CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD

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DRAFT ORDER R3-XXXX-XXXX

REGIONAL GENERAL WASTE DISCHARGE REQUIREMENTS FOR VEGETATION OR SEDIMENT REMOVAL OR MANAGEMENT ACTIVITIES FOR FIRE OR FLOOD RISK REDUCTION

DRAFT

June 03, 2024

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

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I. Covered Activities

A. These Regional General Waste Discharge Requirements for Vegetation or Sediment Removal or Management Activities for Fire or Flood Risk Reduction (Order) authorize vegetation and sediment removal and management activities[1] disturbing or otherwise occurring within waters of the state and riparian areas for the purpose of fire or flood risk reduction, where the activities may cause or threaten to cause a discharge of waste to waters of the state, with the following exclusions:

1. Vegetation and sediment removal and management activities subject to another State Water Resources Control Board (State Water Board) or California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) order regulating those activities. These orders include, but are not limited to:

   a. Clean Water Act section 401 Water Quality Certification orders.
   b. Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide (Order WQ 2022-0048-DWQ).[2]
   c. Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material to Waters of the State from Emergency Repair and Protection Activities (Water Quality Order 2023-0058-DWQ).[3]
   d. Statewide General Waste Discharge Requirements for Dredge or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside Federal Jurisdiction (Water Quality Order 2004-0004).[4]
   e. General Waste Discharge Requirements for Vegetation Treatment Activities Conducted in Conformance with the California Vegetation Treatment Program (Order WQ 2021-0026-DWQ).[5]

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[1] Vegetation removal and management activities include prescribed fire, limbing, cutting, trimming, mastication, mowing, crushing, prescribed herbivory, chipping/mulching, dead/dying/diseased vegetation removal, uprooting, and full plant and tree removal. Sediment removal and management activities include excavation, grading, and substantial relocation of sediment.

[2] https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo2022-0048-dwq.pdf

[3] https://waterboards.ca.gov/water_issues/programs/cwa401/generalorders/2023/emergency-wdr-main.pdf

[4] https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

[5] https://www.waterboards.ca.gov/water_issues/programs/nps/docs/vegetation_treatment/wqo2021_0026_dwq.pdf

f. General Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Utility Wildfire and Similar Operations and Maintenance Activities (pending).

2. Timber operations as defined by the Z'berg-Nejedly Forest Practice Act of 1973 (Forest Practice Act) or otherwise conducted under a Timber Harvesting Plan or Timber Harvesting Plan exemption.

B. This Order does not authorize the following activities:[6]

1. Vegetation or sediment removal or management activities for the purpose of fire or flood risk reduction that will disturb or otherwise occur within more than 100 acres of waters of the state and/or riparian areas[7] annually are not eligible for authorization under this Order.

2. Sediment removal activities that will increase the flow conveyance capacity of designed channel beyond the designed channel capacity.

3. Sediment removal activities that will increase the flow conveyance capacity of an undesigned naturally formed creek to a capacity that has not previously been documented and would not occur under a natural and periodically occurring range of channel forming conditions.

C. The Central Coast Water Board shall determine whether an activity is eligible for enrollment under this Order. The Central Water Board will require a discharger to apply for individual waste discharge requirements or authorization under other general waste discharge requirements when the activity is not eligible for authorization under this Order. Although an activity may be eligible for coverage under this Order, the Central Coast Water Board may elect to regulate the activity under individual waste discharge requirements or other general waste discharge requirements.

D. This Order does not replace or excuse compliance with any other applicable local, state, or federal requirement.

1. This Order does not provide coverage under any NPDES permit, including the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order No. 2022-0057-DWQ) (Construction General Permit).

[6] Projects involving these activities must obtain authorization under individual waste discharge requirements or other general waste discharge requirements.

[7] Area of disturbance or occurrence within waters of the state and riparian areas is determined by the footprint of the vegetation or sediment removal or management activities, including areas directly beneath vegetation management activities such as canopy removal, limbing, and trimming.

2. This Order does not authorize any act that results in the taking of a threatened, endangered, or candidate species, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a "take" will result from any activity authorized under this Order, Dischargers must obtain authorization for the take prior to the activity. Dischargers are responsible for meeting all requirements of the applicable endangered species act for the project authorized under this Order.
3. This Order does not grant authority to conduct activities in a manner that violates applicable provisions of the Forest Practice Act.
4. Dischargers may need to obtain a Lake and Streambed Alteration Agreement issued by the California Department of Fish and Wildlife for authorized activities.

II. Covered Activity Categories

Activities covered by this Order are separated into two categories: Category A and Category B.

A. Category A activities are non-notifying[8] and are as follows:

1. Prescribed fires, including ladder fuel management and control line implementation necessary for effective, safe, and environmentally protective prescribed fires, that are implemented with the mitigation measures identified in sections IV.A, B, and C of the Chaparral Management Program Final Environmental Impact Report dated 1981 (or equivalent updated document) and with the following protections:

a. For Class I watercourses:

i. Implementation of a 75-foot equipment exclusion zone where side slope steepness[9] is less than 30 percent.

[8] Non-notifying activities do not require submittal of a Notice of Intent, other notification, or a fee to the Central Coast Water Board. Non-notifying activities are subject to all conditions of the Order that apply to Category A activities.

[9] Side slope steepness is measured from the watercourse transition line to a point 100 feet upslope from the watercourse transition line, or, in the absence of riparian vegetation, from the top of the watercourse bank. Where slope configurations are variable, a weighted average method shall be used to determine the side slope percent (California Code of Regulations, title 14, section 916.5, subdivision (a)(3)).

ii. Implementation of a 100-foot equipment exclusion zone where side slope steepness is 30 to 50 percent.
iii. Implementation of a 150-foot equipment exclusion zone where side slope steepness is greater than 50 percent.
iv. Use of low heat for understory burns within watercourses and riparian areas.

b. For Class II watercourses:

i. Implementation of a 50-foot equipment exclusion zone where side slope steepness is less than 30 percent.
ii. Implementation of a 75-foot equipment exclusion zone where side slope steepness is 30 to 50 percent.
iii. Implementation of a 100-foot equipment exclusion zone where side slope steepness is greater than 50 percent.
iv. Use of low heat for understory burns within watercourses and riparian areas.

c. For Class III watercourses:

i. Limitation on the use of heavy equipment to the minimum necessary to construct control lines.
ii. Implementation of a 25-foot equipment limitation zone where side slope steepness is less than 30 percent.
iii. Implementation of a 50-foot equipment limitation zone where side slope steepness is greater than 30 percent.
iv. Implementation of erosion control measures at any control line that crosses a Class III watercourse.

2. Fire risk reduction activities to maintain defensible space pursuant to California Code of Regulations title 14, section 1299 or section 15304(i), when the activities are limited to the minimum required by those California Code of Regulations sections.

3. CAL FIRE fire risk reduction activities that are California Environmental Quality Act (CEQA) exempt and have been reviewed by CAL FIRE and determined to have no significant environmental impact and no need for mitigation measures to reduce potential environmental impacts to less than significant levels.

4. Fire risk reduction activities on Bureau of Land Management lands implemented in accordance with the Programmatic Environmental Assessment Statewide Wildland Urban Interface Fuels Treatments, dated August 2023 (or equivalent updated document).

5. Activities on U.S. Forest Service lands.

6. Activities disturbing or occurring within less than 0.2 acres of waters of the state or riparian areas that are addressing an emergency.
    a. For the purposes of this Order, emergency is defined as "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services."[10] Emergencies can include such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.
    b. Category A non-notifying activity status is limited to emergency situations that (1) have occurred or (2) have a high probability of occurring in the short term as a result of recently discovered factors or events not related to known or expected conditions.
    c. Category A non-notifying activity status is limited to activities that are the minimum necessary to alleviate the immediate emergency.
7. One-time fire and flood risk reduction activities that are limited in size to (1) occurring within an area of 0.1 acre or less; (2) occurring over a watercourse length of 100 linear feet or less; and (3) removing 25 cubic yards of sediment or less; and meet the following conditions:
    a. Do not occur in a Class I watercourse or a watercourse supporting the RARE beneficial use.
    b. All impacts to waters of the state and riparian areas are temporary.

B. Category B activities are vegetation or sediment removal activities or management activities occurring within waters of the state or riparian areas for the purpose of fire or flood risk reduction that do not fall in Category A as described above. Category B activities are further divided into high, medium, and low tiers, as described in Attachment A.

