

**Statewide Restoration General Order
Notice of Intent Form**

FINAL ORDER WQ 2022-0048-DWQ
CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND WASTE
DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE

The purpose of the Statewide Restoration General Order (Order) is to expedite consultation, authorization, and permitting of eligible restoration projects. The structure, function, and biodiversity of aquatic and riparian resources are vulnerable to a variety of stressors associated with population growth and development, impacts from land use activities and legacy problems, disruption of native communities, changes to instream flows, effects of climate change, and the cumulative effects of past and present impacts. The goal of aquatic and riparian resource restoration is implementation of proactive, restorative measures to correct impairment, prevent further degradation, and/or increase resilience of natural (prior to impact from stressors) structure, function, or biodiversity. The Order is intended to promote projects to help restore the chemical, physical, and biological integrity of aquatic and riparian resource functions and services statewide.

Enrolling Projects Under the Order

The following provides an overview of the steps that occur *before* a restoration project is permitted under the Order.

- Step 1: Read the Order. Project proponents must become familiar with the Order prior to submittal of a Notice of Intent (NOI). Not all projects will qualify for coverage based on the type of activity and other considerations (Order Section XIII Conditions). The site-specific restoration project must meet the definition of a “restoration project” (Order Section V) and project eligibility requirements (Order Attachment A). Verify eligibility with the approving Water Board if necessary.
- Step 2: Determine CEQA lead agency. Consult with the California Environmental Quality Act (CEQA) lead agency to determine if the Environmental Impact Report for Implementation of Restoration Projects Statewide (SCH # 2019100230) can be used for CEQA coverage or if a project-specific CEQA document must be prepared (Attachment A, Figure A-2). Project proponent shall submit a Sacred Lands File & Native American Contacts List Request to the Native American Heritage Commission (NAHC) at the initial stages of project development (or as early as practicable) to determine if a project would have an impact on Native American cultural resources. If necessary, prepare CEQA compliance documentation. A CEQA Notice of Determination (NOD) or Notice of Exemption (NOE), as appropriate, must be filed by the CEQA lead agency before or concurrently with a Notice of Applicability (NOA) for an individual restoration project. The project proponent is responsible for paying CEQA filing fees, including the California Department of Fish and Wildlife (CDFW) CEQA Environmental Document Filing Fee (<https://wildlife.ca.gov/Conservation/CEQA/Fees>), if applicable. CEQA filing fees will be submitted by the CEQA lead agency with the NOD.
- Step 3: Tribal consultation. If an additional CEQA document is necessary (Order Section XIII, E.7), the CEQA lead agency initiates tribal

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consultation under AB 52 and California Governor's Executive Order B-10-11 within 14 days of the decision to undertake the project, or at least within 14 days of submission of a complete NOI to the approving Water Board. Consulting Tribes have 30 days to respond after receiving the request to consult.

- Step 4: Pre-application consultation. Restoration projects often benefit from pre-application consultation with the approving Water Board during the early stages of planning and design. Project proponents shall request a pre-application consultation as soon as the project concept is developed, or at least 30-days prior to submitting the NOI. During the pre-application consultation, the approving Water Board will review project materials and provide project-specific guidance for navigating the approval process. The duration of the pre-application consultation will depend on project complexity and development of design and planning. See Order Section XIII Conditions, G.2. Specific Compliance for further information.

Where restoration activities may involve a FERC-licensed facility, the restoration project may be covered by this Order only upon receipt of written approval by the Deputy Director for the Division of Water Rights or their designee. Project proponents should request this approval from the State Water Board Division of Water Rights before submitting an NOI. If written approval is not obtained by the time of NOI submittal, project proponent must stay actively engaged with the State Water Board Division of Water Rights, and under no circumstance shall an NOA be issued without the required written approval.

Note that other regulatory agencies, such as U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), and California Coastal Commission (CCC), may also have authority separate and in addition to this Order to authorize restoration projects. Project proponents are encouraged to collaborate with other applicable regulatory agencies in coordination with the approving Water Board during project design, especially when fish passage and/or listed species are considerations.

- Step 5: Submit a completed NOI and application fee. The NOI must be electronically submitted to the approving Water Board, including an electronic carbon copy (cc) to the State Water Board at: stateboard401@waterboards.ca.gov. Contact information for the Regional Boards can be obtained from the Telephone and Address Directory for the 401 Certification and Wetlands Program (http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf).

