014, the Agency certified the Final Environmental Impact Report for the Basin Management Plan Update (Programmatic EIR) (Agency 2014). On January 20, 2021, the Agency certified the Watsonville Slough System Managed Aquifer Recharge and Recovery Projects Supplemental Environmental Impact Report (Supplemental EIR). On November 19, 2014, and January 21, 2021, the Agency filed a Notice of Determination for the Programmatic EIR and Supplemental EIR with the State Clearinghouse, respectively. (Agency 2021.)

On April 1, 2025, the Agency adopted an Addendum to the Supplemental EIR (Addendum) (Agency 2025a), which analyzed the environmental effects of the Project, and filed a Notice of Determination that included the environmental analysis for the Project. The Addendum and Notice of Determination state that the Project will have a significant impact on land use and agricultural resources through the unavoidable conversion of approximately 18.1 acres of land designated as Important Farmland. No other significant and unavoidable impacts are identified in the Addendum.

The State Water Board has reviewed and considered the Programmatic EIR, Supplemental EIR, and Addendum prepared by the Agency during the development of this certification. As a responsible agency under CEQA for the Project, the State Water Board must make findings that address significant Project effects identified in the environmental documents to those resource areas over which the State Water Board has statutory authority. Attachment B: California Environmental Quality Act Findings and Mitigation Monitoring and Reporting Plan provides CEQA findings that address potentially significant effects of the Project and mitigation measures that the Agency will implement to ensure that any potential impacts of the Project to resources over which the State Water Board has statutory authority are less-than-significant. The Agency's Addendum analyzing environmental effects of the Project did not identify any significant and unavoidable impacts to resources over which the State Water Board has statutory authority. The State Water Board will file a Notice of Determination within five working days of issuing the Project certification.

Table B identifies resource areas in the State Water Board's purview for which the Agency's environmental documents for the Project identified mitigation measures for potential impacts, and associated certification conditions with water quality protection, monitoring, or reporting requirements.

Table B. Mitigation Measures and Corresponding Certification Conditions

Mitigation Measure (MM)	Applicable Certification Condition
MM-Surface Water, Groundwater, and Water Quality (HWQ)-1	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-Hydrology (HYD)-1: Implement Dewatering Best Management Practices for In-Water Construction	Condition 1 (Project Activities and Water Rights Compliance) Condition 4 (Dewatering and Diversion Plan) Condition 7 (Reporting)
MM-Biological Resources[8] (BIO)-1a: Wetland Avoidance	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-1b: Water Quality and Erosion Control	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-1c: Willow Riparian Forest Revegetation	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-1d: Wetland Mitigation	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-1e: Minimizing Indirect Riparian and Wetland Vegetation Impacts	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-2: Special Status Take Reduction	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-2b: Refueling, Maintenance, and Staging	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)

[8] The Agency's environmental documents use two prefixes for biological resources mitigation measures: "BIO" and "BR." Both prefixes denote mitigation measures for the protection of biological resources. This certification uses each measure designation as adopted in the Mitigation Monitoring and Reporting Program in Chapter 5 of the Addendum.

Mitigation Measure (MM)	Applicable Certification Condition
MM-BIO-2c: Invasive Exotic Plants	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-2d: Special Status Species Training	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-2e: Work Areas	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-2f: Biological Monitor	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-2g: Invasive Exotic Species	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-2i: Bird Surveys	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)
MM-BIO-2j: California Red-Legged Frog	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-BIO-2k: Western Pond Turtle	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-Biological Resources (BR)-1a: Frac-out Contingency Plan	Condition 1 (Project Activities and Water Rights Compliance) Condition 6 (Erosion Management and Sediment Control) Condition 7 (Reporting)
MM-BR-1b: Compensate for Temporary and Permanent Impacts to California Red-legged Frog Critical Habitat	Condition 1 (Project Activities and Water Rights Compliance) Condition 2 (Biological Resources, Aquatic Habitat, and Wetland Protections) Condition 7 (Reporting)
MM-Geology and Soils (GS)-2: Erosion Control Plans	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)

Mitigation Measure (MM)	Applicable Certification Condition
MM-Hazards and Hazardous Material (HM)-1: Soil Testing	Condition 1 (Project Activities and Water Rights Compliance) Condition 7 (Reporting)

5.0 Rationale for Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Project will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

As explained in this section, the conditions in this certification are generally required pursuant to the Central Coast Basin Plan and other applicable plans and policies adopted by the Water Boards, as described in Section 3.0, Regulatory Authority.

The Dredge or Fill Procedures, adopted pursuant to Water Code sections 13140 and 13170, authorize approval of dredge or fill projects subject to satisfaction of specified requirements.

California Code of Regulations, title 23, section 3830 et seq., sets forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions.

As noted in Section 3.1 of this certification, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with “any other appropriate requirement of State law.” (33 U.S.C. § 1341(d).) Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 13165 authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, provided 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. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for Project activities that may impact waters of the state.

The State Water Board has broad authority to prevent waste and unreasonable use pursuant to article X, section 2 of the California Constitution and Water Code sections 100 and 275. In addition, the State Water Board has both the authority and the duty to protect public trust uses whenever feasible under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 446.) Under

California's public trust doctrine, public trust uses include, but are not limited to, navigation, fishing, recreation, environmental values, and fish and wildlife habitat. (*Id*. at pp. 434-435.)

Authorization under this certification is granted based on the application submitted. An applicant is required to detail the scope of project impacts in a complete application pursuant to California Code of Regulations, title 23, section 3856, subdivision (h). Pursuant to Water Code section 13260, subdivision (c), each person discharging waste or proposing to discharge waste shall file a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge. Pursuant to Water Code section 13264, subdivision (a), a permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. (See also State Water Board Water Quality Order No. 2003-0017-DWQ [*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification*].)

This certification provides coverage under Order No. 2003-0017-DWQ for Project construction but does not authorize the operational discharge of water diverted from Harkins Slough or Struve Slough to a groundwater recharge basin. Before commencing such operational discharges, the Agency must obtain any separate authorization required under the Porter-Cologne Water Quality Control Act or other required approvals.

In general, the code citations, plans, and policies that support issuance of this certification that are described in Section 3.0 are not duplicated in this section. The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. The conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements and other appropriate requirements of state law. When preparing the conditions in this certification, State Water Board staff reviewed and considered the following information:

- The Agency's November 20, 2025 Project certification application, including attachments 1-17 (Agency 2025b) and as supplemented by an email dated October 9, 2026 (Agency 2025b).
- The Agency's April 2014 Programmatic EIR (Agency 2014).
- The Agency's January 2021 Supplemental EIR (Agency 2021).
- The Agency's April 2025 Addendum (Agency 2025a).
- Beneficial uses, water quality objectives, and implementation measures and programs described in the Central Coast Basin Plan.

- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Dredge or Fill Procedures, Construction General Permit, etc.).
- Existing water quality conditions.
- Project-related controllable water quality factors (e.g., stormwater capture, controllable flow releases, etc.).
- Other information in the record.

This certification is issued in conformance with the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed. Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but as it pertains to documentation of conditions also generally complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed. Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023. Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license "may result in any discharge into the navigable waters," the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any "limitations" and "monitoring requirements" necessary to assure that the "applicant" will comply with water quality standards, other provisions of the Clean Water Act, and "with any other appropriate requirement of State law." (33 U.S.C. § 1341(a) & (d).) Certification is required for such activity as a whole, not merely for its point source discharges to waters of the United States. (*PUD No. 1*, *supra*, 511 U.S. at pp. 711- 712.) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

Deputy Director approval of modifications to plans required by certification conditions allows the State Water Board to exercise its authority granted by the Clean Water Act to protect water quality at an appropriate time in the future. Section 401 anticipates that certifications will not only set limits on operations but will also monitor operations on an ongoing basis. (33 U.S.C. § 1341(d).) Activities not included in the certification application and management plans that have not yet been created or submitted to the State Water Board cannot be specifically conditioned at the time of certification issuance. Ensuring flexibility for adaptive management via delegation of authority to the Deputy Director in these situations is necessary to ensure the project is operated in a manner that is protective of water quality.

5.1 Rationale for Condition 1: Project Activities and Water Rights Compliance

As described in Section 5.0, this certification is granted based on the application and supporting information submitted in accordance with the State Water Board's regulations and subject to requirements of the Porter-Cologne Water Quality Control Act. Condition 1 requires the Agency to implement the Project as described in its certification application (Agency 2025b), including mitigation measures identified in the Addendum (see Table B: Mitigation Measures and Corresponding Certification Conditions) (Agency 2025a), as supplemented in an October 9, 2026 email (Agency

2026), and as modified by the conditions of this certification. The Addendum's Mitigation Monitoring and Reporting Program compiles the mitigation measures applicable to the Project, including measures originally adopted in the Programmatic EIR and the Supplemental EIR and carried forward, as revised, in the Addendum.

Condition 1 will help ensure that the Project is implemented in a manner that protects water quality objectives and avoids unreasonable impacts to beneficial uses. Any changes to the Project description that are inconsistent with the Project application and supplemental information provided to the State Water Board prior to certification issuance, could impact the findings, conclusions, and conditions of the certification and may necessitate the filing of a new certification application as well as trigger additional environmental review.

Additionally, the Agency filed a water right application with the State Water Board's Division of Water Rights to appropriate water by permit as further described in Section 2.0 of this certification. As of the issuance date of this certification, water right application A033151 is pending before the State Water Board's Division of Water Rights. Condition 1 prohibits the Agency from operating the Project (including testing of the Project's new diversion) until and unless the Division of Water Rights approves a water right(s) for the Agency's diversions associated with the Project. Additionally, Condition 1 prohibits the Agency from constructing the Project until the water rights associated with the Project are approved by the State Water Board's Division of Water Rights unless otherwise approved by the Deputy Director.

5.2 Rationale for Condition 2: Biological Resources, Aquatic Habitat, and Wetland Protections

Project activities, such as staging, vegetation clearing, trenching, grading, excavation, site access, construction of horizontal direction drilling entry and exit pits, installation of screened intakes, installation and removal of temporary cofferdams, equipment use, and dewatering, have the potential to adversely impact aquatic species and associated habitats, and wetlands. The Project area includes wetland and aquatic resource habitat for California red-legged frogs (*Rana draytonii*) and northwestern pond turtles (*Actinemys marmorata)*.

Measures for aquatic biological resources included in the Agency's certification application (Agency 2025b), which includes: worker environmental training; daily surveys by a biological monitor for special-status species; refueling, staging, and maintenance restrictions near wetlands; work area delineation before construction initiation; invasive exotic species removal; and protective measures for California red-legged frog and northwestern pond turtle that include work stoppages and biologist-led removals. Condition 2 requires the Agency to implement: all requirements of the April 17, 2025 *Biological and Conference Opinion on Pajaro Valley Water Management Agency's Watsonville Slough System Managed Aquifer Recharge and Recovery Project* (Biological Opinion) issued by the United States Fish and Wildlife Service (USFWS) (USFWS 2025); all requirements of any final Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW); and aquatic biological resource, aquatic habitat, and wetland protection measures identified in the Agency's

certification application and associated Addendum, as modified by this certification to prevent or minimize impacts to aquatic species and their habitat.

Condition 2 includes provisions for compliance with the Dredge or Fill Procedures, Water Code sections 16200-16201, and other avoidance and minimization measures to limit or avoid impacts to waters of the state.

Existing beneficial uses for Struve Slough, Harkins Slough, and Watsonville Slough that may be impacted by the Project include: warm freshwater habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; rare, threatened, or endangered species; wildlife habitat; and estuarine habitat.

5.3 Rationale for Condition 3: Water Quality Monitoring

The Project involves many activities with the potential to impact water quality and beneficial uses, including installation of screened intakes and associated pump facilities; excavation and placement of temporary and permanent fill in and adjacent to waters of the state; installation and removal of cofferdams; temporary dewatering and diversion of water around active construction areas; operation of heavy construction equipment; pipe installation via horizontal directional drilling beneath or near surface waters; construction and use of access roads and work areas; and use of construction staging and laydown areas. These activities have the potential to result in violations of Central Coast Basin Plan water quality objectives, adversely affect beneficial uses, or otherwise fail to comply with appropriate requirements of state law.