III. Findings

The Central Coast Water Board finds that:

A. PURPOSE OF ORDER & REGULATORY AUTHORITY

1. Wildfires are occurring more frequently and with greater severity in California. Wildfires directly and indirectly impact water quality through discharge of

[10] California Public Resources Code, section 21060.3

sediment, increases in erosion, removal of vegetative cover, and breakdown in soil structure. To reduce wildfire risk, vegetation management has increased in pace and scale throughout the state. Vegetation management activities for fire risk reduction can result in discharges of waste to waters of the state and have the potential to adversely impact water quality. Permits that include conditions and requirements to prevent or control discharges of waste under state and federal laws are necessary to protect waters of the state.

2. Wildfires directly and indirectly impact water quality through discharge of sediment, increases in erosion, removal of vegetative cover, and breakdown in soil structure. Wildfires in recent history have removed vegetative coverage over thousands of acres of highly erodible soils within California. Excess sediment from these areas has in some cases filled in streams with accumulated sediment. This Order seeks to facilitate wildfire prevention work to reduce these risks to water quality posed by wildfires, while also protecting water quality and beneficial uses from impacts related to fire risk reduction activities.
3. Wildfire prevention and mitigation are goals of the state as established in the following Executive Orders and action plan.
    a. On September 1, 2017, Governor Brown issued Executive Order B-42-17 to bolster the state's response to unprecedented tree die-off by expediting removal of millions of dead and dying trees across the state.
    b. On May 18, 2018, Governor Brown issued Executive Order B-52-18 to support the state's resilience to wildfire and other climate impacts, to address extensive tree mortality, to increase forests' capacity for carbon capture, and to improve forest and forest fire management. The Executive Order, in part, required the California Natural Resources Agency (CNRA), in coordination with the California Board of Forestry and Fire Protection (BOF or Board of Forestry), California Department of Forestry and Fire Protection (CAL FIRE), and other agencies to increase the pace and scale of forest treatments on state and private lands from 250,000 to 500,000 acres per year to reduce wildfire risk.
    c. On January 9, 2019, Governor Newsom issued Executive Order N-05-19, directing CAL FIRE to recommend immediate-, medium-, and long-term actions to help prevent destructive wildfires.
    d. On January 8, 2021, the Governor's Forest Management Task Force issued the Wildfire and Forest Resilience Action Plan, a comprehensive plan to reduce wildfire risk for vulnerable communities, improve the health

of forests and wildlands, accelerate action to combat climate change, and increase the pace and scale of forest and wildland management to meet the state's target of completing projects on 500,000 acres annually by 2025 and expanding the use of prescribed fire, particularly on state-owned lands.

4. In August 2020, Governor Newsom signed a memorandum of understanding (MOU) with the United States Department of Agriculture, Forest Service, Pacific Southwest Region (USFS) to maintain and restore healthy forests and rangelands that reduce public safety risks, protect natural and built infrastructure, and enhance ecological habitat and biological diversity. The MOU commits the State of California and the USFS to scale up vegetation treatment to one million acres of forest and wildlands annually by 2025, committing to each sustainably treat 500,000 acres per year.
5. This Order represents the Central Coast Water Board's initial step to support the increased pace and scale of vegetation treatment from baseline levels toward the goals listed in the Governor Executive Orders identified in Finding A.3 above and the Wildfire and Forest Resilience Action Plan, while also protecting water quality and beneficial uses of waters of the state.
6. Flood risk reduction is conducted in both natural and modified channels, as well as on banks and in riparian areas of water bodies. Flood risk reduction activities can include management and removal of both vegetation and sediment. Sediment and vegetation management activities have the potential to result in the discharge of waste and adverse impacts to beneficial uses of waters of the state. Flood management activities in waters not subject to Clean Water Act section 404 are required to be permitted by waste discharge requirements under state law.
7. The term *waste* is defined in California Water Code section 13050(d) and includes "any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation." Project activities that are covered by this Order are expected to result in discharges of waste or threatened discharges of waste that could affect the quality of the waters of the state. As a result of vegetation management, large woody debris, downed vegetation, and masticated material will be discharged in locations and in manners that could affect the quality of the waters of the state. These discharges will occur in quantities and at locations and times that would not occur under natural conditions and are therefore waste discharges associated with human activity and habitation. In addition, vegetation management activities will reduce canopy cover, which can lead to erosion and sediment discharge to waters of the state as well as an increase of temperature in waters of the state. Mechanized equipment used for vegetation management and

sediment removal can also result in erosion and discharges of sediment and petroleum products from equipment into waters of the state. Livestock used for herbivory treatment can result in discharge of bacteria and introduction of invasive species. Discharges of sediment, heat, petroleum products, and livestock waste are discharges of waste associated with human activity and habitation that have the potential to affect the quality of the waters of the state.

8. The formal process by the Central Coast Water Board of adopting individual waste discharge requirements (WDRs) after receipt of a report of waste discharge (application or ROWD) from dischargers is a several-month-long process that could unduly delay implementation of fire and flood risk reduction projects. General WDRs provide both the Central Coast Water Board and Dischargers with an efficient regulatory mechanism for certain types of discharges of waste not regulated under Clean Water Act sections 404 and 401. The development of an efficient regulatory mechanism will streamline implementation of activities regulated by the Order.

B. BASIN PLAN

1. The *Water Quality Control Plan for the Central Coastal Basin* (Basin Plan) was updated by the Central Coast Water Board on June 14, 2019. The Basin Plan incorporates statewide plans and policies by reference, identifies beneficial uses, establishes water quality objectives (together referred to as water quality standards), and contains programs of implementation necessary to achieve water quality objectives and protect waters of the state. This Order requires dischargers to comply with Central Coast Water Board Basin Plan requirements, including water quality objectives governing waste discharges to protect beneficial uses.

2. Activities regulated by this Order will occur in surface waters of the state and associated riparian areas. Pursuant to the Basin Plan and State Water Board plans and policies, the existing and potential beneficial uses of waters potentially affected by regulated activities include:

   a. Agricultural Supply (AGR)
   b. Aquaculture (AQUA)
   c. Preservation of Biological Habitats of Special Significance (BIOL)
   d. Cold Freshwater Habitat (COLD)
   e. Commercial and Sportfishing (COMM)
   f. Estuarine Habitat (EST)
   g. Freshwater Replenishment (FRSH)
   h. Ground Water Recharge (GWR)
   i. Industrial Service Supply (IND)

j. Migration of Aquatic Organisms (MIGR)
k. Municipal and Domestic Supply (MUN)
l. Navigation (NAV)
m. Hydropower Generation (POW)
n. Industrial Process Supply (PROC)
o. Rare, Threatened, or Endangered Species (RARE)
p. Water Contact Recreation (REC-1)
q. Non-contact Water Recreation (REC-2)
r. Shellfish Harvesting (SHELL)
s. Spawning, Reproduction, and Development (SPWN)
t. Warm Freshwater Habitat (WARM)
u. Wildlife Habitat (WILD)
v. Inland Saline Water Habitat (SAL)

The Basin Plan contains water quality objectives established to protect the above-listed beneficial uses of water. The factors in California Water Code section 13241, including economic considerations, were considered as required by law during the establishment of these objectives. Prohibitions, provisions, and specifications contained in this Order implement these previously developed water quality objectives. Compliance with water quality objectives should protect the beneficial uses listed in the above paragraph.

C. California Environmental Quality Act (CEQA)

1. For the purposes of adoption of this Order, the Central Coast Water Board is the lead agency pursuant to the CEQA.

2. On June 15, 2023, the Central Coast Water Board issued a Notice of Preparation of an Environmental Impact Report and Notice of CEQA Scoping meeting.

3. On July 18, 2023, the Central Coast Water Board held a CEQA scoping meeting.

4. *[Prior to the adoption of this Order, and after considering public comment, the Central Coast Water Board certified a Final Environmental Impact Report (FEIR) that identifies the potentially significant environmental impacts associated with this Order and identifies mitigation measures to reduce the potentially significant environmental impacts to less than significant (decision pending).]*

D. WATERS OF THE STATE CONSERVATION AND MITIGATION

1. State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California* (Resolution 68-16),[11] requires regional water quality control boards, in regulating the discharge of waste, to maintain high quality waters of the state until it is demonstrated that any change in quality will be consistent with maximum benefit to the people of the state, will not unreasonably affect beneficial uses, and will not result in water quality less than that described in a regional water quality control board's policies. Resolution 68-16 also states, in part: "Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in best practicable treatment and control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained." The discharges regulated by this Order are subject to waste discharge requirements that will result in best practicable treatment or control, the prevention of pollution and nuisance, and maintenance of the highest water quality consistent with maximum benefit to the people of the state.