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In addition to relevant information discussed at the pre-application consultation, the NOI must include:

1. Project design steps taken to first avoid, and then minimize, impacts to waters of the state.
2. Applicable General Protection Measures (GPMs listed in Attachment A) to be implemented for the project.
3. Mitigation Measures (per CEQA considerations) to be implemented for the project.
4. Proof of the Sacred Lands Search and proof of tribal notification (and opportunity to comment) regarding the proposed project.

The NOI application fee can be mailed to the appropriate Water Board or submitted electronically (https://www.waterboards.ca.gov/make_a_payment/). Projects authorized under this Order do not automatically qualify for a particular fee discharge category.

See Order Sections XII Application Fees and XIII Conditions for further information.

Step 6: Completeness determination. Within 30 calendar days of receipt of an NOI, the approving Water Board will determine in writing whether the NOI is complete and will transmit the determination to the project proponent. If the NOI is deemed incomplete, the Water Board will specify in writing the information needed to complete the NOI. When additional information is submitted, the approving Water Board will determine completeness within 30-days of receipt of the required information. A request for pre-application consultation (Step 4) is required and should reduce the likelihood of receiving an incomplete determination. The approving Water Board will also provide a 21-day public notice of applications for authorization under this Order.

Step 7: Notice of Applicability or Exclusion. Once the NOI is deemed complete and any applicable public comments resolved, the approving Water Board will either (a) issue an approval in the form of a Notice of Applicability (NOA) or (b) denial in the form of a Notice of Exclusion (NOE). If coverage is denied, the project proponent may request approval from the applicable Water Board through an individual certification or other general certification.

The following provides an overview of the steps that occur after a project has been approved for coverage under the Order.

Step 8: Project implementation. Implementation of the restoration project may proceed after all other state and federal permits or authorizations have been acquired. The Commencement of Construction Notice shall be submitted at least seven days before initial ground disturbance

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Step 9: Project status notifications and reporting. The project proponent will submit the appropriate notifications and reports as outlined in the Order (Section XIII.B. Reporting and Notification Requirements) to the approving Water Board.

Step 10: Monitor the project and document findings. Water quality monitoring may be required by the approving Water Board during project implementation (Section XIII.C. Water Quality Monitoring).

Project proponents are required to inspect the project following completion in accordance with information provided in the NOI and approved in the NOA or in a separate approved Monitoring Plan (Section XIII.G.4. Monitoring Plan). The project proponent shall maintain documentation of site inspection findings and submit performance reports in accordance with a schedule agreed to in the NOA or separate approved Monitoring Plan.

Step 11: Submit a Request for Notice of Project Complete Letter. At the end of the monitoring and reporting period, the project proponent shall submit a project completion report to the approving Water Board and request a Notice of Project Complete Letter. The report shall include the information outlined in Attachment D, Reporting and Notification Requirements.

**FINAL NOTICE OF INTENT
TO COMPLY WITH THE TERMS OF
ORDER FOR CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND
WASTE DISCHARGE REQUIREMENTS FOR RESTORATION PROJECTS STATEWIDE**

ORDER WQ 2022-0048-DWQ

Regional Water Quality Control Board (Regional Board) and State Water Resources Control Board (State Water Board) - <i>FOR AGENCY TRACKING USE ONLY</i>			
WDID:	Regional Board Office:	Date NOI Received:	Check No:

I. MANDATE OR PROGRAM/FUNDING SOURCE

<p>MARK ALL APPLICABLE (select "other" if not associated with the mandates or programs listed and identify an alternate program or funding source. The listed mandates and programs are not a requirement for eligibility for coverage):</p>	<p><input type="checkbox"/> Water Bond (California Proposition 1)</p> <p><input type="checkbox"/> Parks, Environment and Water Bond (California Proposition 68)</p> <p><input type="checkbox"/> State Water Board Non-Point Source (319h) Grant Program</p> <p><input type="checkbox"/> CDFW Fisheries Restoration Grant Program Project</p> <p><input type="checkbox"/> DWR EcoRestore Program Project</p> <p><input type="checkbox"/> San Joaquin River Restoration Program Project</p> <p><input type="checkbox"/> Central Valley Flood Protection Plan and Conservation Strategy</p> <p><input type="checkbox"/> San Francisco Bay Restoration Authority</p> <p><input type="checkbox"/> Other</p>
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II. PROJECT and LEGALLY RESPONSIBLE PERSON INFORMATION