Condition 3 requires the Agency to develop and implement a Water Quality Monitoring Plan to monitor water quality during Project activities. Water quality monitoring, analysis, and reporting requirements are necessary to ensure Project activities are implemented in a manner that is protective of beneficial uses and that complies with water quality objectives. Monitoring of water quality is required to assess water quality impacts associated with Project activities and to inform any corrective or adaptive management actions needed to address Project-related water quality impacts. These monitoring requirements are consistent with the Water Boards' authority to investigate the quality of any waters of the state and require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. Condition 3 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

Existing beneficial uses of Struve Slough, Harkins Slough, and Watsonville Slough that may be impacted by Project activities include water contact recreation; non-contact water recreation; warm freshwater habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; wildlife habitat; water contact recreation; non-contact water recreation; commercial and sport fishing; and estuarine habitat.

5.4 Rationale for Condition 4: Dewatering and Diversion Plan

The Project includes dewatering, temporary diversion, and in-water construction activities that may impact water quality in Harkins Slough, Struve Slough, Watsonville Slough, irrigation ditches, and other waters of the state within the Project area. Project activities that may impact water quality include, but are not limited to: (1) dewatering of construction excavation areas where groundwater or surface water is encountered including pipeline trenches, the Struve Slough intake and pump station, horizontal directional drilling entry and exit pits, the Harkins Slough Facility, and the recharge basin; (2) installation and removal of cofferdams and other temporary water-exclusion or diversion structures, including in Struve Slough; (3) installation, operation, and decommissioning of temporary water bypass systems used to isolate active work areas; (4) in-water work conducted within dewatered or isolated areas, including intake and fish screen installations; (5) discharge of water removed from dewatered areas and from temporary diversions; (6) discharge of water used to clean newly installed pipelines before they are placed in service; and (7) rewatering of dewatered or diverted channel segments following construction. Water quality parameters that may be impacted by such activities include turbidity, dissolved oxygen, pH, temperature, and visual pollutants. These activities may also adversely impact aquatic life-related beneficial uses.

Condition 4 requires the Agency to develop and implement a Dewatering and Diversion Plan that includes procedures for dewatering and diversion of water during the Project, measures that will be implemented to avoid water quality impacts associated with the dewatering and diversion of water, reporting, and adaptive management, as needed. Reporting requirements of Condition 4 are consistent with the Water Boards' authority to investigate the waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267 and 13383. Condition 4 requires the Agency to implement the Deputy Director-approved Dewatering and Diversion Plan to ensure beneficial uses are protected and to comply with the water quality objectives and other appropriate requirements of state law.

Existing beneficial uses of Struve Slough, Harkins Slough, and Watsonville Slough that may be impacted by Project dewatering and diversion activities include: water contact recreation; warm freshwater habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; rare, threatened, or endangered species; wildlife habitat; water contact recreation; non-contact water recreation; commercial and sport fishing; and estuarine habitat.

5.5 Rationale for Condition 5: Hazardous Materials Management

The Project includes the use of heavy equipment that involves refueling and servicing. Fuels and lubricants associated with the use of mechanized equipment have the potential to result in toxic discharges to surface water in violation of water quality standards, including the toxicity and floating material water quality objectives. Secondary containment around hazardous materials storage sites helps ensure that any leaks or spills of hazardous materials do not result in a discharge to waters. Site management, including implementation of measures to prevent, minimize, and/or clean

up spills, also helps ensure any discharges are prevented, minimized, or cleaned up to protect water quality and beneficial uses. Condition 5 is required pursuant to Water Code section 13264, which prohibits any discharge that is not specifically authorized in this certification.

The Central Coast Basin Plan includes narrative water quality objectives for oil, grease, and other similar materials: “Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” (Central Coast Regional Water Board 2024.) Condition 5 requires implementation of hazardous materials management measures to prevent hazardous material spills into waterways, including containment criteria pursuant to California Code of Regulations, title 27, section 20320. Condition 5 also requires the Agency to monitor for and report any discharges that might violate water quality objectives. This is consistent with the Water Boards’ authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

Existing beneficial uses of Struve Slough, Harkins Slough, and Watsonville Slough that may be impacted by Project-related releases of hazardous materials include: water contact recreation; warm freshwater habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; rare, threatened, or endangered species; wildlife habitat; water contact recreation; non-contact water recreation; commercial and sport fishing; and estuarine habitat.

5.6 Rationale for Condition 6: Erosion Management and Sediment Control

Erosion and sedimentation can contribute to degradation of the waters of the state; therefore, it is necessary to implement actions to limit or eliminate such discharges to protect water quality and associated beneficial uses. Project activities that have the potential to cause erosion and increased turbidity to surface waters include but are not limited to fill and excavation work, stockpiling, and other ground disturbing activities.

Condition 6 requires the Agency to comply with the Construction General Permit and implement erosion and sediment control measures to protect water quality associated with Project activities with the potential to cause erosion or sediment discharges.

Existing beneficial uses of Harkins Slough, Struve Slough, and Watsonville Slough that could be impacted by Project-related erosion and sedimentation include: warm freshwater habitat; spawning, reproduction, and/or early development; rare, threatened, or endangered species; wildlife habitat; water contact recreation; non-contact water recreation; commercial and sport fishing; and estuarine habitat.

5.7 Rationale for Condition 7: Reporting

Condition 7 requires the Agency to notify Central Coast Regional Water Board and State Water Board staff prior to implementing Project activities and submit Progress Reports and a Construction Completion Report to inform the Deputy Director of

compliance with the certification conditions, and thereby compliance with water quality objectives and protection of beneficial uses during Project implementation.

Reporting requirements of Condition 7 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. The reporting requirements of Condition 7 are necessary to ensure the Project does not impact water quality and associated beneficial uses including: water contact recreation; non-contact water recreation; wildlife habitat; warm freshwater habitat; spawning, reproduction, and/or early development; preservation of biological habitats of special significance; rare, threatened, or endangered species; estuarine habitat; and commercial and sport fishing.

5.8 Rationale for Conditions 8 through 29

This certification imposes additional conditions regarding Project approvals, monitoring, enforcement, and potential future revisions.

Condition 8 is necessary to comply with Water Code section 13167 and Conditions 9 through 13 contain important clarifications concerning the scope and legal effect of this certification, and other legal requirements that may apply to the Project.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 8 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California Endangered Species Act (ESA) (Fish & G. Code, § 2050 et seq.) and federal ESA (16 U.S.C. § 1531 et seq.), Condition 9 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the [State Water Board] will comply with applicable requirements" of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 10 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply.

Because agency organization and authorities change over time, Condition 11 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 12 explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 13 through 15 are necessary to ensure that any discharge authorized under the certification will comply with water quality requirements. These conditions are included to comply with California Code of Regulations, title 23, section 3860, which sets forth conditions that must be included in all certifications.

Condition 13 is a standard condition that "shall be included as conditions of all certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 14 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (b). This condition clarifies the scope of the certification's application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Condition 15 is a standard condition that "shall be included as conditions of all water quality certification actions" pursuant to California Code of Regulations, title 23, section 3860, subdivision (c). This fee requirement condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards' certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 16 through 28 are necessary to ensure that the Project meets water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that the Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law.

Conditions 16, 17, and 18 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards.

Conditions 19, 20, and 21 require the applicant to comply with the Central Coast Basin Plan and amendments thereto; and ensure that all reasonable measures are taken to protect water quality and beneficial uses in accordance with plans adopted pursuant to state and federal water laws.

Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 22 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 23 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

Condition 24, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific site access authorized under Water Code section 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses.

Condition 25 requires site personnel and agencies to be familiar with the content of the certification and availability of the document at the Project site. This condition is required to assure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 26 requires that the Agency use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 27 ensures the Permittee complies with the Dredge or Fill Procedures and the Project's activities result in no net loss of wetland quantity, quality, or permanence, consistent with Water Code sections 16200-16201.

Condition 28 clarifies that this certification also constitutes a waste discharge requirement for the dredged or fill discharges covered by Order 2003-0017-DWQ. Any operational discharge not expressly authorized remains subject to separate review under Porter-Cologne. Pursuant to Water Code section 13264, subdivision (a), a permittee is prohibited from initiating the discharge of new wastes, or making material changes to the character, volume, and timing of waste discharges authorized herein without filing a report required by Water Code section 13260 or its equivalent for certification actions under California Code of Regulations, title 23, section 3856. (See also State Water Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification).

Water Code sections 13260 and 13264 require proposed discharges of waste to be reported and appropriately authorized unless an applicable exception applies. Condition 28 therefore requires the Agency, before commencing operational discharge to a recharge basin and/or into groundwater, to obtain applicable waste discharge requirements, coverage under a general order, a waiver, or written confirmation from the Central Coast Regional Water Board that no additional authorization is required.

In the event that any provision of this certification is found invalid, Condition 29 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed by this certification, the Project will be protective of state and federal water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that construction of the Watsonville Slough System Managed Aquifer Recharge and Recovery Project (Project) by Pajaro Valley Water Management Agency (Agency or Permittee) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of state law, under the following terms and conditions.

CONDITION 1: Project Activities and Water Rights Compliance

Unless otherwise changed by conditions of this water quality certification (certification) or approved by the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director), the Permittee shall implement the Project as described in its November 20, 2025 certification application (Agency 2025b) and as supplemented via email received on October 9, 2026 (Application).

The Permittee shall not operate the Struve Slough diversion until the State Water Board issues an appropriative water right permit for the new Project diversion. The Permittee shall comply with any appropriative water right permit once issued. If the Permittee would like to proceed with Project construction in advance of issuance of an appropriative water right permit, the Permittee shall request approval from the Deputy Director to initiate Project construction in advance of issuance of the water right permit. In requesting approval to initiate construction, the Permittee shall provide the following for review and consideration of approval by the Deputy Director: a schedule and sequencing of which elements of the Project the Permittee would like to initiate in advance of issuance of the appropriative water right permit; and which Project elements would be completed following issuance of any Deputy Director approval to proceed with construction. The Deputy Director may require changes as part of any approval. The Permittee shall not proceed with construction in advance of issuance of a appropriative water right until Deputy Director approval is granted.

CONDITION 2: Biological Resources, Aquatic Habitat, and Wetland Protections

Unless otherwise approved by the Deputy Director, the Permittee shall implement the aquatic biological resource mitigation measures (MMs) described in the Agency's *Addendum to the Environmental Impact Report* (Addendum) included as part of the Application (Agency 2025b) and as modified by this condition, along with additional measures listed below to ensure protection of beneficial uses.

2(A) Biological Resource and Aquatic Habitat Protections

- **Worker Environmental Awareness Program:** The worker environmental awareness training listed in MM BIO-2d shall also include:
  - Actions that shall be taken, including reporting procedures, if special-status species are encountered.

  - A review of applicable requirements of the Project certification to ensure personnel implement measures to protect environmental resources, water quality, and beneficial uses.
  - Training prior to beginning Project activities and review as appropriate throughout Project implementation. The worker environmental awareness training shall be provided to any new personnel prior to those personnel conducting on-site work.
- **California Red-Legged Frog Protections:** The Permittee shall implement MM BIO-2j and MM BR-1b for California red-legged frog protections, as identified in the Addendum (Agency 2025b). Additionally, the Permittee shall comply with all requirements issued as part of the April 17, 2025 *Biological and Conference Opinion on Pajaro Valley Water Management Agency's Watsonville Slough System Managed Aquifer Recharge and Recovery Project* (Biological Opinion) issued by the United States Fish and Wildlife Service (USFWS) (USFWS 2025) and requirements issued as part of any final Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). To ensure compliance, the more stringent requirements between this certification, the Biological Opinion, and any final Lake and Streambed Alteration Agreement shall apply.
- **Northwestern Pond Turtle Protections:** The Permittee shall implement MM Bio-2k for northwestern pond turtle (WPT) protections identified in the Addendum (Agency 2025b). Additionally, as stated in the USFWS Biological Opinion, if WPT are federally listed prior to Project completion, the Permittee shall comply with all WPT requirements issued as part of the April 17, 2025 Biological Opinion (USFWS 2025) following the federal listing. To ensure compliance, the more stringent requirements between this certification, the Biological Opinion, and any final Lake and Streambed Alteration Agreement shall apply.
- Work crews shall be restricted to designated and clearly defined work areas and access routes. Staging of equipment and material sites shall be restricted to designated areas. Vehicle access across streams and wetlands shall be limited to existing roads and designated crossings.
- Complementary with MM BIO-2j and MM BIO-2k, a qualified biologist[9] shall conduct regular inspections of the Project area to ensure biological resource protection measures are properly implemented. The qualified biologist shall have the authority to stop work in the immediate vicinity if a special-status species may be harmed by Project activities. Upon implementation of the qualified biologist's measures to ensure special-status species protection, work in the immediate vicinity may resume if approved by the qualified biologist.
- The Permittee shall avoid temporary and permanent impacts to waters of the state to the maximum extent possible.
- To the extent possible, laydown and staging areas shall be located in previously developed or disturbed areas.