2. Project activities such as vegetation and sediment removal and management can result in partial or complete loss of waters' beneficial uses at those locations, including temporal loss. To reconcile such losses with the antidegradation requirements of State Water Board Resolution 68-16, this Order requires Dischargers to develop and implement compensatory mitigation plans to ensure that Project impacts to beneficial uses are mitigated through avoidance and minimization and that unavoidable loss of beneficial uses is offset with appropriate compensatory mitigation.

3. This Order specifies waste discharge requirements that are necessary to adequately address effects on and threats to water quality resulting from discharges of waste to waters of the state; to be consistent with antidegradation provisions of State Water Board Resolution 68-16; and to accommodate and require appropriate changes during implementation of regulated project activities. Through adherence to the waste discharge requirements, the regulated activities will not result in violation of state water quality standards.

[11] https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf

E. GENERAL FINDINGS

1. For purposes of this Order, the term “Discharger” includes the landowner or anyone else, if not the landowner, implementing or proposing to implement vegetation or sediment management activities in waters of the state and riparian areas.
2. Section 13260(a) of the California Water Code requires that any person discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the state, shall file a ROWD. The discharge of cut vegetation and disturbed sediment resulting from Project activities constitutes a discharge of waste that could affect the quality of waters of the state, as described in Order Finding III.A.7.
3. California Water Code section 13263(a) requires that waste discharge requirements be prescribed as to the nature of any proposed discharge, existing discharge, or material change in an existing discharge. Such waste discharge requirements must implement any relevant water quality control plans, taking into consideration beneficial uses to be protected, the water quality objectives reasonably required for those purposes, other waste discharges, the need to prevent nuisance, and the provisions of section 13241 of the California Water Code. Waters of the state means any surface water or groundwater, including saline waters, within the boundaries of the state.
4. California Water Code section 13263(i) authorizes the Central Coast Water Board to prescribe general waste discharge requirements for a category of discharges when the Central Coast Water Board determines that all the following criteria apply to the discharges in that category:
    a. The discharges are produced by the same or similar operations.
    b. The discharges involve the same or similar types of waste.
    c. The discharges require the same or similar treatment standards.
    d. The discharges are more appropriately regulated under general discharge requirements than individual discharge requirements.
5. Discharges to waters of the state from vegetation or sediment removal or management activities described in this Order are similar and consistent in nature and are not expected to vary significantly across different landscapes. Discharges from vegetation or sediment removal or management activities have the same or similar wastes and concentrations of wastes, including sediment, vegetative material, herbicides, bacteria, nutrients, and petroleum products. Vegetation and sediment removal or management activities require

the same or similar control methods and mitigation techniques to avoid, minimize, and/or mitigate for their adverse impacts to water quality and beneficial uses of water, regardless of location. These types of discharges are more appropriately regulated under general WDRs because individual WDRs for each site-specific project would be virtually identical. Further, as set forth in Finding III.A.8, use of general WDRs will reduce delays in conducting the work needed to protect the waters of the state.

6. This Order includes monitoring and reporting requirements pursuant to California Water Code section 13267. The Central Coast Water Board needs the required information to determine the extent of impacts to water quality and beneficial uses from regulated activities, to evaluate the effectiveness of implementation of required mitigation, and to ensure compliance with this Order. The burden of preparing reports, including costs, is reasonable to the need and benefits of obtaining the reports. Reports are required only annually. The reports confirm that the best management practices (BMPs) required under this Order are sufficient to protect beneficial uses and water quality objectives. The anticipated costs of monitoring obligations are generally minimal because they require only visual monitoring. Water quality sampling may be required for in-water work, including such requirements as sampling for pH or turbidity. Testing for these wastes may be done with low-cost field equipment. Sampling during in-water work is appropriate because the risk of direct discharges poses a higher threat to water quality and would require quick corrective action. Given the significance of the potential impacts of the activities on water quality, the burden, including costs, of the monitoring and report bears a reasonable relationship to its need and the benefits to be obtained. The evidence supporting the need for the reports required by this Order is set forth in this Order and in the Central Coast Water Board's public file on this Order.

7. Pursuant to California Water Code section 106.3, the state statutorily recognizes that “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.” The human right to water extends to all Californians, including disadvantaged individuals and groups and communities in rural and urban areas. This Order protects the human right to water by establishing conditions that reduce or prevent discharge of waste, thereby contributing to efforts to maintain high quality drinking water for Californians.

8. Failure to prevent conditions that create or threaten to create pollution or nuisance or that may unreasonably degrade waters of the state will be sufficient reason to modify, revoke, or enforce this Order.

9. Pursuant to California Water Code section 13263(g), waste discharges to waters of the state are a privilege, not a right, and adoption of this Order does not create a vested right to continue any discharge.

10. Climate change refers to observed changes in regional weather patterns such as temperature, precipitation, and storm frequency and size. At the local scale, within urbanized areas, climate change may directly impact groundwater and surface water supply; drainage, flooding, and erosion patterns; and ecosystems and habitat. This shift in climate, combined with California's growing population, has increased reliance on pumping, conveying, treating, and heating water, increasing the water sector's greenhouse gas emissions. The State Water Board's Resolution 2017-0012, *Comprehensive Response to Climate Change,*[12] requires a proactive response to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities. Aligning with Resolution 2017-0012, this Order facilitates prevention of wildfire and response to extreme weather associated with climate change. In addition, staff will consider climate change impacts when determining project-specific enrollment requirements upon issuing notices of applicability. In general, because of the limited size and scope of projects subject to this Order, as well as projects' prevention of wildfire, enrolled projects will not have significant climate change impacts.

11. This Order does not supersede any federal, state, or local law or regulation.

12. On May 15, 2023, the Central Coast Water Board provided formal notification and an opportunity for consultation to all California Native American tribes in the Central Coast Region. The Central Coast Water Board engages in consultations consistent with the principles described in the State Water Board's *Tribal Consultation Policy*, dated June 2019.[13]

13. California Water Code section 13149.2, subdivision (c), requires that "[w]hen issuing or reissuing regional or statewide waste discharge requirements or waivers of waste discharge requirements, the state board or a regional board shall make a concise, programmatic finding on potential environmental justice, tribal impact, and racial equity considerations related to the issuance." This

[12] https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0012.pdf

[13] Tribal Consultation Policy website: https://www.waterboards.ca.gov/about_us/public_participation/tribal_affairs/docs/california_water_board_tribal_consultation_policy.pdf

Order is generally not expected to have any adverse impacts on any communities or raise any environmental justice issues. These discharges have often previously been conducted without direct water quality regulation. As such, this Order's water quality protection requirements are expected to reduce environmental impacts to disadvantaged or tribal communities. Also, activities authorized under this Order are expected to occur throughout the region, without disproportionate impact on disadvantaged or tribal communities. In addition, activities authorized under this Order are expected to benefit disadvantaged and tribal communities by reducing those communities' fire and flood risk.

14. On June 3, 2024, the Central Coast Water Board notified interested agencies and persons of its intention to issue these waste discharge requirements and provided an opportunity to review a copy of the proposed order and submit views and comments.

15. The Central Coast Water Board, in a public meeting held on [*DATE######*], heard and considered all comments pertaining to the proposed discharge.

IT IS HEREBY ORDERED, pursuant to California Water Code sections 13263 and 13267, that Dischargers, their agents, successors, and assigns, in order to meet the provisions contained in division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

IV. Prohibitions

A. Permitted actions shall not cause or contribute to an exceedance of any water quality objectives or impair designated (existing or potential) beneficial uses of receiving waters as set forth in the Basin Plan. The source of any such discharge must be eliminated as soon as practicable.

B. The discharge of waste classified as "hazardous" or "designated" as defined in California Code of Regulations title 22, section 66261 and California Water Code section 13173 is prohibited.

C. Project activities shall not cause loss of canopy that contributes to an increase in temperature that adversely affects beneficial uses of waters of the state.

D. A discharge shall not directly or indirectly destabilize the channel or bed of a receiving water, degrade water quality or beneficial uses, or include substances in concentrations toxic to human, plant, animal, or aquatic life or that produce detrimental physiological responses.

E. Cumulative Impacts: Activities permitted under this Order shall not result in adverse impacts that are significant when viewed in connection with the effects of past

projects, the effects of other current projects, and the effects of probable future projects.

