

Notice of Intent Instructions

For authorization under the Clean Water Act Section 401 General Water Quality Certification and General Order for Existing Flood Control Facilities Maintenance Authorized Under U.S. Army Corps of Engineers Regional General Permit 99 (RGP 99) (General Order), the Permittee is required to submit a complete Notice of Intent (NOI) form to the appropriate Water Board. NOIs must be mailed to the Regional Water Board with jurisdiction where the proposed maintenance activities would occur. If the flood control facility crosses Regional Board boundaries the NOI must be sent to the State Water Board. A map showing Regional Water Board jurisdictional boundaries is available online at <http://www.waterboards.ca.gov/waterboardsmap.shtml>.

To avoid project delays, submit the NOI as early as possible. Within 30 days of NOI receipt the Water Board shall determine if the application is complete. If the application is complete, within 45 days of NOI receipt, the Water Board will issue either a Notice of Applicability (NOA), informing the discharger that the proposed activity qualifies for authorization, or a Notice of Exclusion (NOE), which informs the discharger that the proposed activity does not qualify for General Order authorization. If an NOE or NOA is not issued by the Water Boards within 45 days from receipt of a complete NOI, the discharger may proceed with the project according to all applicable General Order conditions.

Definitions

Consider the following definitions while completing your NOI:

Temporary aquatic resource impacts means impacts to aquatic resources resulting from maintenance activities within the maintenance baseline (e.g. impacts necessary to maintain conveyance of floodwaters as designed) and impacts to aquatic resources outside of the maintenance baseline that are short-term (e.g., waters temporarily filled, excavated, or drained where the area of the impacted aquatic resource, including the original contours and uses, is typically restored to pre-project conditions within one year of disturbance). However, the Water Board may determine on a project specific basis that specific timeframes for restoration must be imposed to avoid temporal loss which may otherwise be considered a permanent impact.

Permanent aquatic resource impacts means 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; changes the bottom elevation or dimensions of a waterbody; changes the surface elevation or dimensions of a wetland; or causes a loss of beneficial use, unless the discharge restores facility capacity to as-built specifications. Permanent impacts above maintenance baseline are not authorized under this General Order.

Class 1 Facilities means existing concrete-lined (concrete bed and banks) channels with sparse or no vegetation cover. Sparse means no more than 20% of the total vegetation cover within the channel can be native; for example, if total cover equals 60%, native vegetation must be less than or equal to 12%.

Class 2 Facilities are channels that are in all respects as defined under Category 1, except they possess either an earthen or un-grouted rip-rap bank or earthen or un-grouted rip-rap channel bottom.

Class 3 Facilities are channels that are in all respects defined under Category 2, except native vegetation exceeds the limitations of Category 1 and 2.

Form Instructions

Please note, the following information can be submitted using a spreadsheet if the NOI will contain more than five (5) facilities. Please ensure that each column in the spreadsheet corresponds to the sections and requested information indicated in this NOI. The information below is required pursuant to California Water Code section 3861(c)(3):

Section 1: Water Quality Control Board

Identify the Regional Water Board with jurisdiction where proposed maintenance activities will occur. A separate NOI should be mailed to each Regional Water Board. A copy of the NOI shall also be submitted to the State Water Board.

Section 2: Applicant and Agent Information

Applicant Company/Agency Name, Name of Contact and Title: Provide the full, legal company/agency name of the applicant or responsible party. Most commonly, the applicant is the property and/or facility owner. If the applicant is an individual and not a company, indicate that a company name is not applicable. If the applicant is an agency, company, corporation or other organization, a contact name (First, Middle Initial, Last) of the main representative of the company and their title must be provided. The applicant will be the entity or individual responsible for compliance with the Clean Water Act, California Water Code, applicable Water Quality Control Plans and General Order Conditions.

Applicant Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Project Manager Company, Contact Name and Title: The project manager's role is to oversee the processing of the NOI and to make the day-to-day decisions regarding the NOI.

Project Manager Contact Information: Telephone number, email address, and the company's mailing address (not the project address) including the street, city, state and zip code must be provided.

Section 3: Facility Classification

Indicate the appropriate classification for the flood control facility that is being proposed for maintenance. Please note that this section will need to be completed for each facility that is being proposed under the NOI. This information may be included as supplemental information attached to this form.