Project Title:			
Legally Responsible Person Name:			
Business/Agency:			
Street Address:			
City, County, State, Zip:			
Telephone:		Fax	
E-mail:			

III. DULY AUTHORIZED REPRESENTATIVE INFORMATION

Duly Authorized Representative Name:			
Business/Agency:			
Street Address:			
City, County, State, Zip:			
Telephone:		Fax	
E-mail:			

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IV. PROPERTY OWNER

Check Box if Same as Legally Responsible Person

Name:			
Street Address:			
City, County, State, Zip:			
Telephone:		Fax	
E-mail:			

V. PROJECT LOCATION

A. Address or description of project location.			
B. Check box to verify that a map of at least 1:24000 (1" = 2000') detail of the proposed project site (e.g., USGS 7.5 minute topo map) is enclosed:			<input type="checkbox"/> Project Map Enclosed
C. County:			
D. Assessor's Parcel No.:			
E. Coordinates (provide latitude/longitude in decimal degrees)			
Latitude/Longitude:	Latitude:		Longitude:
F. Name the aquatic resources directly impacted by the project (provide name if known and type if unnamed):			
G. Name the receiving watershed or water body:			
H. Is the river or stream segment affected by the project listed in the state or federal Wild and Scenic Rivers Acts (https://www.rivers.gov/california.php)?		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown <input type="checkbox"/> not applicable	
I. Is the watershed listed as impaired under Section 303(d) of the Clean Water Act (https://www.epa.gov/tmdl/monitoring-assessment-and-tmdls-california)?		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown Pollutant Category(ies):	
J. Has a Total Maximum Daily Load (https://www.waterboards.ca.gov/water_issues/programs/tmdl/) been established for the impairment?		<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown TMDL Name:	

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VI. PROJECT INFORMATION (Attach additional pages as necessary and provide specific references to those attachments in the boxes below)

A. What eligible project type(s) does the project include? <i>(check one or more boxes below)</i>				
<input type="checkbox"/> Improvements to Stream Crossings and Fish Passage <input type="checkbox"/> Removal of Small Dams, Tide Gates, Flood Gates, and Legacy Structures <input type="checkbox"/> Bioengineered Bank Stabilization <input type="checkbox"/> Restoration and Enhancement of Off-Channel/Side-Channel Habitat <input type="checkbox"/> Water Conservation Projects <input type="checkbox"/> Floodplain Restoration <input type="checkbox"/> Removal of Pilings and Other In-Water Structures <input type="checkbox"/> Removal of Nonnative Invasive Species and Revegetation with Native Plants <input type="checkbox"/> Establishment, Restoration, and Enhancement of Tidal, Subtidal, and Freshwater Wetlands <input type="checkbox"/> Establishment, Restoration, and Enhancement of Stream and Riparian Habitat and Upslope Watershed Sites				
B. Pre-application Consultation Meeting:	Request for meeting date (Month / Year)		Meeting date or waiver (Month / Year)	
C. Estimated Project Schedule:	Beginning (Month / Year)		Ending (Month / Year)	
D. Seasonal Work Period:				
E. Estimated Total Number of Work Days:				
F. Describe the project in detail and enclose diagrams, drawings, plans, and/or maps that provide all the following: site specific construction details; dimensions of each structure; extent of activity in the bed of the channel, bank, or floodplain; where equipment will enter or exit the area; if applicable, project overview showing the location of each structure and dimension of area of disturbance. <i>(Attach additional pages as needed)</i> .				
G. 1. Describe project design steps taken to first avoid, and then minimize, impacts to waters of the state to the maximum extent practicable. 2. Identify the applicable General Protection Measures and other applicable environmental protection measures to be implemented. <i>(Attach additional pages as needed)</i> .				
H. If the proposed restoration activities may involve a FERC-licensed facility, has the project proponent requested written approval by the Deputy Director for the Division of Water Rights or their designee?			<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown	
I. Does the project require a new water right, change to an existing water right, or other water right approval from the State Water Board?			<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown	
J. Specify the equipment and machinery (if any) that will be used to complete the project.				
K. Will flowing or standing water be present during the proposed work period:			<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown	