F. Herbicide application is prohibited within 25 feet of surface water and shall not be applied in a manner or at rates that cause or threaten to cause a discharge to waters of the state at levels that cause or contribute to exceedances of water quality objectives established in the Basin Plan.

V. General Conditions for All Projects

A. Enrollment term

1. The Notice of Applicability (NOA) shall expire if vegetation and sediment removal and management activities have not started within five years from the issuance of the NOA.

B. Avoidance and Minimization

1. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the state. Dischargers shall limit disturbance and removal of vegetation and sediment to not exceed the minimum necessary to achieve project goals.

2. Prior to project commencement, Dischargers shall evaluate the proposed alignment of each project area compared to field conditions and adjust the alignment of the project area in the field where maintenance impacts could be reduced without reducing flood control or fire fuel reduction benefits.

C. Sediment and Erosion Control Best Management Practices

1. An effective combination of erosion and sediment control BMPs must be identified prior to activity commencement and implemented throughout the course of the project until permanent soil stabilization is achieved.

2. All materials and supplies necessary for implementing effective erosion and sediment control must be on-site and ready for use at the start of the activity and must remain in supply and ready at all times so they are immediately available for installation in anticipation of rain events.

3. Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.

4. All temporary ground disturbance to or in waters of the state and riparian areas or areas that may run off to waters of the state or riparian areas must be stabilized to prevent erosion and encourage regrowth of desirable native plant

species. Dischargers shall stabilize disturbed areas promptly through erosion control measures or revegetation. Any area left inactive for 14 days or more must be stabilized.

5. After project activities, temporarily disturbed areas shall be revegetated and meet success criteria of 70 percent native vegetation cover or a percent cover equal to or greater than pre-project conditions.

6. All project-related equipment and materials and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the project.

D. Project Timing

1. The Discharger shall not conduct project activities in waters of the state or riparian areas during rain events or on any day for which the National Weather Service has predicted a 25 percent or more chance of at least 0.1-inch rain in 24 hours (Predicted Rain Event). The Permittee shall install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event and prior to the start of any rainfall. Construction activities in waters of the state or riparian areas may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other wastes from the project site.

2. The work window for sediment removal and management project activities in waters of the state and riparian areas is from June 1 to September 30. The work window for using heavy equipment for mechanized vegetation removal and management project activities in waters of the state or riparian areas, or in areas where runoff can enter waters of the state or riparian areas, is from May 1 to November 30.

3. To conduct work outside of these work windows, the Discharger must submit a work window extension request. To apply for an extended work window, a work window extension request shall be submitted at least 14 days before proposed project activities. The work window extension request shall include all information described in Order section XII.D.4.

E. Roads

1. Existing roads, trails, and access ramps to access project areas shall be used to the maximum extent practicable. Where existing ingress and egress points are not sufficient, the Discharger shall identify specific locations for crossing channels prior to commencing work. Installation and maintenance of access

roads must follow industry standards and guidance (Handbook for Forest, Ranch, and Rural Roads[14] or equivalent).

a. Limit use of unpaved roads to only necessary vehicles and equipment to avoid sedimentation, erosion, and soil compaction.

2. Equipment shall not be driven through any wetted channel unless to accomplish sediment removal following diversion and dewatering.

3. Access routes shall minimize crossings of dry channels to the maximum extent practicable.

a. Care shall be exercised if any heavy equipment needs to cross dry channels to ensure that no sediment is pushed into the channel. If sediment is pushed into the channel, within 48 hours it shall be removed, the bank returned to its original contours, and effective erosion control management practices installed.

4. Access roads must be stabilized with no threat of erosion or sediment discharge within 48 hours of completion of work at that location. Access and use by non-project vehicles and heavy equipment shall be restricted.

5. Access roads that are not removed prior to permit termination will be considered a permanent impact and require compensatory mitigation.

F. Equipment and Vehicles

1. Staging and maintenance of equipment and vehicles shall be limited to designated areas identified on project maps and located at least 100 feet away from waters of the state and riparian areas.

2. All mechanized equipment shall be maintained in good operating order and inspected for leaks on a regular basis. Do not store or operate leaking vehicles or equipment in a location where it may discharge onto soil or into waters of the state.

3. Adequate spill prevention and cleanup equipment and materials shall always remain onsite throughout project implementation. Any spills or leaks of hazardous materials, chemicals, fuels, lubricants, or any other wastes shall be promptly and completely controlled, treated, and cleaned up using appropriate

[14] Weaver, W.E., Weppner, E.M. and Hagans, D.K., 2015, Handbook for Forest, Ranch and Rural Roads: A Guide for Planning, Designing, Construc ng, Reconstruc ng, Upgrading, Maintaining and Closing Wildland Roads (Rev. 1st ed.), Mendocino County Resource Conserva on District, Ukiah, California.

materials and equipment. If the spill or leak reaches surface waters, the Discharger must follow notification procedures specified in Order Section XII.D.3.

4. Hazardous materials, including chemicals, fuels, and lubricating oils, shall not be stored within 100 feet of waters of the state and shall be stored in appropriate containers with secondary containment. Secondary containment must be at least 10 percent of the total volume of the primary containers, or 100 percent of the volume of the largest container, whichever is greater. Disposal of hazardous materials must occur at an authorized hazardous waste disposal facility.
5. Dischargers shall implement effective cleaning and sanitation procedures for boots, tires, tools, and equipment prior to entering and exiting the project area to avoid introduction of invasive species and/or plant pathogens.

G. Waste and Debris

1. Dischargers shall implement the following applicable BMPs for waste management:
    a. Sediment removed from waters of the state and riparian areas shall be transported outside of the waters of the state and riparian areas to locations where sediment cannot re-enter waters of the state and riparian areas. Stockpiled sediment shall be removed from waters of the state and riparian areas to an appropriate designated location by September 30 of each year. Disposal of sediment must be in accordance with all applicable laws and regulations.
    b. Downed vegetation and large woody debris not being retained on site for habitat benefit may be temporarily stockpiled within dry areas of waters of the state, provided stockpiles shall be placed only in already-disturbed areas; shall not be placed on native riparian vegetation; shall be covered and surrounded with linear sediment BMPs prior to Predicted Rain Events; and shall be removed from waters of the state by September 30 of each year.
    c. Trash or debris must be contained in waste containers if it is subject to transport from the site by wind or runoff.
    d. Prevent discharges from waste disposal containers. Cover waste disposal containers at the end of every business day and prior to a Predicted Rain Event.

e. Waste disposal containers that can be emptied by hand shall be emptied at an appropriate site at least weekly and before reaching capacity. Large debris and trash contained in large roll-off or dumpster style bins shall be disposed of at a designated site when the trash receptacle is full.
f. Use secondary containment for sanitation facilities (e.g., portable toilets) to prevent discharges of wastes. Both sanitation facilities and the corresponding containment must be placed as far from waters of the state as possible and are prohibited within 100 feet of waters of the state.
g. Clean or replace sanitation facilities and inspect them regularly for leaks and spills.

H. Training

1. Dischargers are responsible for ensuring that work conducted by their consultants, contractors, and any subcontractors complies with the conditions of this Order. A copy of this Order and the NOA shall be provided to any consultants, contractors, and subcontractors working on behalf of the Discharger. Copies of this Order and the NOA shall remain at the project site for the duration of each year's project activities. All personnel performing work on the project shall be familiar with the content of this Order and the NOA and its location at the project site.
2. Prior to initiation of any project activity and repeated on an annual basis, all personnel (including consultants, contractors, and subcontractors) shall participate in environmental awareness training conducted by a qualified professional who is knowledgeable about state and federal laws regarding the protection of water quality, waters of the state, and related special-status species. More than one qualified professional may be needed depending on the size, location, or complexity of the project. The training shall address the requirements of this Order, how to comply with this Order, how to identify resources to be protected, and how to implement the BMPs necessary to prevent water quality impacts. A sign-in sheet documenting participation in environmental awareness training shall be kept on record.
3. At least one person who is knowledgeable about the requirements of this Order and state and federal laws regarding the protection of water quality, waters of the state, and related special-status species shall be onsite, during normal working hours, until all project areas are stabilized.

VI. Additional General Conditions for Category B Projects

A. Enrollment Term

1. Category B low tier project activities are only permitted as one-time vegetation or sediment removal or management and shall not be repeated more than once within five years from the issuance of the NOA.
2. Category B medium and high tier vegetation or sediment removal or management activities shall not continue beyond five years from the issuance of the NOA.
3. Temporary impact restoration or compensatory mitigation maintenance and monitoring may extend after the five-year term until success criteria are met. However, no additional vegetation or sediment removal or management activities for flood or fire risk reduction are permitted to continue after the end of the five-year period. Dischargers that wish to continue routine activities must apply for new enrollment under this Order or for other authorization.