[9] A qualified biologist is a biologist who is knowledgeable of and experienced with special-status species and their habitats that may be in the Project area.

- The Permittee shall use existing ramps/roads or temporarily established routes to access the Project area. Riparian vegetation shall be avoided to the extent possible. If not possible, complementary to MM BIO-2i, removal of trees or other potential nesting-bird habitat shall occur after August 31 and before February 1 to avoid riparian-nesting-bird breeding.
- Complementary with MM BIO-2c and MM BIO-2g, any new discovery of aquatic invasive species shall be reported to the Deputy Director, CDFW, and the United States Army Corps of Engineers (USACE). The Permittee shall include the source of the infestation, if known, and as applicable, measures for Deputy Director review and consideration of approval to eliminate or prevent the spread of the infestation. The Deputy Director may require changes as part of any approval. The Permittee shall implement the measures upon Deputy Director approval and consistent with any other requirements. Aquatic invasive species observations and Deputy Director approved treatment measures shall be recorded, reported to the qualified biologist, and included in the Construction Completion Report (Condition 7).
- All environmental resource monitoring shall be conducted by a qualified biologist.

2(B) Wetland Protections and Compensatory Mitigation

The Project is anticipated to have 3.088 acres of temporary impacts and 0.191 acres of permanent impacts to wetlands and waters of the state. The Permittee shall notify and receive approval from the Deputy Director for any increase to these estimated temporary and permanent impacts.

Any Project impacts shall be compensated for at a 3:1 ratio consistent with the Permittee's MM BR-1b, MM BIO-1c, and MM BIO-1d and consistent with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Dredge or Fill Procedures) (State Water Board 2019 and 2021), and any amendments thereto, and Water Code sections 16200-16201.

The certification application includes a draft Compensatory Mitigation Plan and notes a final will be developed for agency review and approval. A minimum of 60 days prior to initiation of Project construction, the Permittee shall provide the Deputy Director with a final Compensatory Mitigation Plan that describes: (1) the final amount and location(s) of compensatory mitigation habitat creation; (2) compensation habitat designs consistent with the Permittee's MMs, USFWS Biological Opinion, this certification, the Dredge or Fill Procedures, and any final CDFW Streambed Alteration Agreement; and (3) proposed monitoring, reporting, and adaptive management actions to ensure success of newly established habitat.

The Permittee shall not commence Project construction without receipt of Deputy Director approval of the final Compensatory Mitigation Plan. Any proposed changes to the Deputy Director-approved final Compensatory Mitigation Plan shall be submitted to the Deputy Director prior to implementation for review and consideration of approval. The Permittee shall implement the final Compensatory Mitigation Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 3: Water Quality Monitoring

A minimum of 60 days prior to commencement of Project construction, the Permittee shall develop and submit a Water Quality Monitoring Plan for Deputy Director review and consideration of approval. The Deputy Director may require changes as part of any approval. Unless otherwise approved by the Deputy Director, at a minimum, the Water Quality Monitoring Plan shall include:

- Continuous in situ monitoring for temperature, dissolved oxygen (measured in milligrams per liter), turbidity, and pH, and continuous visual monitoring for visible pollutants (e.g., oils, greases, fuels, and turbidity plumes).
- Monitoring locations (including global positioning system coordinates and photograph for each proposed location), which at a minimum shall include:
    - An upstream or otherwise representative background location(s) that is not affected by Project activities.
    - Location(s) within 300 feet downstream of Project work sites (e.g., cofferdam locations, in-water work locations) and any Project discharges (e.g., discharges associated with dewatering or flow bypasses). A water quality monitoring location may be situated to assess compliance for multiple Project activities and/or discharges.
- Monitoring frequency and duration, which at a minimum shall include:
    - In situ water-quality measurements recorded at 15-minute or more frequent intervals.
    - Visual monitoring conducted continuously during active work.
    - Monitoring during in-water and water adjacent work with the potential to result in discharges to surface waters.
- Quality assurance/quality control protocols.
- Applicable Central Coast Basin Plan water quality objectives including the following:
    - Turbidity: Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increase in turbidity attributable to controllable water quality factors shall not exceed the following limits:
        - Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTUs), increases shall not exceed 20 percent.
        - Where natural turbidity is between 50 and 100 NTU, increases shall not exceed 10 NTU.
        - Where natural turbidity is greater than 100 NTU, increases shall not exceed 10 percent.
    - Zone of dilution: Consistent with the Central Coast Basin Plan the Permittee may request Deputy Director approval of a zone of dilution for turbidity. This review will consider if the Permittee has implemented all feasible actions to control Project-related turbidity. The Deputy Director may require changes as part of any approval.
    - pH: The Permittee shall not depress pH below 7.0 nor raise it above 8.3. Changes in normal ambient pH shall not exceed 0.5.
    - Dissolved Oxygen: The Permittee shall not allow dissolved oxygen to fall below 7.0 milligrams per liter.

    - Temperature: The Permittee shall not allow temperature to rise more than 5° Fahrenheit above natural receiving water temperature.
    - Oil and Grease: Waters shall not contain oils, greases, waxes, or other similar materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.
- Reporting that summarizes monitoring results, highlights any observed Project-related impacts to water quality (including unforeseen exceedances of Central Coast Basin Plan water quality objectives), and reports on any adaptive management actions taken. Reporting for water quality shall occur as part of the Progress Report required by Condition 7(B).

The Permittee may propose alterations to the Water Quality Monitoring Plan (e.g., change in frequency of monitoring or location). The Permittee shall provide justification for any proposed modifications to the Water Quality Monitoring Plan. The Permittee shall not implement the changes unless approved by the Deputy Director. The Deputy Director may require changes as part of any approval.

If the Project results in an exceedance of any water quality objective described in the Central Coast Basin Plan, the Permittee shall notify the Deputy Director and the Central Coast Regional Water Board Executive Officer (Executive Officer) promptly, and in no case more than 24 hours following the exceedance. The notification shall include the cause of the exceedance, measures taken to correct the exceedance (if appropriate), and measures the Permittee will implement to prevent a future exceedance (if appropriate). Regardless of when such notification occurs, activities associated with the exceedance shall cease immediately upon detection. Work activities may only resume after corrective actions are implemented (if appropriate), water quality meets the applicable Central Coast Basin Plan water quality objective(s), and the Deputy Director provides approval to proceed. The Deputy Director may require additional actions to help prevent similar exceedances in the future.

The Permittee shall not begin Project construction prior to Deputy Director approval of the Water Quality Monitoring Plan. The Permittee shall implement the Water Quality Monitoring Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein. Upon Deputy Director approval the Permittee shall submit the Water Quality Monitoring Plan and any updates thereto to the USACE.

CONDITION 4: Dewatering and Diversion Plan

A minimum of 60 days prior to Project construction, the Permittee shall submit a Dewatering and Diversion Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. Unless otherwise approved by the Deputy Director, at a minimum, the Dewatering and Diversion Plan shall include:

- All applicable measures in MM Hydrology (HYD)-1.

- A description of all Project dewatering, diversion, and rewatering activities, including activities associated with the Struve Slough intake and pump station; pipeline crossings of Watsonville Slough and irrigation ditches; conveyance-pipeline installation where surface water or groundwater may be encountered; demolition and construction at the Harkins Slough Facility; recharge-basin construction; and cofferdam installation and removal. For each activity, the description shall identify, as applicable, the location, anticipated timing and duration; and length and location of each stream or watercourse segment proposed for dewatering.
- A description of the equipment, methods, and procedures that will be used for dewatering, diversion, and rewatering, including the installation, operation, inspection, maintenance, corrective or follow-up actions, and removal.
- A schedule of all in-water, water-adjacent, dewatering, diversion and cofferdam installation and removal, and rewatering activities associated with Project implementation.
- Site plan map(s) and/or drawings/photos showing areas that may be dewatered and discharge locations, as well as identification of any areas where Project works will be conducted in-water.
- A list of construction materials proposed for use within or adjacent to surface waters, including materials used to construct temporary diversions, cofferdams, and discharge structures.
- Description of measures, if needed, that will be implemented to avoid potential water quality and aquatic resource impacts, including any energy-dissipating features at diversion outlets to prevent erosion. Measures may reference biological resources protections and erosion and sediment control measures required by this certification and required by the Agency's *Watsonville Slough System Managed Aquifer Recharge and Recovery Project Addendum to the Draft Environmental Impact Report* (Addendum) (Agency 2025a).
- Description of measures, including fish rescue and relocation where necessary, that will be implemented to avoid potential fish stranding and entrainment from dewatering, diversion, and rewatering activities. The more stringent requirement between this certification, the Biological Opinion, and any final Lake and Streambed Alteration Agreement shall apply. The Dewatering and Diversion Plan shall identify actions that will be implemented if biological monitoring required under Condition 2, or observations made during dewatering, diversion, or rewatering activities, identify fish stranding, entrainment, injury, or other adverse effects. Such actions shall include, as applicable, work stoppage, agency notification, rescue or relocation by appropriately authorized personnel, corrective actions, and measures to prevent recurrence.
- If treatment of water removed from dewatered areas is proposed and/or required because of sediment, salinity, or other constituents, the plan shall include:
    - A narrative description of the proposed treatment system, including the technology or measures that will be implemented to ensure the discharge complies with Central Coast Basin Plan water quality objectives.
    - The estimated influent and discharge rates and volumes.

- Monitoring specific to the treatment facility that will be performed to ensure the protection of water quality and beneficial uses, including the location, frequency, and sampling methods associated with the treatment.

Unless otherwise approved by the Deputy Director, consistent with HYD-1, before obstructing or isolating any portion of Harkins Slough, Struve Slough, Watsonville Slough, or another watercourse, the Permittee shall ensure the natural upstream and downstream flow is maintained around the active work area; this flow shall be maintained throughout the Project. During dewatering, the Permittee shall maintain downstream flow and operate the diversion or bypass system in a manner that prevents flooding, sedimentation, siltation, erosion, and turbidity increases that adversely affect beneficial uses.

The Permittee shall not commence Project dewatering or diversion without receipt of Deputy Director approval of the Dewatering and Diversion Plan. Upon Deputy Director approval the Permittee shall submit the Dewatering and Diversion Plan and any updates thereto to the USACE. Any changes to the Dewatering and Diversion Plan shall be approved by the Deputy Director prior to implementation. The Permittee shall implement the Dewatering and Diversion Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 5: Hazardous Materials Management

Unless otherwise approved by the Deputy Director, and in addition to MM HM-1, the Permittee shall implement the hazardous materials management best management practices (BMPs) in this condition. These measures shall be implemented prior to the commencement of, during, and after any Project activity that involves the storage, use, or management of hazardous materials.

5(A) Training

- Project-related personnel, including contractors and subcontractors, shall be trained in proper hazardous material management and spill response. The training shall include discussion of appropriate work practices necessary to comply with hazardous material management requirements of this certification and applicable environmental laws and regulations.

5(B) Vehicles and Equipment

- Complementary to MM BIO-1b, all power equipment and vehicles shall be free of petroleum residue, kept in good working order, and inspected each day for leaks prior to use. Leaks shall be repaired immediately in an area at least 50 feet away from any waters of the state.
- Complementary to MM BIO-2b, equipment shall be staged overnight in areas with secondary containment or with other suitable barriers to prevent accidental leakage of fuel, oil, or other liquid hazardous materials from soaking into the soil or being discharged to surface waters.
- Commercial washing facilities that have proper wastewater treatment systems shall be used whenever possible. All equipment shall be thoroughly cleaned of

dirt, grease, etc., prior to entering the Project area and shall be inspected to ensure that it is in proper functioning condition.
- Complementary to MM BIO-2b, vehicle refueling shall occur in an area with secondary containment measures to prevent discharges. Drip pans and/or absorbent pads shall be used during equipment fueling. Vehicle refueling shall be performed by trained personnel.