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L. Will the proposed project require work in the wetted portion of the aquatic resource? If yes, describe the work that will be required, the type of equipment to be used, whether dewatering will be required and method and design if required, how long equipment will be in the wetted portion of the aquatic resource, and if a Water Quality Monitoring Plan is required by the approving Water Board.	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> unknown

VII. DISCHARGE INFORMATION

A. Within the box provided below, identify the type(s) of material that are proposed to be “introduced”, or “discharged” into waters of the state as a result of the project.			
<input type="checkbox"/> Soil <input type="checkbox"/> Rock Riprap <input type="checkbox"/> Native Vegetation <input type="checkbox"/> Non-native Vegetation <input type="checkbox"/> Large woody material <input type="checkbox"/> Rootwads <input type="checkbox"/> Erosion Control Materials (jute netting, straw wattles, etc.) <input type="checkbox"/> Culverts <input type="checkbox"/> Anchoring (bolts, cables, rebar, chains, etc.) <input type="checkbox"/> Fertilizers <input type="checkbox"/> Pesticides ¹ <input type="checkbox"/> Concrete <input type="checkbox"/> Other:			
B. For each of the materials identified above, provide a brief narrative regarding the intended purpose and relation to waters of the state, including if available the volume, acreage, or quantity of material that is intended to be introduced or “discharged”. Identify whether or not the material type is expected to cause a “temporary” or “permanent” impact. Include estimates of incidental material discharges that may occur from project implementation, or as a result of post-project adjustment.			
<u>Material Type and Intended Purpose</u>	<u>Volume, Acreage, or Number</u>	<u>Temporary Impact</u>	<u>Permanent Impact</u>
1.		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
2.		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
3.		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
4.		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no
5.		<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> yes <input type="checkbox"/> no

¹ The point source discharge of aquatic pesticides into Waters of the United States requires a separate National Pollutant Discharge Elimination System (NPDES) permit administered by the State Water Resources Control Board. Information about pesticide permits can be found at the following Web address: http://www.waterboards.ca.gov/water_issues/programs/npdes/aquatic.shtml.

VIII. PROJECT SIZE, IMPACTS, AND ENVIRONMENTAL BENEFITS

A. Total Project Areas: Identify the acreage and linear feet of the aquatic and upland areas comprising the project site. The project size includes access, staging, and work areas.		
	Project Size	
	Acres	Linear Feet
AQUATIC AREAS		
UPLAND AREAS		Not applicable
TOTAL		

B. Temporary and Permanent Project Impacts and Benefits to Water of the State: For each of the applicable water body type(s) listed below, indicate the area(s) in ACRES and LINEAR FEET that will be temporarily impacted and permanently impacted by the project. ^{2,3} If applicable, indicate the volume of excavation and/or fill in each water body type in CUBIC YARDS. Quantify the water body type(s) that will be enhanced, restored, or rehabilitated when restoration activities are complete. Include proposed direct project impacts, including potential offsite and/or adjacent impacts to waters of the state.								
Water Body Type	Project Impacts						Aquatic/Riparian Resource Established/Enhanced/Restored	
	Temporary			Permanent				
	Acres	Cubic Yards	Linear Feet	Acres	Cubic Yards	Linear Feet	Acres	Linear Feet
Wetland								
Vernal Pool								
Riparian								
Streambed/ Stream bank								
Lake/ Reservoir								
Ocean/ Estuary/Bay								
TOTAL:								

² Permanent impacts to aquatic resources include permanent loss of aquatic resource area or resource function resulting from a discharge of dredged or fill material that changes an aquatic area to dry land or changes the bottom elevation or dimensions of a waterbody, or changes the surface elevation or dimensions of a wetland.

³ Temporarily impacted areas are those that can temporarily cause a physical loss and/or degradation of an aquatic resource. Temporarily impacted areas can include areas such as temporary material staging areas, parking lots, or access roads. Generally, temporarily impacted areas are those that can be restored to pre-project conditions within a short period of time (e.g. prior to the end of a growing season, or the occurrence of a sensitive resource period, such as a spawning season). The approving Water Board may determine on a project specific basis that specific time frames for restoration must be imposed to avoid temporal loss which would otherwise be included in the permanent loss estimates.