B. Project Delineation

1. Clearly identify and delineate all of the following that will be incorporated in the Project on a map: project boundaries, activity types and locations, ingress/egress points, channel crossings, sensitive resources to be avoided, equipment exclusion zones, unstable slopes, equipment staging and maintenance areas, and roads to be accessed or installed. A map must be included in the Notice of Intent (NOI), updated with annual work plans as applicable, and kept available on site.
2. Clearly identify and delineate, by flagging or staking, the boundaries of each project area.
3. Clearly identify and delineate, by flagging or staking, sensitive resources to be avoided.
4. Clearly identify and delineate, by flagging or staking, the boundaries of any invasive species removal areas.
5. Maintain identification/delineation markers until project activities are completed and soils have been stabilized.

C. Avoidance and Minimization

1. Limit vegetation or sediment removal or management activities to the minimum necessary to achieve fire and flood risk reduction goals, objectives, targets, and performance standards.
2. Use the least impactful methods for vegetation or sediment removal or management that can practically achieve fire and flood risk reduction goals and objectives.

VII. Activity-Specific Conditions for All Projects

A. Vegetation Removal or Management

1. Retain native trees and shrubs with a diameter of four inches or more at breast height to the maximum extent practicable. Trees that require removal shall be felled away from adjacent streams or waterbodies and piled outside of the riparian area, unless being retained to provide wildlife habitat.
2. To the maximum extent practicable, retain canopy cover and limit ladder fuel trimming to a maximum of six feet from the ground.
3. Retain large woody debris to the maximum extent practicable consistent with project fire and flood risk reduction goals.
4. When using slash to stabilize disturbed soils, limit limb size to a maximum of 4 feet in length. Work all slash into soil; any slash that is not worked into the soil must be removed from the work area.
5. To the maximum extent practicable, avoid vegetation removal on unstable slopes or in areas prone to debris flows, landslides, or rock falls.
6. Dispose of removed invasive species in a manner that will not promote their spread.
7. Implement the following for mechanical vegetation management and removal activities:
    a. Conduct vegetation management and removal activities according to the work windows specified in Order section V.D.2., unless authorized by the Central Coast Water Board through a Work Window Extension Request.
    b. Minimize use of heavy equipment in waters of the state and riparian areas and implement BMPs to prevent ground disturbance and soil compaction from heavy equipment use.
    c. To the maximum extent practicable, limit tracked or wheeled equipment to designated ingress and egress points and to existing stream crossing points. Do not cross streams when surface water is present or soils are saturated.
    d. Wood chips produced from mechanical treatments on site shall not be used to stabilize disturbed soils on slopes steeper than 30% within 100 feet of waters of the state. If wood chips are used as a stabilization method on slopes less than 30%, wood chips shall not exceed a depth of 3 inches and shall be applied and stabilized in a manner that minimizes potential discharge to waters of the state.

B. Prescribed Fire

1. Establish a 50-foot buffer around sensitive resources and any surface water.
2. Establish control lines using existing roads whenever feasible.
3. To the maximum extent practicable, avoid burning on unstable slopes or in areas prone to debris flows, landslides, or rock falls.
4. To the maximum extent practicable, implement a mosaic burn pattern, leaving sections of unburned vegetation to serve as natural sediment and nutrient filters.
5. To the maximum extent practicable, employ ignition patterns like head fires or flanking fires to promote low-intensity burns. Utilize only low-intensity burns for understory burns in waters of the state and riparian areas.
6. To the maximum extent practicable, plan multiple, smaller burns over several seasons instead of one large burn to reduce cumulative impacts on soils, vegetation, and water resources.
7. Before burning, remove excess dead vegetation, snags, and accumulated leaf litter from riparian zones to the maximum extent practicable to promote low-intensity burns and minimize the risk of impacts from prescribed fire.
8. Limit pile burning to the location the burn pile was created to minimize the potential spread of invasive plant species. Establish burn piles in already disturbed areas, away from trees and native vegetation when feasible, or establish burn piles on compacted roads or parking lots as needed. Burn piles must adhere to the 50-foot buffer required in Order section VII.B.1.
9. Limit burn piles to 20 feet in length, width, and diameter.
10. Remove trash in advance of broadcast burning.

C. Prescribed Herbivory

1. Assign a trained supervisor or herder who is knowledgeable about prescribed herbivory livestock behavior, local vegetation, and environmental sensitivities. The supervisor shall remain on-site during grazing operations to monitor prescribed herbivory activity and ensure adherence to the prescribed herbivory plan.
2. Establish and adhere to livestock density limits based on vegetation type and terrain that will prevent overgrazing and land degradation.
3. Exclude grazing in areas where the vegetation is at risk of being reduced to bare soil. Ensure that ground cover remains sufficient to prevent soil erosion and protect water quality.

4. Implement rotational grazing to prevent overgrazing and soil compaction.
5. Introduce livestock into the project area only after a quarantine period of at least 72 hours offsite, during which they should be fed only commercially produced bulk feed or agricultural crops. This is to prevent the introduction of non-native plant species through seed contamination. Alternatively, the Discharger may demonstrate that the animals are relocated from a location without any additional invasive species compared to the project site.
6. Ensure animals are healthy, well-nourished, and free of internal and external parasites before and during the grazing period.
7. Do not conduct prescribed herbivory activities during a rain event, within 24 hours of a Predicted Rain Event, or when soils are wet, saturated, or subject to compaction.
8. Contain livestock in designated areas identified in work plans and away from areas of flowing or standing water and areas with sensitive resources. Conduct regular checks to ensure that containment measures are intact, and livestock have not breached designated boundaries.
9. Provide livestock access to clean, off-stream water sources such as troughs or wells to reduce the reliance on natural waterbodies and minimize streambank damage.

D. Herbicides

1. Herbicide application shall be limited to invasive species management and is not permitted within 25 feet of any surface water. Only hand application of herbicides is permitted.
2. Herbicide application is prohibited under the following conditions: in winds that exceed seven miles per hour, during a rain event, or within 24 hours of a Predicted Rain Event.
3. The Discharger or practitioner applying herbicides must have all necessary state and local applicator licenses. Herbicide application must comply with all laws and regulations, including any applicable Basin Plan requirements, pertaining to storage, use, and application. Herbicides shall be used only in a context where all treatment methods are considered, and various methods are used individually or in concert to maximize the benefits while reducing undesirable effects and applying the lowest legal effective application rate, unless site-specific analysis determines a lower rate is needed to reduce non-target impacts. Treat only the minimum area necessary for effective control.
4. Herbicides must be mixed and applied in conformance with the product label and manufacturer’s directions.

5. Aquatic Herbicide General Permit Requirement: If aquatic herbicides are proposed to be applied in waters of the United States, the Discharger shall apply for coverage and maintain compliance with conditions described in, and required by, the National Pollutant Discharge Elimination System General Permit for Residual Aquatic Pesticide Discharges to Waters of The United States from Algae and Aquatic Weed Control Applications (Order 2013-0002-DWQ (General Permit No. CAG990005) or any subsequently issued permit).
6. If the Discharger observes spray to be drifting to a non-target location, the Discharger must discontinue spraying until conditions causing the drift have abated.

E. Sediment management and removal

1. Sediment removal shall be conducted from the top of bank if practicable.
2. Sediment removal from channels shall not exceed the minimum amount necessary to re-establish pre-existing natural or designed channel dimensions or flood control capacity.
3. The Discharger shall restore channel geometry at sediment excavation sites to match the channel shape, dimensions, and slope upstream and downstream of the project site. To the maximum extent practicable, sediment removal shall not result in elimination of a riffle, pool, or riffle/pool complex that is not replaced/enhanced either onsite after sediment removal or offsite by the Discharger.
4. For projects in the high tier, the Discharger shall remove only the minimum amount of sediment necessary to achieve the quantifiable flood-risk performance standard identified in the sediment removal or management plan required in Order section X.D. Sediment removal areas shall be revegetated to the maximum extent practicable while maintaining the flood risk performance standard.
5. After sediment removal, the Discharger shall ensure that the transition between the existing channel both upstream and downstream is smooth and continuous between the maintained and non-maintained areas and does not present a “wall” of sediment or other blockage, or a drop, that could erode or cause erosion once flows are restored.
6. If gravels that have the potential to be used for spawning are removed to conduct maintenance activities, to the maximum extent practicable, the gravels shall be carefully removed and stored where maintenance activities shall not impact the quality of the gravel. The gravel shall be replaced as close to original conditions as possible upon completion of the maintenance activities.