5(C) Use, Storage and Disposal of Hazardous Materials

- All waste storage shall be located in areas that prevent potential discharges to waters of the state.
- Vegetation waste shall not be stored or disposed of in waters of the state, including any dewatered work areas.
- Any material with asbestos, lead, polychlorinated biphenyls, or other hazardous waste shall be handled and disposed of as hazardous waste at approved hazardous waste facilities in accordance with applicable waste management regulations.
- All hazardous materials, including petroleum-based materials, shall be contained in appropriate spill-proof containers and/or have secondary containment and be stored in designated areas at least 65 feet away from any waters of the state and riparian habitat, and shall not be stored in or near a floodplain or wetland.
- Bulk fuel storage tanks shall be double-walled or placed in secondary containment areas. Temporary fuel tanks shall have adequate local containment consisting of berms and plastic sheeting to protect against accidental spills or leaks.
- Hazardous materials and waste generated onsite, such as grease cartridges and oil-soaked absorbent materials, shall be placed in proper containers, labeled appropriately, and transported from the job site to an authorized hazardous waste consolidation site or appropriate landfill for proper disposal in accordance with applicable laws and regulations.
- The Permittee shall use suitable measures around vehicle service, storage, and refueling areas, chemical storage and use areas, and waste dumps to avoid, minimize, and fully contain any spills, soil contamination, and seepage to groundwater.
- All storage areas shall include secondary containment. All containment structures shall comply with California Code of Regulations, title 27, section 20320. Secondary containment shall be specifically designed for hazardous material storage and sized to contain the largest volume of hazardous materials that could be spilled. Secondary containment shall be positioned to catch any hazardous material spills due to overfilling or any other spills that may occur.
- If contaminated soil or groundwater is encountered during Project construction and contamination has entered or may enter waters of the state, the Permittee shall immediately stop activities that could mobilize or discharge the contamination and notify the Deputy Director within 24 hours. The notification shall describe the: (1) location, type, and approximate amount of contamination; (2) potential Project action that may increase soil and/or water contamination; (3) any actions taken and any proposed actions to reduce and/or eliminate additional

soil and/or water contamination; and (4) monitoring that has been performed or is proposed.

- Solvents, adhesives, fuels, gasoline, and other hazardous materials shall not be rinsed or washed into Harkins Slough, Struve Slough, Watsonville Slough, irrigation ditches, wetlands, aquatic or riparian habitats, or any other waters of the state.

5(D) Hazardous Materials Release

- If Project-related hazardous materials are released with the potential to impact surface waters, the Permittee shall immediately cease any activities associated with the Project that resulted in the release and implement measures to limit and clean up the release. The Permittee shall notify the Deputy Director and the Executive Officer promptly, and in no case more than 24 hours, following the release. The notice shall include the type and quantity of material released, cause of the release, corrective measures taken, and measures the Permittee will implement to prevent future releases. The Deputy Director may require additional actions to help prevent similar releases in the future or to address impacts associated with the reported release. Work activities may only resume after corrective actions have been implemented, if applicable, and the Deputy Director has provided approval to proceed.
    - Any spills shall be cleaned up immediately using absorbent material or, if necessary, by constructing berms, and shall not be buried or washed with water. Contaminated soil and all affected media shall be excavated, contained, and disposed of offsite in accordance with applicable laws and regulations.
- Spill response kits shall be maintained at all active work areas. The Permittee shall ensure that hazardous spill kits are adequately stocked with necessary supplies and are maintained in accessible locations. Spill kits shall be required in all Permittee and contractor vehicles on site and at locations where hazardous materials are stored. These kits shall be clearly marked and include oil-absorbent material and tarps to contain and control any minor releases.

CONDITION 6: Erosion Management and Sediment Control

6(A) Construction General Permit

The Permittee shall enroll and comply with the *National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit)[10] (State Water Board Order 2022-0057-DWQ) and amendments thereto. To the extent of any

[10] State Water Board Order No. 2022-0057-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, Order No. 2022-0057-DWQ, and any amendments thereto. Available at: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction/general_permit_reissuance.html. Accessed on October 15, 2026

conflict between the conditions of this certification and applicable conditions in the Construction General Permit, the more stringent shall apply.

6(B) Erosion and Sediment Control

Unless otherwise approved by the Deputy Director, and in addition to MM HWQ-1, MM BIO-1b, and MM GS-2, the Permittee shall implement the erosion and sediment control BMPs identified in this condition. The following measures shall be implemented prior to, during, and after any ground-disturbing activities:

- Ground disturbance and vegetation removal shall not exceed the minimum amount necessary to complete the Project.
- Surface waters, and any other aquatic habitats, wetlands, or riparian habitat shall be protected with silt fences, fiber rolls, erosion control blankets, and other BMPs, as necessary. Certified weed-free hay, mulch, straw, or rice straw shall be used for erosion control, as necessary.
- Erosion control materials shall be installed per manufacture specifications and shall not contain monofilament netting. Changes, repairs, and improvements shall be made as necessary to prevent discharges of waste to waters of the state.
- Stockpiles shall be located outside of waters of the state and riparian habitat. Dredged or excavated material shall be stored at least 65 feet from any waters of the state and in a manner that does not result in runoff discharges to waters of the state. Additionally, fill shall be properly compacted to avoid and/or minimize erosion.
- Spoil piles, soil stockpiles, and excavated materials shall be placed on stabilized surfaces, covered or otherwise protected when not actively being used, and surrounded by appropriate perimeter controls where necessary.
- Off-road equipment shall be cleaned to ensure that it is free of soil and plant parts prior to entering the Project area. When accessing work sites, travel and parking of vehicles shall be limited to pavement, existing roads, previously disturbed areas (except where overland travel is required), or areas designated for vehicle travel and/or parking (such as temporary access roads).
- To the extent feasible, disturbed areas shall be returned to pre-existing contours and conditions upon completion of Project construction. The Permittee shall stabilize disturbed areas whenever earth disturbing activities have permanently ceased, or temporarily ceased and will not resume for a period exceeding 14 calendar days. Following completion of Project construction, all construction materials, spoils, or other debris shall be properly disposed of or removed and stored in a manner that will not impact waters of the state.
- Prior to the start of Project activities, environmentally sensitive areas including any waters of the state to be avoided during Project implementation, must be clearly identified in the field for exclusion from disturbance. Such identification must be properly maintained until construction is completed and the soils have been stabilized.
- The Permittee shall conduct a final inspection to ensure that cleanup and stabilization activities are satisfactorily completed following Project completion.

The Permittee shall include the final inspection findings in the Construction Completion Report (Condition 7(C)).

- The Permittee shall consider the reasonably foreseeable potential for significant precipitation during Project construction. Additionally, Project activities with the potential to result in discharges shall cease if there is a forecasted 25 percent chance of 0.1 inch or more of rain within 24 hours. This includes work in and around Harkins Slough and Struve Slough as well as the use of heavy equipment.
- The Permittee shall implement suitable drainage measures, including necessary erosion and sedimentation control measures, during any earthwork to ensure any discharge to surface waters does not exceed the Central Coast Basin Plan water quality objectives.
- Barriers shall be installed, as applicable, at all laydown sites to ensure construction equipment, workers, and runoff do not enter surface waters.
- The Permittee shall prepare any work areas that will remain inactive or incomplete during the wet season for overwintering to prevent erosion and other discharges to surface waters during the wet season. At a minimum, the Permittee shall:
    - Remove all construction equipment and hazardous materials when not in use for the season.
    - Protect stockpiles and disposal areas that will remain onsite with appropriate BMPs to prevent erosion.
    - Monitor work areas to ensure overwintering BMPs are effective.

6(C) Horizontal Directional Drilling.

A minimum of 60 days prior to any horizontal directional drilling activities and consistent with MM BR-1a, the Permittee shall submit a Frac-out Contingency Plan to the Deputy Director for review and consideration of approval. The Deputy Director may require changes as part of any approval. The Permittee shall not commence horizontal directional drilling activities until the Deputy Director has approved the Frac-out Contingency Plan.

Upon Deputy Director approval the Permittee shall submit the Frac-out Contingency Plan and any updates thereto to the USACE. Any changes to the Frac-out Contingency Plan shall be approved by the Deputy Director prior to implementation. The Permittee shall implement the Frac-out Contingency Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.

CONDITION 7: Reporting

7(A) Initial Report and Updates to Project Schedule

At least five business days prior to starting Project activities, the Permittee shall notify Central Coast Regional Water Board and State Water Board staff that Project activities are anticipated to begin and provide a schedule for the Project. Throughout Project implementation the Permittee shall provide staff with updates on any major changes to

the Project schedule within five business days of when the Agency becomes aware of the schedule change.

7(B) Progress Reports

Following initiation of and throughout Project construction, by February 28/29 of each year, the Permittee shall submit annual Progress Reports to Deputy Director and the Project Manager. The Progress Report shall include:

- A summary of activities performed in the prior calendar year.
- Documentation of compliance with each condition of this certification and details of any failure to meet the certification requirements. This includes monitoring data associated with other conditions of this certification if not submitted separately.
- Summary of site preparation and overwintering activities implemented in the prior calendar year.
- Details of Project-related adverse impacts to beneficial uses, if applicable.

Based on information submitted in the annual Progress Reports, the Deputy Director may request additional information or require the Permittee to perform additional monitoring and/or reporting, and implement additional actions or measures to protect water quality and beneficial uses. Upon request from the Deputy Director or State Water Board staff, the Permittee shall provide additional information or meet with staff to discuss a Progress Report.

7(C) Construction Completion Report

Within 60 days following completion of Project construction, the Permittee shall provide the Deputy Director with a Construction Completion Report that may refer to previous Progress Reports. The Construction Completion Report shall comprehensively summarize:

- Project activities performed.
- Compliance with each condition of this certification and details of any failure to meet certification requirements.
- Inspection information with details to ensure the Project area is cleaned up and restoration is ongoing consistent with the Permittee's Deputy Director approved final Compensatory Mitigation Plan.
- Documentation of Harkins Slough and Struve Slough conditions to ensure the Project area is not contributing to excess erosion.
- Details of any environmental protection measure inadequacies found during Project construction.
- Details of Project-related adverse impacts to beneficial uses, if applicable.

Upon request from the Deputy Director or State Water Board staff, the Permittee shall provide additional information or meet with staff to discuss the Construction Completion Report.

The Deputy Director may require the Permittee to implement corrective actions in response to the information provided in the Construction Completion Report, new information in the record, or as part of approval of additional measures to protect water quality.

CONDITIONS 8 – 29

CONDITION 8. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with Water Code section 13167.

CONDITION 9. This certification does not authorize any act which results in the take 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 (ESA) (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a "take" will result from any act authorized under this certification or water rights held by the Permittee, the Permittee 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 Permittee is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

CONDITION 10. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Permittee is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 11. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency will apply equally to the successor agency.

CONDITION 12. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 13. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 14. This certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application for certification

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

CONDITION 15. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 16. Notwithstanding any specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require changes of a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Permittee fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director approval, the Permittee shall submit a written request for the extension, with justification, to the designated approver no later than 15 days prior to the deadline. The Permittee shall not implement any plan, proposal, or report until after receiving State Water Board approval and any other necessary regulatory approvals.

CONDITION 17. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Permittee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Permittee will implement to address the violation. The Permittee shall implement the plan upon approval from the Deputy Director, and the Deputy Director may require changes as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other appropriate requirements of state law.

CONDITION 18. The Permittee shall submit any changes to the Project, including facilities, technology changes or upgrades, or methodology, which could have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval, unless otherwise specified. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification. If such a change would also require submission to USACE, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

CONDITION 19. This certification is contingent on compliance with all applicable requirements of the Central Coast Regional Water Quality Control Board's Water Quality Control Plan for the Central Coast (Central Coast Regional Water Quality Control Board 2024) and any amendments thereto and other appropriate requirements of state law.

CONDITION 20. Reports and plans submitted by the Permittee for approval under this certification shall consider the effects of the Project in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Project to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Permittee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with other applicable requirements of state law. The Permittee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

CONDITION 21. Unless otherwise specified by conditions in this certification, the Project shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Permittee shall take all reasonable measures to protect the beneficial uses of waters of the state, including Harkins Slough, Struve Slough, and Watsonville Slough.

CONDITION 22. In response to a suspected violation of any condition of this certification, the State Water Board or Central Coast Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided 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. (Wat. Code, §§ 1051, 13165, 13267, & 13383.)

CONDITION 23. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or change the conditions of this certification.

CONDITION 24. Upon request, a Project schedule shall be provided to the Deputy Director. The Permittee shall provide State Water Board and Central Coast Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 25. A copy of this certification shall be provided to all contractors and subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Permittee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.

CONDITION 26. The Permittee shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Lab Accreditation Program-certified laboratories.

CONDITION 27. The Permittee shall ensure no net loss of wetland or riparian habitat functions and is responsible for compliance with the Dredge or Fill Procedures (State Water Board 2019 and 2021) and any amendments thereto, and Water Code sections 16200-16201.

CONDITION 28. This certification serves as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) as authorized by State Water Board Water Quality Order No. 2003-0017-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification.

This certification and the waste discharge requirements provided pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ do not authorize the operational discharge of water diverted from Harkins Slough or Struve Slough to groundwater. Before commencing any Project operation or testing that would discharge water, the Permittee shall obtain all applicable state and federal authorizations.