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C. Describe the nature of direct temporary/permanent impacts and anticipated functional lift of aquatic resources below.

IX. MONITORING PLAN

Monitoring and reporting information shall be included below to address temporary and permanent impacts to waters of the state. The level of detail of the monitoring and reporting requirements shall be commensurate with the scope, complexity, and objectives of the restoration project, and in consideration of project site conditions. Alternatively, the information can be provided in a separate Monitoring Plan attached to this NOI.
<input type="checkbox"/> Monitoring Plan is attached (check box). If not attached, complete A. through H. below
A. <u>Function(s) of the impacted water resources:</u>
B. <u>Project purpose and goal(s):</u>
C. <u>Measurable performance standards and success criteria appropriate to each goal:</u>
D. <u>Monitoring parameters and protocols used to determine whether performance standards have been met:</u>
E. <u>The timeframe and responsible party for determining attainment of performance standards:</u>
F. <u>Monitoring schedule:</u>
G. <u>Long-term management and maintenance practices and responsible party:</u>
H. <u>Reporting Schedule for the period stated as required for achievement of performance standards:</u>

X. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

All projects utilizing this Order must comply with the terms of the California Environmental Quality Act. The Order was analyzed in the Environmental Impact Report for Implementation of Restoration Projects Statewide (SCH # 2019100230)		
This project conforms to the requirements of CEQA through the Environmental Impact Report for Implementation of Restoration Projects Statewide (SCH # 2019100230).	<input type="checkbox"/> yes <input type="checkbox"/> no	<input type="checkbox"/> The CEQA Lead Agency has prepared other/additional CEQA compliance documentation (noted below)
A. Additional information relative to CEQA compliance documentation:		

XI. OTHER DOCUMENTATION AND COMPLIANCE

Check and attach the following applicable documents or note approval status	
Required Permits/Approvals: <input type="checkbox"/> USACE Section 404 Clean Water Act Permit	Status (check one):

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USACE Contact: <input type="checkbox"/> USFWS Biological Opinion/Incidental Take Permit USFWS Contact: <input type="checkbox"/> NMFS Biological Opinion/Incidental Take Permit NMFS Contact: <input type="checkbox"/> CDFW Lake or Streambed Alteration Agreement (FGC 1600) CDFW Contact: <input type="checkbox"/> CDFW Incidental Take Permit (FGC Section 2081) CDFW Contact: <input type="checkbox"/> Coastal Development Permit or Consistency Determination CCC/ Local Coastal Plan (LCP) Contact: <input type="checkbox"/> List Others:	<input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable <input type="checkbox"/> In Review <input type="checkbox"/> Approved <input type="checkbox"/> Not Applicable
Additional supporting documents (check if attached or note their status):	
<input type="checkbox"/> Biological resources report <input type="checkbox"/> Hydrology study <input type="checkbox"/> Aquatic resources delineation report <input type="checkbox"/> Pre-project photographs	

XII. APPLICATION REQUIREMENTS AND FEES

Permit:	Submit Application to following:
401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide	Approving Water Board, including an electronic carbon copy (cc) the State Water Board at: stateboard401@waterboards.ca.gov . Contact information for the Regional Boards can be obtained from the Telephone and Address Directory for the 401 Certification and Wetlands Program (http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/staffdirectory.pdf).
Fees:	Fees must be submitted with the NOI and are subject to the most current Dredge & Fee calculator. Refer to the Fees section of the Dredge/Fill (401) and Wetlands program web site for the most current fee information. https://www.waterboards.ca.gov/water_issues/programs/cwa401/#fees .

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XIII. SIGNATURE / CERTIFICATION

State Water Resources Control Board: Notice of Intent to Comply with the Terms of Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide

I certify under penalty of law that this application and all attachments were prepared under my direction or supervision in accordance with a process designed to assure that qualified personnel properly gather and evaluate the information submitted. The project proponent hereby certifies that all information contained herein is, true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Legally Responsible Person

Date

Printed Name

Duly Authorized Representative Signature

Date

Printed Name