F. Diversion and Dewatering

1. All diversion and dewatering systems shall be removed by September 30 of each year.
2. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the state to isolate the immediate project work area. Stream diversions shall be limited to the shortest duration necessary to complete in-water work. 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.
3. Where feasible and appropriate, dewatering/diversion shall occur via gravity-driven systems.
4. When diversions with bypass pipes are installed, bypass pipes shall be sized to accommodate, at a minimum, twice the expected flow during project activities and to not increase stream velocity and shall be placed at stream grade. When stream velocities have the potential to result in secondary erosion, conveyance pipe outlet energy dissipaters shall be installed to prevent scour and turbidity at the discharge location.
5. When diversions with bypass pipes are installed, debris racks or screens shall be placed at the bypass pipe inlet in a manner that minimizes the potential for fish impingement and/or entrapment. As needed and where feasible, bypass pipes shall be monitored for accumulation of debris. All accumulated debris shall be removed.
6. When use of gravity-fed dewatering is not feasible and pumping is necessary to dewater a project work site, the Discharger shall consider use of a temporary siltation basin and/or use of silt bags. Silt fences or mechanisms to avoid sediment input to the flowing channel shall be installed adjacent to flowing water. Water pumped or removed from dewatered areas must not contribute turbidity to nearby receiving waters. Where possible, pumps shall be refueled in an area well away from the stream channel. Fuel absorbent mats shall be placed under the pumps while refueling. Equipment working in the stream channel or within 25 feet of surface water shall have a double (i.e., primary and secondary) containment system for fuel and oil fluids.
7. The Discharger shall implement corrective measures if any violations of the guidelines occur.
8. In-water cofferdams shall be built only from materials such as sandbags, plastic, clean gravel (possibly wrapped in impermeable material), rubber bladders, vinyl, steel, or earthen fill and in a manner that minimizes siltation and/or turbidity. Sandbags may be used to build cofferdams upstream of

spawning gravels only when filled with clean gravel. If necessary, the footing of the cofferdam shall be keyed into the channel bed at an appropriate depth to capture the majority of subsurface flow needed to dewater the streambed.

9. If water is flowing, fish and other aquatic species shall be excluded from occupying the area to be dewatered by blocking the stream channel above and below the area to be dewatered with fine-meshed block nets or screens while coffer dams and other diversion structures are being installed. Block net mesh shall be sized to ensure aquatic species upstream or downstream do not enter the areas proposed for dewatering. Mesh shall be no greater than 1/8-inch diameter. The bottom of the nets must be completely secured to the channel bed. Block nets or screens must be checked at least twice daily at the beginning and end of the workday and cleaned of debris to permit free flow of water. Block nets or screens shall be placed and maintained throughout the dewatering period at the upper and lower extent of the areas where aquatic species shall be removed, with the exception of allowing for fish passage through gravity-fed bypass systems. Nets shall be removed after completion of project activities and once flow has been re-established.
10. When appropriate, cofferdams shall be removed so surface elevations of water impounded above the cofferdam shall not be reduced at a rate greater than one inch per hour.
11. Structures for isolating the in-water work area and/or diverting the water flow must not be removed until all disturbed areas within the dewatered area are cleaned and stabilized. Upon completion of project activities, any diversions or barriers to flow shall be removed in a manner that will allow flow to resume with the least disturbance to the substrate and control of turbidity levels. Alteration of creek beds shall be minimized to the maximum extent possible; any imported material that is not part of the project design will be removed from stream beds upon completion of project activities.

VIII. Additional Activity-Specific Conditions for Category B Projects

A. Manual or Mechanical Vegetation Removal or Management

1. Develop and implement a vegetation removal or management plan as described in Order section X.A.
2. Vegetation removal or management shall not exceed the minimum amount necessary to achieve fire and flood risk reduction goals and objectives, as determined by modeling or equivalent quantifiable assessment methods.
3. Dischargers in the high tier of Category B shall avoid adverse beneficial use impacts from vegetation removal or management by incorporating the following measures to the maximum extent practicable:

a. Conduct vegetation removal or management in a mosaic by either conducting programmatic vegetation removal or management at individual activity locations in a manner that maintains spatial heterogeneity, interspersion, and vertical biotic structure complexity or conducting programmatic vegetation removal or management in a rotation such that different stages of regrowth are allowed in a manner that maintains habitat complexity over the total project area.
b. Leave large woody debris in place in the project area in a manner that provides habitat benefit such as channel stability or enhances physical structure and patch richness.
c. Preserve either a vegetated buffer adjacent to waters of the state or maintain a continuous riparian corridor that is protected from manual and mechanical vegetation management activities.

B. Prescribed Fire

1. Develop and implement a prescribed fire plan as described in Order section X.B.

C. Prescribed Herbivory

1. Develop and implement a prescribed herbivory plan as described in Order section X.C.

D. Sediment Removal or Management

1. The Discharger shall develop and implement a sediment removal or management plan as described in Order section X.D.
2. The Discharger shall analyze upstream conditions to identify if there is a risk that the project area contains contaminated sediment. If there is a risk of contaminated sediment, the Discharger must develop a sampling and analysis plan and conduct sediment sampling according to the sampling and analysis plan. If sediment is found to exceed environmental safety standards, it shall be disposed of in a landfill and not used offsite. If sediment is found to be hazardous, it must be disposed of in a hazardous waste facility.
3. Dischargers in the high tier of Category B shall avoid adverse fluvial geomorphological impacts from sediment removal or management by incorporating the following measures to the maximum extent practicable:
    a. Conduct sediment removal or management in alternating single-bank reaches, avoiding simultaneous impacts to both banks of waters of the state.

b. Conduct programmatic sediment removal or management in a rotation such that natural geomorphological processes are allowed in a manner that maintains habitat complexity over the total project area and encourages natural sediment transport.
c. Maintain sinuosity within the project area.
d. Maintain downstream flow velocities exiting the project area.
e. Incorporate measures to prevent further incision or entrenchment from cumulative project impacts.

E. Diversion/Dewatering

1. Diversion/dewatering is not permitted for low tier projects.
2. For medium and high tier projects, if surface water is present in project areas where instream activities will occur, the Discharger shall submit a diversion/dewatering plan in compliance with Order section X.F with the NOI.

IX. Temporary Impacts Restoration and Compensatory Mitigation for Temporal and Permanent Impacts for Category B Projects

A. Temporary Impacts Restoration

1. The Discharger shall restore all areas of temporary impacts to waters of the state and to riparian areas to pre-project conditions to the maximum extent practicable and in a manner that is consistent with the flood or fire risk reduction goals of the project.
2. Temporary impact restoration installation shall be completed as soon as possible and no later than within six months of completion of work in the impacted areas.
3. The Discharger shall conduct maintenance (e.g., watering, weeding, replanting, and invasive species control) of temporary impact restoration until restoration success criteria are met and the site is self-sustaining.
4. Temporary impact restoration shall be conducted in accordance with the temporary impact restoration plan.
5. If implementation of temporary impact restoration installation is not completed within six months of completion of work in the impacted areas, the Central Coast Water Board may require compensatory mitigation to offset temporal loss of waters of the state.

B. Permanent/Temporal Impact Compensatory Mitigation

1. Sediment or vegetation removal or management projects in the medium and high tiers that include the following activities or impacts must implement compensatory mitigation:
    a. Native tree removal.
    b. Native tree canopy removal.
    c. Live native vegetation mastication.
    d. New permanent access road construction.
    e. Temporal wetland impacts.
    f. Permanent wetland impacts.
    g. Temporary impacts to vegetation resulting from clearing, grubbing, or excavation.
    h. Permanent impacts to vegetation resulting from clearing, grubbing, or excavation.
2. Dischargers subject to compensatory mitigation requirements must develop a compensatory mitigation plan in accordance with Order section X.H. The compensatory mitigation plan must be submitted with the NOI. Compensatory mitigation shall be implemented in accordance with the compensatory mitigation plan and in compliance with the requirements of this section.
3. When calculating project impact area for one-time sediment or vegetation removal and management activities within the impact categories identified in Order section IX.B.1, the area of impact shall be calculated by the total impact area. For programmatic sediment or vegetation removal and management activities, total impact area for the impact categories identified in Order section IX.B.1 shall be calculated by the cumulative total impacted area over the permit term. Repeated sediment or vegetation removal and management during the permit term in a given area shall not be counted more than once in determining required compensatory mitigation.
4. Compensatory mitigation shall be located in the same surface water hydrologic planning area as the project and shall not overlap with area that was treated as part of the project. Surface water hydrologic planning areas are identified in the Basin Plan.
5. Tree replacement shall be conducted at the compensatory mitigation site to the maximum extent practicable. If the tree replacement ratio is such that installing all required replacement trees at the compensatory mitigation site will be detrimental, trees may be installed elsewhere in waters of the state or riparian areas of the same surface water hydrologic planning area with no increase in

replacement requirement. If tree replacement is not feasible within waters of the state or riparian areas of the same surface water hydrologic planning area, planting may occur within buffer areas.