CONDITION 29. Certification that the Project will be protective of water quality and beneficial uses in compliance with state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification, however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.



November 19, 2026

Eric Oppenheimer
Executive Director

Date

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WATSONVILLE SLOUGH SYSTEM MANAGED AQUIFER RECHARGE AND RECOVERY PROJECT
WATER QUALITY CERTIFICATION

ATTACHMENT A:
PROJECT OVERVIEW MAPS

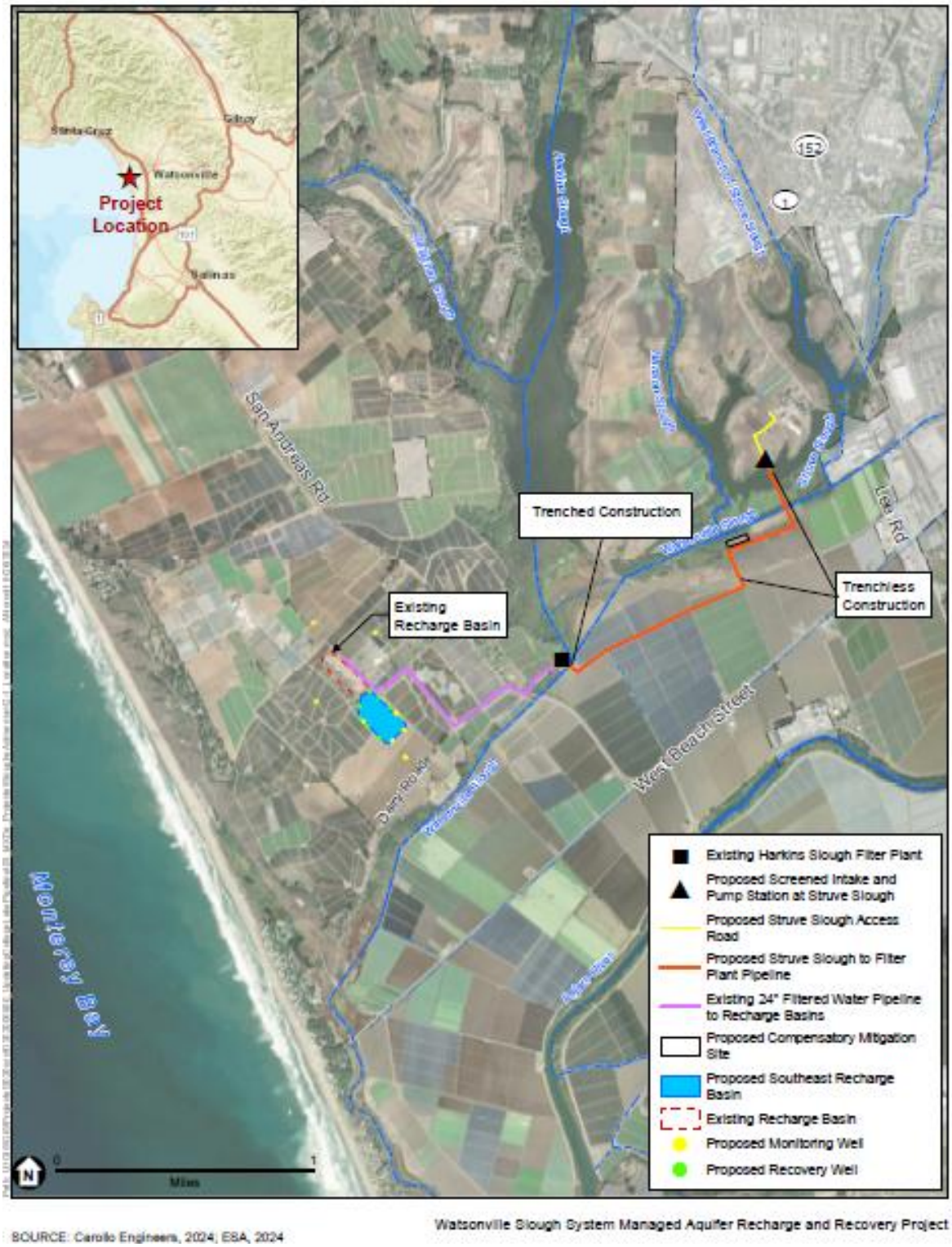


Figure 1. Watsonville Slough System Managed Aquifer Recharge and Recovery Project Area Map (Agency 2025a)

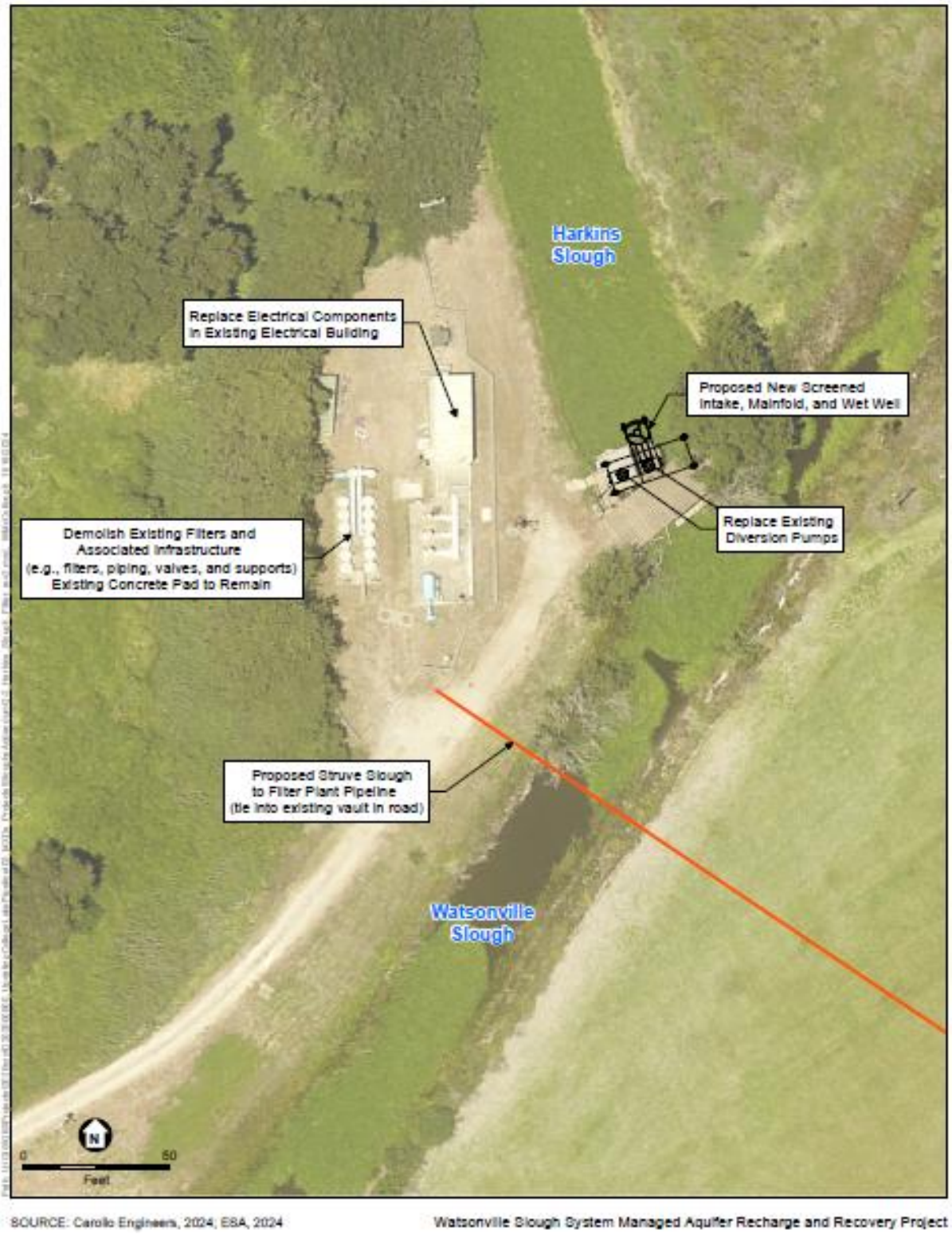


Figure 2. Harkins Slough Filter Plant Overview (Agency 2025a)

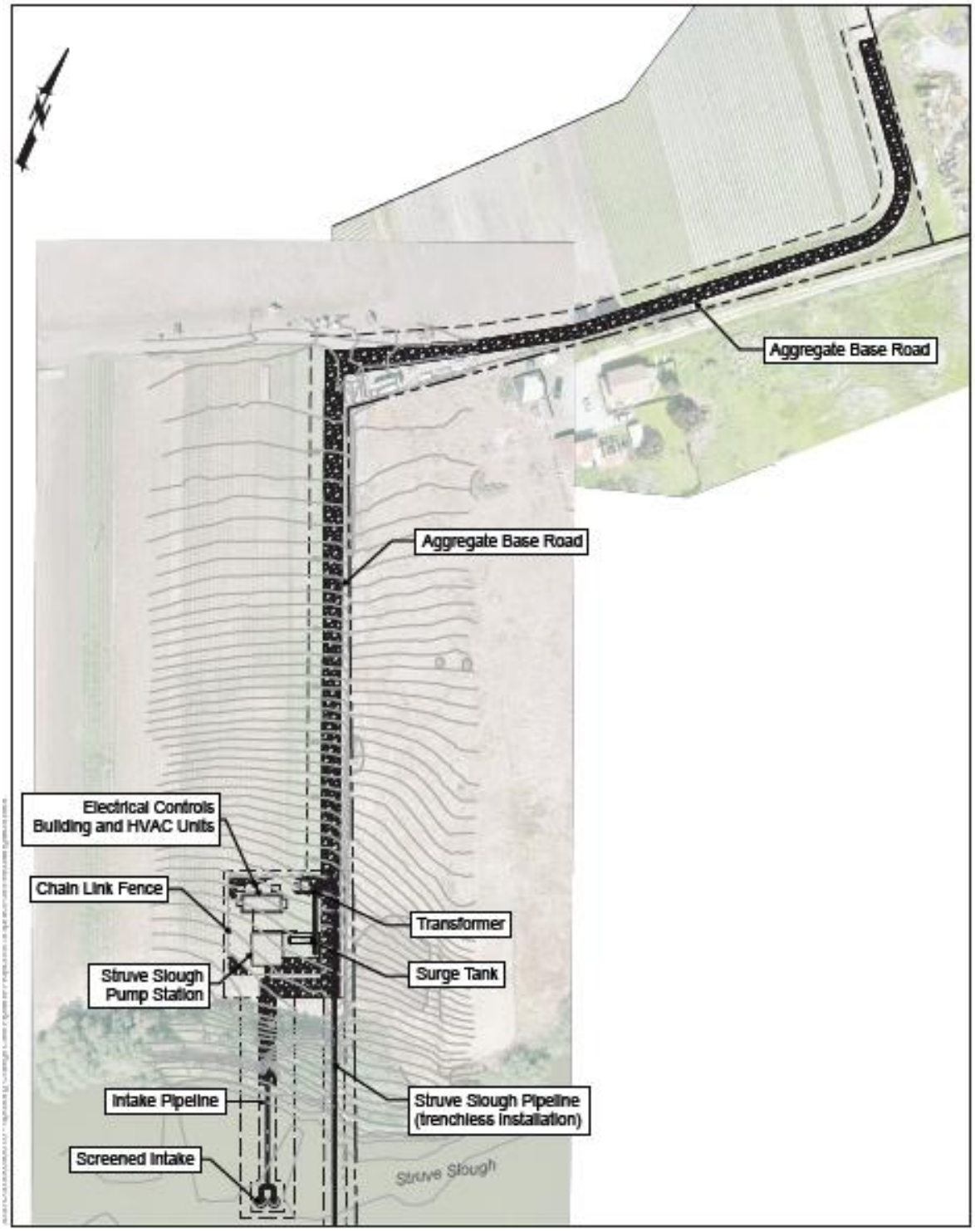


Figure 3. Struve Slough Intake and Pump Station Overview (Agency 2025a)