Section 4: Other Agency Permits/ Licenses/ Agreements/ Plans/ Email Correspondence

Provide the following information for each agency:

Have you applied? Check yes (Y) if you have applied for the listed permit from any of the listed agencies.

If yes, have you received the final permit: If received, check yes (Y) and attach the permit. If not yet received, check no (N) and attach the permit application.

Permit Type: If you checked yes (Y) for “Other State Permits” or “Local Permit(s),” list permits here.

ID number: If the agency issued an identification (ID) number for the project, list it here.

Section 5: Project Information

List the names and locations of each facility that is being proposed under the NOI. Notices of Intent proposing work at multiple facilities may include this as supplemental information attached to the NOI form.

Project Name: Provide a name for the project.

Facility(ies) where maintenance activities will occur: Give the Facility Name(s) that corresponds to one or more of the facilities that were provided for in the General Order, as well as either the addresses or approximate locations of each Facility. Provide latitude and longitude in Table 1 of the NOI.

Project Maintenance Timeframe: Provide the estimated start and end dates for the proposed maintenance.

Project Description/ Purpose: Provide a detailed, technically accurate narrative description of the proposed routine maintenance activities, design, all activities planned to complete the design, and total impacts, including area of ground disturbance and areas of impact to all aquatic resources on the site (i.e., any and all streams, wetlands, lakes, ponds, beaches, shorelines, etc.).

Section 6: Avoidance, Minimization and Cumulative Impacts

Please note that this section will need to be completed for each facility proposed under the NOI. This information may be included as supplemental information attached to this form.

Avoidance and Minimization: Describe steps taken to avoid impacts to waters and measures incorporated into the project design to minimize loss of, or significant adverse impacts to, beneficial uses of waters of the state, including on-site restoration of the area. For example, indicate if the planned activities have been reduced because part of the maintenance has been conducted in previous years, or if maintenance proposed results in the removal of invasive species only.

Section 7: Temporary Impacts and Restoration Information

Temporary Impacts: Check yes if your project results in temporary impacts to waters of the state. Provide the total temporarily impacted area in acres, to the nearest thousandths of an acre. Also state linear feet of impacts, to the nearest whole foot; this quantity must match the sum of temporary impact quantities listed in Table 2. If applicable, attach a restoration plan meeting all General Order conditions with your NOI. Please note, a restoration plan will be needed for each facility that is being proposed under the NOI that results in temporary impacts that will be restored to pre-project conditions. This information may be included as supplemental information attached to this form.

The restoration plan shall provide the following:

- A schedule.
- Plans for grading of disturbed areas to as-built contours.
- Planting palette with plant species native to the area.
- Seed collection location.
- Invasive species management.
- Performance standards.
- Maintenance requirements (e.g. watering, weeding, and replanting) or justification for self-recruitment of native vegetation.

Vegetation Removal: If your project will only affect Class 1 Facilities, check N/A. If your project will affect a Class 2 or Class 3 Facility, check yes if your project would result in the removal of living native vegetation above the maintenance baseline that has a diameter at breast height (DBH) in excess of 3 inches. Use the table in Section 7 to list plant(s) species name(s); common name(s); DBH; and whether the removed plants are part of the riparian overstory or understory, or both. You may include a similar table as an attachment if additional rows are needed.

In-Water Work: Check yes if your project involves work in water and/or stream diversions. If the project does result in in-water work, attach a water quality monitoring plan.

Disposal Sites: Check yes if your project would result in the disposal of sediment or debris. If yes, list the disposal sites.

Table 1: Individual Temporary Impact Information and As-Built Capacity Information

Facility ID: Give the Facility Identification number that corresponds with the names facility, above. Note that each facility should have a unique facility name and facility ID.

Facility Type: Give the Facility Type that corresponds to one or more of the facilities that were provided for in the General Order (Attachment B).

Regional Board(s) affected: Provide the names of the Regional Water Quality Control Board(s) whose jurisdiction(s) contain the Project location. A map of Regional Water Board jurisdictions can be found at the following location:
https://www.waterboards.ca.gov/waterboards_map.html.

Latitude and Longitude: Provide the coordinates for each facility, in decimal degrees.

Temporary Impact Dimensions: Provide the area, length, and volume of material excavated or filled to the nearest cubic yard. For activities that don't include excavation or filling (such as road grading), enter NA for cubic yards.

As-Built Capacity Dimensions: Provide the area and length of the facility that is being proposed for maintenance. The as-built capacity dimensions should correspond with dimensions/quantities that are indicated in Attachment B of the General Order and Engineering Drawings submitted with the NOI.