6. Compensatory mitigation shall consist of the following compensatory mitigation types defined in Attachment B and shall be implemented in accordance with the compensatory mitigation type definitions therein:
   a. Establishment
   b. Re-establishment
   c. Rehabilitation
   d. Enhancement

7. The Discharger shall identify and use success criteria to assess whether compensatory mitigation is achieving its objectives. Success criteria must serve to objectively evaluate compensatory mitigation to determine if it is developing into the desired resource type, providing value and functions that offset impacts, complying with mitigated acreage requirements, and attaining any other applicable metrics.
   a. Success criteria shall be based on attributes that are objective and verifiable. Ecological success criteria shall be based on the best available science that can be measured or assessed in a practicable manner. Success criteria may be based on variables or measures of functional capacity or condition as described in assessment methodologies, measurements of hydrology or other aquatic resource characteristics, and/or comparisons to reference waters of the state and riparian habitat of similar type and landscape position. Success criteria based on measurements of hydrology may take into consideration the hydrologic variability exhibited by reference waters of the state and riparian habitat, especially wetlands. Where practicable, success criteria shall take into account the expected stages of development to allow early identification of potential problems and appropriate adaptive management.

8. The compensatory mitigation site shall be protected in perpetuity from future development, and activities at the site shall be restricted to those necessary to ensure the site achieves mitigation success criteria. Protection in perpetuity may be demonstrated by locating compensatory mitigation in areas owned by or under the jurisdiction of the municipality conducting the project or a cooperating municipality or public agency.

9. The Discharger shall monitor the compensatory mitigation site and conduct maintenance until success criteria are met and the site is self-sustaining. Order enrollment may be terminated once the compensatory mitigation has been implemented according to the Compensatory Mitigation Plan and has met success criteria described therein.

10. The Discharger may propose for Central Coast Water Board approval alternative compensatory mitigation of the following types as defined in Attachment B of this Order.

    a. Improvements to Stream Crossings and Fish Passage
    b. Removal of Legacy Structures
    c. Bioengineered Bank Stabilization
    d. Restoration and Enhancement of Off-Channel and Side-Channel Habitat
    e. Floodplain Restoration
    f. Removal or Remediation of Pilings and Other In-Water Structures

    An alternative compensatory mitigation proposal shall include the following:

    a. Identification of the method of compensatory mitigation;
    b. Description of the likelihood of success;
    c. Demonstration that the beneficial uses degraded or lost at the impact site will be offset by the beneficial use improvements to be produced by the compensatory mitigation project;
    d. Identification of temporal losses of waters of the state and riparian habitat value and functions;
    e. Assessment of the difficulty of restoring or establishing the desired waters of the state and riparian habitat type and beneficial uses;
    f. Identification of the distance between the affected waters of the state and riparian habitat and the alternative compensatory mitigation site; and
    g. Comparison of the expected alternative compensatory mitigation project beneficial use improvements to the expected beneficial use improvements that would occur as a result of implementation of compensatory mitigation at the applicable mitigation ratios described in Order section IX.B.11.

11. Compensatory Mitigation Ratios

    a. For native tree removal, compensatory mitigation shall be implemented as follows:

        i. Removed trees with a 4”-6” diameter at breast height (dbh) shall be replaced at a 2:1 (mitigation:impact) ratio.

ii. Removed trees with a 6”-12” dbh shall be replaced at a 3:1 ratio.
iii. Removed trees with a 12” dbh or larger shall be replaced at a 10:1 ratio.

b. For native tree canopy removal, compensatory mitigation shall be implemented as follows:

i. Area of native tree canopy removed shall be mitigated by replacing tree canopy area using the same native tree species at a 0.5:1 ratio; or
ii. Area of native tree canopy removed shall be mitigated by replacing tree canopy area using a mix of native trees and other species to create a higher value habitat at a 0.25:1 ratio.

c. For live native vegetation mastication, compensatory mitigation shall be implemented depending on the type of mitigation as follows:

i. Area of masticated live vegetation shall be mitigated by enhancement or rehabilitation of waters of the state or riparian areas at a 0.25:1 ratio; or
ii. Area of masticated live vegetation shall be mitigated by re-establishment or establishment of waters of the state or riparian areas at a 0.1:1 ratio.

d. For construction of permanent new access roads, compensatory mitigation shall be implemented depending on the type of mitigation as follows:

i. Permanent impacts to waters of the state and riparian areas shall be mitigated by enhancement or rehabilitation of waters of the state or riparian areas at a 3:1 ratio; or
ii. Permanent impacts to waters of the state and riparian areas shall be mitigated by re-establishment or establishment of waters of the state or riparian areas at a 2:1 ratio.

e. For temporal wetland impacts with restoration of the impact site to pre-project conditions, compensatory mitigation shall be implemented according to the length of temporal delay before restoration of project impact locations as follows:

i. Temporal wetland impacts exceeding six months, with restoration of the impact site to pre-project conditions, shall be mitigated by additional enhancement or rehabilitation of wetland at a 1:1 ratio;

ii. Temporal wetland impacts exceeding six months, with restoration of the impact site to pre-project conditions, shall be mitigated by additional establishment or re-establishment of wetland at a 0.5:1 ratio;
iii. Temporal wetland impacts exceeding six months, with restoration of the impact site to pre-project conditions, shall be mitigated by additional enhancement or rehabilitation out of kind at a 3:1 ratio; or
iv. Temporal wetland impacts exceeding six months, with restoration of the impact site to pre-project conditions, shall be mitigated by additional establishment or re-establishment out of kind at a 2:1 ratio.

f. For permanent wetland impacts, compensatory mitigation shall be implemented depending on the type of mitigation as follows:

i. Permanent wetland impacts shall be mitigated by enhancement or rehabilitation of wetland at a 3:1 ratio;
ii. Permanent wetland impacts shall be mitigated by establishment or re-establishment of wetland at a 2:1 ratio;
iii. Permanent wetland impacts shall be mitigated by enhancement or rehabilitation out of kind at a 5:1 ratio; or
iv. Permanent wetland impacts shall be mitigated by Establishment or re-establishment out of kind at a 4:1 ratio.

g. For temporary impacts to vegetation resulting from clearing, grubbing, or excavation, compensatory mitigation shall be implemented depending on the type of mitigation as follows:

i. Temporary impacts to vegetation resulting from clearing, grubbing, or excavation shall be mitigated by enhancement or rehabilitation at a 0.2:1 ratio; or
ii. Temporary impacts to vegetation resulting from clearing, grubbing, or excavation shall be mitigated by re-establishment or establishment at a 0.1:1 ratio.

h. For permanent impacts to vegetation resulting from clearing, grubbing, or excavation, compensatory mitigation shall be implemented depending on the type of mitigation as follows:

i. Permanent impacts to vegetation resulting from clearing, grubbing, or excavation shall be mitigated by enhancement or rehabilitation at a 1:1 ratio; or
ii. Permanent impacts to vegetation resulting from clearing, grubbing, or excavation shall be mitigated by re-establishment or establishment at a 0.8:1 ratio.