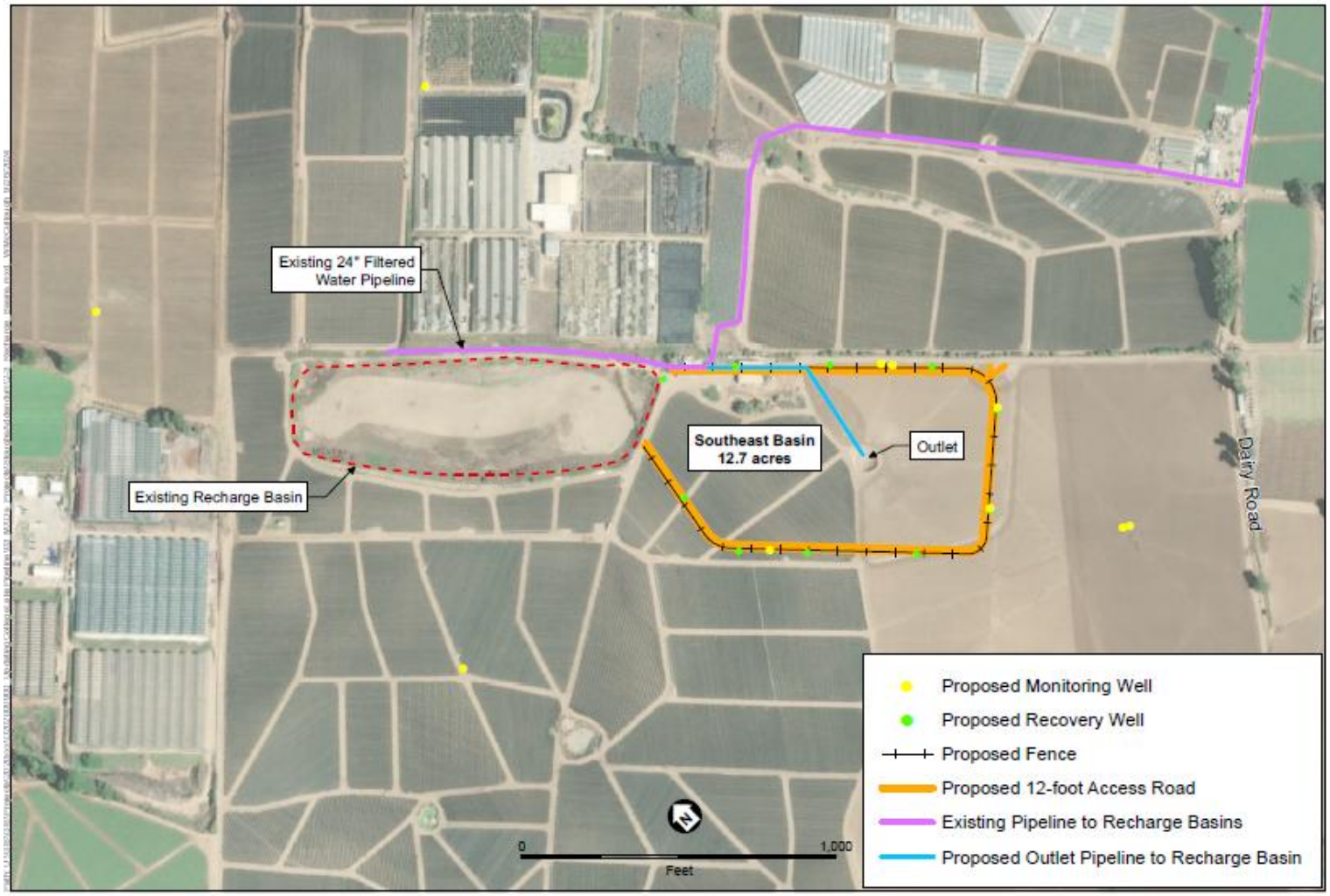


Figure 4. Southeast Recharge Basin and Associated Infrastructure (Agency 2025a)

WATSONVILLE SLOUGH SYSTEM MANAGED AQUIFER RECHARGE AND RECOVERY PROJECT
WATER QUALITY CERTIFICATION

ATTACHMENT B:
CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND MITIGATION MONITORING AND REPORTING PLAN

Introduction

Pajaro Valley Water Management Agency (Agency) is the lead agency for the purposes of California Environmental Quality Act (CEQA) compliance for the Watsonville Slough System Managed Aquifer Recharge and Recovery Project (Project). The State Water Resources Control Board (State Water Board) is a responsible agency under CEQA for the Project and is the state agency responsible for protecting the State's water quality, including through issuance of water quality certifications (certification) under section 401 of the Clean Water Act. (Wat. Code, §§ 174, 13160.)

On April 16, 2014, the Agency certified the Final Environmental Impact Report for the Basin Management Plan Update (Programmatic EIR). On January 20, 2021, the Agency certified the Watsonville Slough System Managed Aquifer Recharge and Recovery Projects Supplemental Environmental Impact Report (Supplemental EIR). On November 19, 2014 and January 21, 2021, the Agency filed a Notice of Determination for the Programmatic EIR and Supplemental EIR with the State Clearinghouse, respectively. On April 1, 2025, the Agency adopted an Addendum to the Supplemental EIR (Addendum),[11] including a Mitigation Monitoring and Reporting Program (MMRP), that analyzed the environmental impact of the Project. The Agency filed a Notice of Determination for the Addendum on April 1, 2025. The Addendum and Notice of Determination state that the Project will have a significant impact on land use and agricultural resources through the unavoidable conversion of approximately 18.1 acres of land designated as Important Farmland, but no other significant and unavoidable impacts.

CEQA includes a declaration that public agencies should not approve projects that will result in significant environmental effects if there are feasible means of mitigating such effects or feasible project alternatives that would substantially lessen the significance of such effects. (Pub. Resources Code, § 21002; see also Cal. Code Regs., tit. 14, § 15096, subd. (g)(2).) CEQA prohibits public agencies from approving a project for which an EIR has been certified which identifies one or more significant effects, unless the agency makes one or more of the findings set forth in Public Resources Code section 21081, subdivision (a):

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
>
> (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
>
> (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly

[11] State Clearinghouse Number 2019059130.

trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(See also Cal. Code Regs., tit. 14, § 15091, subd. (a).)

Under Public Resources Code section 21002.1, subdivision (d), when issuing an approval for an aspect of a project for which a lead agency has performed CEQA review, a responsible agency considers only the aspects of the project that the agency is required by law to carry out or approve.

Mitigation Measures

CEQA requires public agencies to prepare a program for monitoring or reporting on the revisions which it requires in the project and the measures it has imposed to mitigate or avoid significant environmental effects. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15097, subd. (a).)

Condition 1 of this certification requires the Agency to implement the Project as described in its certification application, including all mitigation measures in the State Water Board's purview and adopted by the Agency in the Addendum's MMRP. Additionally, Condition 7 requires the Agency to report on compliance with each condition of this certification, including implementation of those measures. Conditions 2 through 6 impose additional water quality protection, monitoring, and plan submittal requirements that operate in addition to the adopted mitigation measures. The findings below address those mitigation measures that this certification modifies and identify the certification conditions that do so, as reflected in Table B of this certification.

State Water Board therefore provides the following CEQA findings and MMRP that concern potentially significant impacts to water quality and associated resources and related habitats identified by the Agency in its Programmatic EIR, Supplemental EIR and Addendum and within the purview of this certification.

Mitigation Measure Surface Water, Groundwater, and Water Quality (HWQ)-1: Stormwater

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to water quality and special status species and habitat including: (1) construction earthmoving and equipment staging which could result in erosion or disturb soils, as well as potentially release fuels and other chemicals; (2) dewatering groundwater from excavations and surface water from work sites within creek channels which could release sediment or other water pollutants; and (3) construction activities could result in increased sedimentation.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measure summarized below has been adopted and will be implemented by the Agency to prevent or mitigate impacts from Project activities with the potential to violate water quality standards:

Mitigation Measure HWQ-1: Stormwater requires contractors apply for and obtain coverage under the Construction General Permit, including development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would include the implementation of construction best management practices throughout all phases of work including the following:

- Erosion and sedimentation control practices, including soils stabilization, revegetation, and runoff control to limit increases in sediment in stormwater runoff, such as detention basins, straw bales, silt fences, check dams, geofabrics, drainage swales, and sandbag dikes.
- Provisions to eliminate or reduce discharge of materials to stormwater.

Implementation of mitigation measure HWQ-1, together with compliance with Condition 1 and 7 in this water quality certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance – requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026, unless otherwise approved by the State Water Board Deputy Director of the Division of Water Rights (Deputy Director). Condition 1 requires implementation of mitigation measure HWQ-1. Compliance with Condition 7 will further reduce or avoid these potential Project-related impacts.

Condition 7 – Reporting – among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure HWQ-1).

Implementation of mitigation measure HWQ-1, together with compliance with Conditions 1 and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Hydrology (HYD)-1: Implement Dewatering Best Management Practices for In-Water Construction

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes multiple construction activities

that may result in impacts to water quality and special status species and habitat including: (1) dewatering groundwater from excavations and surface water from work sites within creek channels which could release sediment or other water pollutants; and (2) construction activities could result in increased sedimentation while water is present in Struve Slough or Harkins Slough.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measure summarized below has been adopted and will be implemented by Agency to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure HYD-1: Implement Dewatering Best Management Practices for In-Water Construction requires contractors to prepare a Dewatering Plan that would identify and require the implementation of construction best management practices to ensure construction activities at Harkins Slough, Watsonville Slough, and Struve Slough meet water quality objectives. Additionally, HYD-1 requires the implementation of further construction best management practices including the following:

- All dewatering and diversion methods shall be installed such that natural flow is maintained upstream and downstream of the Project area.
- Water released into the sloughs shall not increase turbidity in the sloughs such that beneficial uses are adversely affected.
- Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area.
- Screened pumps shall be used in accordance with the California Department of Fish and Wildlife's fish screening criteria and in accordance with the NMFS Fish Screening Criteria for Anadromous Salmonids and the Addendum for Juvenile Fish Screen Criteria for Pump Intakes.
- Any cofferdams shall remain in place and functional throughout in-slough construction.
- Disturbance of protected riparian vegetation shall be limited or avoided entirely if possible.

Implementation of mitigation measure HYD-1, together with compliance with certification Conditions 1, 4, and 7 in this water quality certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance – requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026, unless otherwise approved by Deputy Director. Condition 1 requires implementation of mitigation measure HYD-1. Compliance with Conditions 4 and 7 will further reduce or avoid these potential Project-related impacts.

Condition 4 – Dewatering and Diversion Plan – requires the Agency to submit a Dewatering and Diversion Plan incorporating all applicable measures listed in HYD-1 to the Deputy Director for review and consideration of approval a minimum of 60 days prior to Project construction. Condition 4 also specifies the minimum contents of the Dewatering and Diversion Plan, including a description of all dewatering, diversion, and rewatering activities; the equipment, methods, and procedures to be used; a schedule of in-water, water-adjacent, cofferdam, and rewatering activities; site plan maps and drawings identifying dewatered areas and discharge locations; a list of construction materials proposed for use within or adjacent to surface waters; measures to avoid potential water quality and aquatic resource impacts, including energy-dissipating features at diversion outlets; management and treatment of seepage water, groundwater, or other water encountered in dewatered areas; measures to avoid fish stranding and entrainment; and actions to ensure that discharges associated with water diversion do not exceed Central Coast Basin Plan water quality objectives. The Agency may not commence dewatering or diversion activities without Deputy Director approval of the Dewatering and Diversion Plan.

Condition 7 – Reporting – among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure HYD-1).

Implementation of mitigation measure HYD-1, together with compliance with Conditions 1, 4, and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Biological Resources (BIO)-1a-e-: As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to water quality and special status species and habitat including: (1) construction earthmoving and equipment staging which could directly impact special status species; (2) dewatering groundwater from excavations and surface water from work sites within creek channels which could release sediment or other water pollutants and impact special status species habitat; and (3) construction activities could result in direct removal of riparian habitat.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measures summarized below have been adopted and will be implemented by the Agency to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure BIO-1a: Wetland Avoidance requires that wetland and riparian habitat shall be avoided by project construction activities and facilities to the extent

practicable. When complete avoidance of wetlands, riparian areas, and buffer or setback areas is infeasible, BIO-1a requires the implementation of the water quality and biological resource protection measures in Mitigation Measures BIO-1b, BIO-1c, BIO-1d, and BIO-1e.