Table 2: Receiving Waters Information: List each facility in Table 1.

Non-Federal Waters (Impacts above OHWM): Check the box if the Project would result in impacts above ordinary high water mark.

Facility ID: Identify the flood control facility with a Facility ID; Facility IDs should correspond to those used in maps, other agency application materials, and Attachment B of the General Order.

Facility Type: Give the Facility Type that corresponds to one or more of the facilities that were provided for in the General Order (Attachment B).

Impacted Aquatic Resource Type: For each impact Site ID, identify the impacted aquatic resource type from the following list: Lake, Ocean, Riparian Zone, Stream Channel, Vernal Pool or Wetland. (More refined or precise resource classifications may be used in plans and related documents.)

Water Board Hydrologic Units: Identify the Water Board basin plan hydrologic unit code (HUC). Note that the Basin Plan HUC is *not* the same as a U.S. Geological Survey (USGS) Hydrologic Unit Code (USGS HUC). If unknown, indicate UNK and this information will be completed by the Water Boards.

Receiving waters: List the first downstream waterbody with beneficial use designation in the Water Board basin plan. If unknown, indicate UNK and this information will be completed by the Water Boards.

Receiving Waters Beneficial Uses: List the beneficial use designation. If unknown, indicate UNK and this information will be completed by the Water Boards.

303d Listing Pollutant: List pollutants for receiving waters that have a 303d impairment designation, if the water is not listed indicate NA. If unknown, indicate UNK and this information will be completed by the Water Boards.

Section 8: Documentation

Attach the following documents to your NOI: Use this checklist to confirm the necessary documentation is attached to your NOI. If you determine one of the listed items does not pertain to your project write NA in the corresponding box:

- a. **Other agency correspondence (NOI Section 4)**

- b. **Applicable maintenance plan(s) submitted to the Corps**
- c. **Delineation report submitted to the Corps**
- d. **Supplemental information for multiple facilities (NOI Sections 4 and 5)**
- e. **De-watering plan**
- f. **Water quality monitoring plan, if required**
- g. **Vegetation proposed for removal (NOI Section 6)**
- h. **Temporary impact restoration plan (NOI Section 6)**
- i. **Project description and Map(s) of Plans for accessing all flood control facilities (NOI Section 8)** Submit maps of sufficient detail to clearly illustrate all project elements, site characteristics, and impacts, as well as plans for accessing facilities, with a scale of at least 1:24000 (1" = 2000'). In addition, briefly describe the route(s) to be taken in order to access these facilities. Acceptable map formats, listed in order of preference, are:
 - i. **GIS shapefiles:** Shapefiles must depict the boundaries of all project areas, site characteristics, and extent of aquatic resources impacted or avoided. Each shape should be attributed with the extent/type of aquatic resources impacted. Features and boundaries should be accurate to within 33 feet (10 meters). Identify datum/projection used and if possible, provide map with a North American Datum of 1983 (NAD 83) in the California Teale Albers projection in feet.
 - ii. **KML files:** Saved from on-line mapping services. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. Include URL(s) of maps. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
 - iii. **Other electronic format:** (CAD or illustration format) that provides a context for location (inclusion of landmarks, known structures, geographic coordinates, or USGS DRG or DOQQ). Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a table with the object ID and attributed with the extent/type of aquatic resources impacted.
 - iv. Aquatic resource maps marked on paper **USGS 7.5 minute topographic maps** or **Digital Orthophoto Quarter Quads (DOQQ)**; Original or legible copies are acceptable. Maps must show the boundaries of all project areas and extent/type of aquatic resources impacted. If this format is used include a spreadsheet with the object ID and attributed with the extent/type of aquatic resources impacted.
- j. **Pre-project photographs:** Include a unique identifier, date stamp, written description of photo details, and latitude/longitude (in decimal degrees) or map indicating location of photo. Successive photos should be taken from the same vantage point to compare pre/post construction conditions.
- k. **Attach additional pages as needed:** For example, if the requested information does not fit in the space provided on the form, or if you would like to provide supplemental information not requested on the NOI.
- l. **Endangered Species Report and Pre-Disturbance Assessment**

Section 9: Applicant and Project Manager Signature

Please sign and submit to the appropriate Regional Water Board. An original signature is required; electronic signatures are not accepted.