Mitigation Measure BIO-1b: Water Quality and Erosion Control requires the implementation of water quality and erosion control best management practices including the following:

- Trenching across all waterways shall be restricted to low-flow periods.
- Water shall be excluded from around the section of trench that is within the actively flowing channels with diversions constructed of water pillows, rock, sandbags, or other structural methods deemed most effective by the contractor.
- Sediment curtains or silt fence/filter fabric barriers shall be placed downstream of the construction zone to prevent sediment disturbed during trenching activities from being transported and deposited downstream.
- Spoil sites shall be located so they do not drain directly into the waterways and graded to reduce the potential for erosion. If a spoil site drains into a channel, catch basins shall be constructed to intercept sediment before it reaches the channels.
- A spill prevention plan for potentially hazardous materials shall be implemented, including measures for the proper handling and storage of all potentially hazardous materials and cleaning up and reporting any spills. If necessary, containment berms shall be constructed to prevent spilled materials from reaching the creek channels.
- Equipment and materials shall be stored within the pipeline right-of-way and outside existing levees or at least 50 feet from waterways. No equipment or materials shall be deposited within 100 feet of wetlands.
- Vehicles and equipment shall receive proper and timely maintenance to reduce the potential for mechanical breakdowns leading to spills. Maintenance and fueling shall be conducted away from waterways.
- Temporary construction fencing shall be installed prior to construction at the perimeter of all construction areas to prevent inadvertent equipment access or construction staging within adjacent riparian forest or coastal marsh habitats. Construction activities shall be monitored to verify compliance with the perimeter fencing and limits of construction access and staging.
- Limbing of riparian forest trees shall be restricted. If trees are limbed for construction access, the impact shall be documented for compensation as per BIO-1c.

Mitigation Measure BIO-1c: Willow Riparian Forest Revegetation requires implementation of compensatory mitigation measures for temporary and permanent impacts to willow riparian forests as a result of Project construction and operation with additional biological resources best management practices, including:

- Where construction impacts on willow riparian forests occur, revegetation and restoration measures shall be prepared as part of a revegetation plan approved by California Department of Fish and Wildlife (CDFW), Central Coast Regional Water Quality Control Board (Central Coast Regional Board), United States Army Corps of Engineers (USACE), and/or California Coastal Commission, pursuant to regulatory agency permitting. The revegetation plan shall include specific plans for the revegetation and restoration of impacted willow riparian forest to restore nearby riparian habitat, including the use of locally obtained plant materials, detailed descriptions of installation methods, after-installation care, weed control measures, success criteria, and corrective measures if the success criteria are not met, as appropriate
- No trees shall be placed above pipelines.
- Temporarily impacted areas shall be restored to pre-construction conditions with equivalent or greater habitat quality.
- Revegetation of willow riparian forest habitat lost and all trees lost shall be replaced at a ratio of 3:1.
- If compensatory mitigation includes restoration, enhancement, or creation of wetlands or waters, an experienced biologist shall monitor the designated wetland mitigation area for a minimum of 5 years to determine if mitigation is successful.
- Success criteria for replanting shall be less than 20 percent mortality of individual species annually for 5 years, and replanting shall be conducted each year that mortality exceeds 20 percent mortality such that 80 percent plant survival is maintained each year of the 5-year monitoring period.
- Cover provided by invasive, non-native plant species shall not exceed 5 percent during each year of the 5-year monitoring period.
- Mitigation shall occur at a site within the Watsonville Slough system, to the extent practicable.
- Annual reports shall be submitted to permitting agencies by December 31 of each monitoring year describing monitoring results and any remedial actions needed to achieve a minimum 3:1 habitat replacement ratio for permanent impacts on willow riparian forest.

Mitigation Measure BIO-1d: Wetland Mitigation requires implementation of compensatory mitigation measures for temporary and permanent impacts to wetlands as a result of Project construction and operation with additional biological resources best management practices, including:

- Where construction or operational impacts on open water, agricultural wetlands, or coastal freshwater marsh occur, revegetation and restoration measures shall be prepared as part of a revegetation plan approved by CDFW, Central Coast

Regional Board[12] USACE, and/or California Coastal Commission, pursuant to regulatory agency permitting. The revegetation plan shall include specific plans for the revegetation and restoration of impacted wetlands to restore nearby wetland habitat, including the use of locally obtained plant materials, detailed descriptions of installation methods, after-installation care, weed control measures, success criteria, and corrective measures if the success criteria are not met, as appropriate

- Temporarily impacted areas shall be restored to pre-construction conditions with equivalent or greater habitat quality.
- Revegetation of impacted wetlands shall be replaced at a ratio of 3:1.
- If natural recovery is a viable strategy, then wetland plant cover exceeding 50 percent shall be attained after two growing seasons.
- If compensatory mitigation includes restoration, enhancement, or creation of wetlands or waters, an experienced biologist shall monitor the designated wetland mitigation area for a minimum of 5 years to determine if mitigation is successful.
- Mitigation shall occur at a site within the Watsonville Slough system, to the extent practicable.
- Annual reports shall be submitted to permitting agencies by December 31 of each monitoring year describing monitoring results and any remedial actions needed to achieve a minimum 3:1 habitat replacement ratio for permanent impacts on wetlands.

Mitigation Measure BIO-1e: Minimizing Indirect Riparian and Wetland Vegetation Impacts requires measures meant to minimize impacts to riparian and wetland vegetation adjacent to construction activities, including:

- With the exception of open trench pipeline construction that is separated from riparian or wetland habitat by an existing levee, where construction and/or facilities are placed within a riparian or wetland development setback area (as defined in the Santa Cruz County Municipal Code), indirect impacts to adjacent riparian and wetland vegetation shall be minimized.
- Where feasible, buffer plantings of native trees and shrubs shall be installed between the facility and the adjacent wetland or riparian resource to provide a vegetated buffer.
- A buffer planting plan shall be prepared as part of a revegetation plan approved by CDFW, Central Coast Regional Board, USACE, and/or California Coastal Commission, pursuant to regulatory agency permitting. The buffer planting plan shall include specific revegetation measures, including the use of locally obtained plant materials, detailed descriptions of installation methods, after-installation

[12] The adopted measures reference Central Coast Regional Board approval, a legacy of the Project's long Central Coast Regional Board permitting history, Condition 2 requires submittal to and approval by the State Water Board Deputy Director.

care, weed control measures, success criteria, and corrective measures if the success criteria are not met.

Implementation of mitigation measures BIO-1a-e, together with compliance with certification Conditions 1, 2, and 7 in this water quality certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance– requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026 unless otherwise approved by the Deputy Director. Condition 1 requires implementation of mitigation measures BIO-1a-e. Compliance with Conditions 2, 5, and 7 will further reduce or avoid these potential Project-related impacts.

Condition 2 – Biological Resources, Aquatic Habitat, and Wetland Protections– requires, consistent with mitigation measures BIO-1c and BIO-1d, that Project impacts to waters of the state be compensated at a 3:1 ratio and requires the Agency to submit a final Compensatory Mitigation Plan to the Deputy Director for review and consideration of approval. The Agency may not commence Project construction without Deputy Director approval of the final Compensatory Mitigation Plan. Condition 2 also requires avoidance of temporary and permanent impacts to waters of the state to the maximum extent possible, location of laydown and staging areas in previously developed or disturbed areas to the extent possible, use of existing ramps, roads, or temporarily established routes for access, and avoidance of riparian vegetation to the extent possible.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure BIO-1a-e).

Implementation of mitigation measures BIO-1a-e, together with compliance with Conditions 1, 2, and 7 in this water quality certification will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure BIO-2

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to special status species and habitat including: (1) construction earthmoving and equipment staging which could directly damage, injure, or kill special status species; (2) dewatering groundwater from excavations and surface water from work sites within creek channels which could release sediment or other

water pollutants and impact special status species habitat; and (3) construction activities which could result in direct removal of riparian habitat.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measures summarized below have been adopted and will be implemented by the Agency to prevent or mitigate impacts from these Project activities with the potential to impact special status species and habitat:

Mitigation Measure BIO-2 requires that conservation measures be implemented during construction activities to avoid and minimize incidental take and significant impacts on individuals, populations, or habitat of special-status riparian wildlife species to the maximum extent practicable, including:

Mitigation Measure BIO-2b requires that all refueling, maintenance, and staging of equipment and vehicles shall occur at least 65 feet from any riparian habitat or water body. Prior to the onset of work, a spill prevention plan shall be prepared to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Mitigation Measure BIO-2c requires that the spread or introduction of invasive exotic plant species shall be avoided to the extent practicable and, when practicable, invasive exotic plants in the project areas shall be removed.

Mitigation Measure BIO-2d requires that, prior to any on-site work in areas where special-status species may occur, an experienced biologist shall conduct a tailgate training session for all construction personnel regarding all measures that are to be implemented to avoid environmental impacts as well as the potential for sensitive species to occur at the site and measures to protect habitat including aquatic habitat and avoid impacts to the species.

Mitigation Measure BIO-2e requires that, prior to the commencement of work, the limits of the work area (including haul routes, access ramps, storage areas and material stockpiles) shall be clearly marked with orange construction fencing to prevent workers from impacting habitat outside the work area. No work shall occur outside the designated marked work areas.

Mitigation Measure BIO-2f requires that each morning before work begins on any components in or within 100 feet of a suitable riparian or wetland habitat area, an experienced biological monitor (i.e., an experienced biologist or an individual trained by an experienced biologist) shall survey the work site and habitat immediately surrounding the active work site for conditions that could impact special-status species, and shall remain on-site whenever work is occurring that may adversely impact special status species and their habitats. No work will be allowed to begin each morning until the biological monitor has inspected the work site.

Mitigation Measure BIO-2g requires that a United States Fish and Wildlife Service (USFWS)-approved biologist or biological monitor shall permanently remove from within the Project area any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, to the extent practicable.

Mitigation Measure BIO-2h requires that any individual special-status species found dead or injured as a direct result of Project activities shall be reported to the USFWS's Division of Law Enforcement and the Ventura USFWS Field Office, North Coast Division. The report shall include the date, time, and location of the carcass, a photograph, cause of death if known, and any other pertinent information.

Mitigation Measure BIO-2i requires that no more than 14 days prior to any ground disturbing activity or vegetation removal that will occur during the breeding season between February 1 and August 31, a biologist with experience conducting nesting bird surveys shall survey construction areas for nesting raptors and passerine birds. If an active nest is located, the biologist shall determine avoidance procedures based on site conditions and behavior on a case-by-case basis, including but not limited to buffer areas or seasonal avoidance. Tree removal shall occur outside the breeding season if practical.

Mitigation Measure BIO-2j requires a series of measures to avoid and minimize adverse impacts to California red-legged frog during Project construction. These measures include:

- The Agency shall submit the names and credentials of experienced biologists who would implement any protection measures related to California red-legged frogs to the USFWS for approval of their qualifications prior to any project activities.
- A USFWS-approved biologist shall survey the work site 48 hours prior to the onset of activities for California red-legged frogs, tadpoles, or eggs. If any are found, the approved biologist shall determine the closest appropriate relocation site and move them from the work site before work activities begin.
- Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and moving of California red-legged frog.
- Before any activities begin on the Project, a USFWS-approved biologist shall conduct a training session for all construction personnel including a description of the California red-legged frog and their habitats, the importance of the California red-legged frog and its habitat, general measures that are being implemented to conserve the California red-legged frog as they relate to the project, and the boundaries within which the project may be accomplished.
- A USFWS-approved biologist shall be present at the work site during initial habitat disturbance, during which all removal of California red-legged frog, instruction of workers, and disturbance of habitat will be completed. After this time, the biologist shall designate and train a person to monitor on-site

compliance with all minimization measures and any future staff training. The USFWS-approved biologist will ensure that this individual receives training in the identification of California red-legged frog. The monitor and the USFWS-approved biologist shall have the authority to stop work if California red-legged frog are in harm's way.

- The number of access routes, number and size of staging areas, and the total area of the Project shall be limited to the minimum necessary.
- Routes and boundaries shall be clearly demarcated and outside of riparian and wetland areas to the extent practicable.
- Work activities that may affect California red-legged frog habitat shall take place between April 1 and November 1 to the extent practicable. Any activities that must be conducted outside this period may be conducted after obtaining USFWS approval.
- Dewatering pump intakes shall be screened with wire mess no larger than five millimeters to prevent California red-legged frog from entering the pump system.
- Water shall be released or pumped downstream of dewatered areas at a rate sufficient to maintain downstream flows during construction, and any barriers to flow shall be removed in a manner that minimizes disturbance of the substrate.
- The Declining Amphibian Populations Task Force's Fieldwork Code of Practice shall be followed to minimize the possible spread of chytrid fungus or other amphibian pathogens and parasites.

Mitigation Measure BIO-2k requires a series of measures to avoid and minimize adverse impacts to northwestern pond turtle during Project construction. These measures include:

- The Agency shall submit the names and credentials of experienced biologists who would implement any protection measures related to northwestern pond turtle to the USFWS for approval of their qualifications prior to any project activities.
- A USFWS-approved biologist shall survey the work site 48 hours prior to the onset of activities for northwestern pond turtles, juveniles, or eggs. If any are found, the approved biologist shall determine the closest appropriate relocation site and move them from the work site before work activities begin.
- Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and moving of northwestern pond turtle.
- Before any activities begin on the Project, a USFWS-approved biologist shall conduct a training session for all construction personnel including a description of the northwestern pond turtle and their habitats, the importance of the northwestern pond turtle and its habitat, general measures that are being implemented to conserve the northwestern pond turtle as they relate to the project, and the boundaries within which the project may be accomplished.

- A USFWS-approved biologist shall be present at the work site during initial habitat disturbance, during which all removal of northwestern pond turtle, instruction of workers, and disturbance of habitat will be completed.

Implementation of mitigation measure BIO-2, together with compliance with certification Conditions 1, 2, and 7 in this certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance– requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026 unless otherwise approved by the Deputy Director. Condition 1 requires implementation of mitigation measure BIO-2. Compliance with Conditions 2, 5, and 7 will further reduce or avoid these potential Project-related impacts.

Condition 2 – Biological Resources, Aquatic Habitat, and Wetland Protections– modifies and supplements these mitigation measures. Condition 2 requires that the worker environmental awareness training listed in mitigation measure BIO-2d also include the actions to be taken, including reporting procedures, if special-status species are encountered, and a review of the applicable requirements of this certification to ensure personnel implement measures to protect environmental resources, water quality, and beneficial uses, and requires that the training be provided to any new personnel prior to those personnel conducting onsite work. Condition 2 also requires the Agency to implement BIO-2j and BIO-2k and to comply with all applicable requirements of the April 17, 2025 Biological and Conference Opinion issued by USFWS (Biological Opinion) and any final Lake or Streambed Alteration Agreement issued by CDFW, and provides that the more stringent requirements between this certification, the Biological Opinion, and any final Lake or Streambed Alteration Agreement shall apply. If northwestern pond turtle is federally listed prior to Project completion, Condition 2 requires compliance with the northwestern pond turtle requirements of the Biological Opinion.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure BIO-2).

Implementation of mitigation measure BIO-2, together with compliance with Conditions 1, 2, and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Biological Resources (BR)-1a: Frac-out Contingency Plan

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes to use horizontal directional drilling (HDD) to install a pipeline across Struve Slough. While the drilling itself is intended to avoid the waterway, if the drilling tunnel collapses, it could result in an unintentional release of bentonite slurry drilling fluid ('frac-out') that may result in impacts to water quality and special status species and habitat.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measure summarized below has been adopted and will be implemented by the Agency to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure BR-1a: Frac-out Contingency Plan requires the development of a Frac-out Contingency Plan for review and approval by CDFW and the Central Coast Regional Board that would identify measures to avoid, minimize, or mitigate potential Project impacts during HDD installation. These measures include:

- Training of construction personnel about monitoring procedures, equipment, materials and procedures in place for the prevention, containment, clean-up (such as creating a containment area and using a pump, using a vacuum truck, etc.), and disposal of released bentonite slurry, and agency notification protocols.
- Methods for preventing frac-out including maintaining pressure in the borehole to avoid exceeding the strength of the overlying soil.
- Methods for detecting an accidental release of bentonite slurry that include monitoring by a minimum of one designated monitor throughout drilling operations to ensure swift response if a frac-out occurs, continuous monitoring of drilling pressures to ensure they do not exceed those needed to penetrate the formation, continuous monitoring of slurry returns at the exit and entry pits to determine if slurry circulation has been lost, and continuous monitoring by spotters to follow the progress of the drill bit during the pilot hole operation and reaming and pull back operations.
- Protocols that the contractor would follow if there is a loss of circulation or other indicator of a release of slurry.
- Cleanup and disposal procedures and equipment the contractor would use if a frac-out occurs.
- If a frac-out occurs, the contractor shall immediately halt work, implement containment, clean-up, and disposal measures for the bentonite slurry, and, if the frac-out occurs in the water channel, notify and consult with CDFW staff and Central Coast Regional Board staff before HDD activities can begin again.

Implementation of mitigation measure BR-1a, together with compliance with certification Conditions 1, 6, and 7 in this certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance– requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026, unless otherwise approved by the Deputy Director. Condition 1 requires implementation of mitigation measure BR-1a. Compliance with Conditions 6 and 7 will further reduce or avoid these potential Project-related impacts.

Condition 6 – Erosion Management and Sediment Control– requires the Agency, consistent with mitigation measure BR-1a, to submit a Frac-out Contingency Plan to the Deputy Director for review and consideration of approval a minimum of 60 days prior to any horizontal directional drilling activities. The Deputy Director may require changes as part of any approval, and the Agency may not commence horizontal directional drilling activities until the Deputy Director has approved the Frac-out Contingency Plan.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure BR-1a).

Implementation of mitigation measure BR-1a, together with compliance with Conditions 1, 6, and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Biological Resources (BR)-1b : Compensate for Temporary and Permanent Impacts to California Red-legged Frog Critical Habitat

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to special status species and habitat including: (1) construction earthmoving and equipment staging which could directly injure or kill special status species; (2) dewatering groundwater from excavations and surface water from work sites within creek channels which could release sediment or other water pollutants and impact special status species habitat; and (3) construction activities could result in direct removal of riparian habitat.

As discussed in the Agency's Programmatic EIR and carried forward in its Supplemental EIR and Addendum, the mitigation measure summarized below has been adopted and will be implemented by the Agency to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure BR-1b: Compensate for Temporary and Permanent Impacts to California Red-legged Frog Critical Habitat requires implementation of compensatory mitigation measures for temporary and permanent impacts to California red-legged frog designated critical habitat as a result of Project construction with additional biological resources best management practices, including:

- Where temporary impacts to vegetation in California red-legged frog critical habitat occur, revegetation measures shall include the use of locally obtained plant materials, detailed descriptions of installation methods, after-installation care, weed control measures, success criteria, and corrective measures if the success criteria are not met.
- Temporarily impacted areas shall be restored to pre-construction conditions with equivalent or greater habitat quality. Revegetation will include a 3:1 replacement ratio of the acreage of California red-legged frog wetland habitat lost as a result of the Project.
- Success criteria for replanting shall be less than 20 percent mortality of individual species annually for 5 years. Replanting shall be conducted each year that plantings exceed 20 percent mortality, such that 80 percent plant survival is maintained each year of the 5-year monitoring period.
- Cover provided by invasive, nonnative plant species shall not exceed 5 percent during each year of the 5-year monitoring period. If natural recovery is a viable strategy, then a wetland plant cover exceeding 50 percent shall be attained after two growing seasons.
- Where permanent impacts to California red-legged frog habitat occur, mitigation may occur via restoration, creation, or preservation of wetlands that support California red-legged frog breeding.
- Mitigation shall occur at a 3:1 ratio at a site acceptable to permitting agencies and pursuant to Project permit requirements.
- If the compensatory mitigation includes restoration, enhancement, or creation of wetlands, an experienced biologist shall monitor the designated wetland mitigation area for a minimum of five years to ascertain if the wetland mitigation is successful.
- Annual reports will be submitted to permitting agencies by December 31 of each monitoring year, describing the results of the monitoring and any remedial actions needed to achieve a minimum 3:1 habitat replacement ratio or equivalent for permanent impacts to wetlands and other waters.

Implementation of mitigation measure BR-1b, together with compliance with certification Conditions 1, 2 and 7 in this certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance– requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026 unless otherwise

approved by the Deputy Director. Condition 1 requires implementation of mitigation measure BR-1b. Compliance with Conditions 2 and 7 will further reduce or avoid these potential Project-related impacts.

Condition 2 – Biological Resources, Aquatic Habitat, and Wetland Protections– requires, consistent with mitigation measure BR-1b, that Project impacts be compensated at a 3:1 ratio, and requires the Agency to submit a final Compensatory Mitigation Plan to the Deputy Director for review and consideration of approval. The final Compensatory Mitigation Plan must include designs ensuring compliance with the Agency 's mitigation measures, the Biological Opinion, this certification, the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, and any final CDFW Lake or Streambed Alteration Agreement, and must include proposed monitoring, reporting, and adaptive management actions to ensure the success of newly established habitat. the Agency may not commence Project construction without Deputy Director approval of the final Compensatory Mitigation Plan. Condition 2 also requires that the Agency implement BR-1b for California red-legged frog protections and comply with the Biological Opinion and any final Lake or Streambed Alteration Agreement, with the more stringent requirements applying.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure BR-1b).

Implementation of mitigation measure BR-1b, together with compliance with Conditions 1, 2, and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Geology and Soils (GS)-2

As discussed in the Agency’s Programmatic EIR and carried forward in the Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to water quality and special status species and habitat including: (1) construction earthmoving and equipment staging which could result in erosion and sedimentation into surface waters; and (2) spoil piles exposed to rain could release sediment or other water pollutants and impact special status species habitat;

As described in the Agency’s Supplemental EIR, MMRP, and Addendum, the mitigation measure summarized below has been adopted and will be implemented by the Agency to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure GS-2 requires erosion control measures designed to minimize erosion and sedimentation into water bodies during construction, including:

- The area of ground disturbance and vegetation removal at any one time shall be limited during construction.
- Work shall be conducted prior to the rainy season if possible and disturbed areas shall be protected during the rainy season.
- Bales or other appropriate barriers shall be installed adjacent to water bodies to prevent transport of sediments into sloughs and water courses.
- Disturbed areas shall be immediately revegetated.
- All grading and construction shall conform to applicable requirements.

Implementation of mitigation measure GS-2, together with compliance with certification Conditions 1 and 7 in this certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance– requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026 unless otherwise approved by the Deputy Director. Condition 1 requires implementation of mitigation measure GS-2. Compliance with Condition 7 will further reduce or avoid these potential Project-related impacts.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure GS-2).

Implementation of mitigation measure GS-2, together with compliance with Conditions 1 and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Measure Hazards and Hazardous Material (HM)-1

As discussed in the Agency's Programmatic EIR and carried forward in the Supplemental EIR and Addendum, the Project proposes multiple construction activities that may result in impacts to water quality and special status species and habitat including: (1) construction earthmoving and equipment staging which could result in erosion or disturb soils; and (2) spoil piles of sediment contaminated with agricultural pesticides or heavy metals could erode into waterways.

As described in the Agency's Supplemental EIR, MMRP, and Addendum, the mitigation measure summarized below has been adopted and will be implemented by the Agency

to prevent or mitigate impacts from these Project activities with the potential to violate water quality standards:

Mitigation Measure HM-1 requires that the Agency perform soil testing on agricultural sites developed as part of the Project and analytically test for pesticide residuals and pesticide-related metals arsenic, lead, and mercury. If contamination is identified, the Agency shall prepare a Site Management Plan to identify appropriate health and safety measures while working in contaminated areas, soil reuse, handling and disposal of any contaminated soils, and agency notification requirements.

Implementation of mitigation measure HM-1, together with compliance with certification Conditions 1 and 7 in this certification, will reduce or avoid these Project-related impacts with the potential to violate water quality standards.

Condition 1 – Project Activities and Water Rights Compliance – requires the Agency to implement the Project as described in the Agency's November 20, 2025 certification application and as supplemented by email on October 9, 2026 unless otherwise approved by the Deputy Director. Condition 1 requires implementation of mitigation measure HM-1.

Condition 7 – Reporting–among other items, requires the Agency report to the State Water Board on compliance with conditions of this certification (including compliance with mitigation measure HM-1).

Implementation of mitigation measure HM-1, together with compliance with Conditions 1 and 7 in this water quality certification, will reduce the Project-related impacts on federally and state-protected waters to a less-than-significant level. The State Water Board finds that changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects of these impacts on the environment.

Mitigation Monitoring and Reporting

CEQA requires a public agency to adopt a program for monitoring or reporting on the measures it has imposed to mitigate or avoid significant environmental effects. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15097, subd. (a).) For the impacts within the State Water Board's purview as a responsible agency, the Mitigation Monitoring and Reporting Program adopted by the Agency in Chapter 5 of the Addendum, together with Conditions 1 through 7 of this certification, constitute the State Water Board's mitigation monitoring and reporting program. Condition 1 requires the Agency to implement the Project as described in its certification application, including the mitigation measures identified in Table B of this certification. Conditions 2 through 6 require the Agency to implement additional water quality protection, monitoring, and plan submittal requirements that supplement those mitigation measures, and several of those conditions require Deputy Director review and approval before the associated

Project activities may begin. Condition 7 requires the Agency to submit an initial report and schedule, annual Progress Reports, and a Construction Completion Report documenting compliance with each condition of this certification and any failure to meet certification requirements, and to report Project-related adverse impacts to beneficial uses. Together, these requirements provide for monitoring and reporting on the mitigation measures and certification conditions identified in these findings.