i. If trash removal is proposed as compensatory mitigation, the area of trash removal conducted within waters of the state or riparian areas shall be deducted from the total non-wetland impact area requiring compensatory mitigation, up to a maximum reduction of 10% of the impact area. If trash removal is measured only in weight, determination of area credits shall be at the ratio of 1 acre of impact area reduction per 50 tons of trash removed.
j. If the compensatory mitigation project is recommended by a watershed plan and the watershed plan has been analyzed in an environmental document that includes a sufficient alternatives analysis, monitoring provisions, and guidance on compensatory mitigation opportunities, the mitigation ratio shall be reduced by a factor of 0.1:1. The compensatory mitigation ratio shall not be reduced to less than 0.1:1.
k. If the compensatory mitigation project is located within a water body on the 303(d) list and directly addresses a source of the listed impairment or pollutant included in a Total Maximum Daily Load (TMDL) for that water body, the mitigation ratio shall be reduced by a factor of 0.1:1. The compensatory mitigation ratio shall not be reduced to less than 0.1:1.
l. If the Discharger can demonstrate that the project will incorporate at least one of the following measures, the Discharger may propose for Central Coast Water Board approval a reduction in compensatory mitigation. The Discharger must quantify the degree to which the measure or measures are incorporated into the project and demonstrate that the proposed compensatory mitigation reduction is commensurate with the beneficial use benefits derived from incorporating the measure or measures.

i. Conducting vegetation or sediment removal or maintenance in a mosaic by either conducting programmatic vegetation or sediment removal or management at individual activity locations in a manner that maintains spatial heterogeneity, interspersion, and vertical biotic structure complexity or conducting programmatic vegetation or sediment removal or management in

a rotation such that different stages of regrowth are allowed in a manner that maintains habitat complexity over the total project area.

ii. Installing compensatory mitigation such that it connects riparian areas to establish a continuous riparian corridor.

iii. Leaving large woody debris in place in the project area in a manner that provides beneficial use benefits such as channel stability or enhances physical structure and patch richness.

X. Activity-Specific Required Plans for Category B Projects

Plans specific to individual vegetation or sediment removal or management activities are required to be submitted with the NOI for Category B projects. For projects incorporating multiple activity types, these plans can be combined into a single Vegetation or Sediment Removal or Management Plan if it includes all information required for each proposed activity type in sections X.A-X.F.

A. Vegetation Removal or Management Plan

1. For projects including vegetation removal or management activities, develop and implement a vegetation removal or management plan that includes:

   a. Description of existing vegetation types and quantities.

   b. Description of how the existing vegetation condition has been identified as contributing to flood or fire risk.

   c. Identification of fire or flood risk reduction objectives, including the target condition and quantification of the minimum amount of vegetation removal and management necessary to meet project fire or flood risk reduction objectives. Include a description of the model or other equivalent quantifiable assessment method used for identification of goals, objectives, target conditions, and minimum amount of vegetation removal and management necessary.

   d. Identification of each vegetation management and removal activity method to be implemented to meet project objectives.

   e. Demonstration of how the following will be achieved:

      i. Retention of native trees and shrubs with a 4-inch dbh or greater to the maximum extent practicable;

      ii. Retention of tree canopy cover and limitation to ladder fuel trimming to the maximum extent practicable;

      iii. Removal of slash that is not worked into the ground;

iv. Retention of large woody debris to the maximum extent practicable;
v. Avoidance of unstable slopes;
vi. Limitation on mechanical removal or maintenance in waters of the state and riparian areas to during authorized work windows;
vii. Minimization of use of heavy equipment in waters of the state and riparian areas;
viii. Application of limitations on stream crossings; and
ix. Application of limitations on wood chip dispersal.

f. Assessment of potential impacts on vegetation, soil, waters of the state, and riparian areas from vegetation removal or management activities.
g. Identification of measures to mitigate negative impacts such as soil compaction or non-target species damage.
h. Description of best management practices to prevent or minimize erosion and sedimentation during and after vegetation removal or management activities.
i. Adaptive management strategies to modify management practices to reduce project impacts as practicable.
j. Site maps including identification of access routes, stream crossings, and all other information from VI.B.1.
k. For high tier vegetation removal or management activities (with the exception of high tier activities that meet the definition of an emergency as defined in Order section II.A.6.a), the vegetation removal or management plan shall include:

i. Identification of a quantifiable fire or flood risk performance standard to be achieved by project activities, with modeling to support vegetation removal or management is necessary to achieve the desired performance standard.
ii. Identify the maximum amount of revegetation that can be achieved before conducting repeated vegetation removal or management while maintaining the fire or flood risk performance standard.
iii. Describe to what extent measures described in Order section VIII.A.3. were incorporated.
iv. An assessment of the watershed for the cause of chronic maintenance requirements and evaluation of the feasibility of alternative solutions to reduce the amount of vegetation removal or management required. This could include such considerations

as removal of downstream choke points, improving the capacity of flood control infrastructure, or creating defensible space around infrastructure. Dischargers shall also describe any efforts already conducted to reduce the need for vegetation removal or management. A waterway management plan or similar that has been developed by a public agency and reviewed and analyzed through the public process may be submitted for compliance with this requirement.

v. A description of the expected upstream and downstream fluvial geomorphological impacts that will result from conducting project activities, based on modeling results.

B. Prescribed Fire Plan

1. For projects including the use of prescribed fire for vegetation management and removal, implement a burn plan developed by a burn boss possessing one of the following certifications or an equivalent prescribed fire burn plan certification or licensing:
   a. California State-Certified Prescribed-Fire Burn Boss.
   b. National Wildfire Coordinating Group/California Interagency Coordination Center Prescribed Fire Burn Boss Type 1, 2, or 3, qualified or certified since 2012 or newer.
   c. CAL FIRE Prescribed Fire Incident Commander Type 1, 2, or 3.
   d. Bureau of Indian Affairs/Tribal Land Burn Boss or Federal equivalent.
2. At a minimum, a burn plan must include all information in the California Standardized Prescribed Fire Plan Template developed by the California State-Certified Burn Boss curriculum development committee[15], as well as descriptions of how all of the following will be implemented to the maximum extent practicable in waters of the state and riparian areas:
   a. Avoidance of burning on unstable slopes or in areas prone to debris flows, landslides, and rock falls;
   b. Implementation of a mosaic burn pattern;
   c. Promotion of low-intensity burns; and
   d. Implementation of multiple smaller burns over several seasons instead of one large burn.

[15] https://calpba.org/s/California-Standardized-Prescribed-Fire-Plan.docx

C. Prescribed Herbivory Plan

1. For projects that include the use of prescribed herbivory for vegetation removal or management, develop and implement a prescribed herbivory plan that contains, at a minimum:
    a. Identification of the type(s) of livestock to be introduced to treatment area for prescribed herbivory.
    b. Quantity of animals and the duration of grazing needed to achieve the vegetation removal target without causing overgrazing.
    c. Description of necessary vegetation and soil impacts from paddock installation.
    d. Identification of sensitive resources, such as watercourses with flowing water, habitat for sensitive species, and high habitat value native vegetation, that will be protected from unintentional grazing or other damage.
    e. Information on livestock quarantine measures that will be taken prior to introduction of animals to treatment area.
    f. Animal density limits which will be applied to prevent overgrazing.
    g. Description of rotational grazing measures.
    h. Adaptive management strategies to adjust the prescribed herbivory practices to reduce project impacts.
    i. Site maps including all information from VI.B.1, and location(s) of paddocks and drinking water for livestock.

D. Sediment Removal or Management Plan

1. For projects of all tiers that include sediment removal or management, develop and implement a sediment removal or management plan that includes:
    a. A description of sedimentation and flow conditions.
    b. A description of how the project area has been identified as contributing to flood risk.
    c. Identification of the objectives of the flood risk reduction activities and target sediment removal condition.
    d. Quantification of the volume, area in acres, and linear foot length of sediment removal or management activities proposed to meet flood risk reduction objectives.
    e. Description of sediment removal or management methods.

f. Demonstration that sediment removal will not exceed the minimum amount necessary to restore the natural or designed bed and bank contours. Describe how the natural or designed bed and bank contours were determined.
g. Demonstration that channel geometry will match the channel shape, dimensions, and slope upstream and downstream of the project site.
h. Demonstration that sediment removal or management will not result in elimination of a riffle, pool, or riffle/pool complex that is not replaced/enhanced either onsite after sediment removal or offsite.
i. Demonstration that potential spawning gravels will be replaced as close to original conditions as possible upon completion of the maintenance activities.
j. Analysis of risk of contamination of sediment to be removed or otherwise managed.
k. Site maps including all information from VI.B.1.
l. Identification of appropriate handling for sediment removed from waters of the state or riparian areas in accordance with Order section V.G.1.a. and VIII.D.2.

2. For projects in the high tier (with the exception of high tier activities that meet the definition of an emergency as defined in Order section II.A.6.a), the sediment removal or management plan shall include:

   a. Identification of a quantifiable flood risk performance standard that needs to be achieved by project activities, with modeling to quantify locations and volumes of sediment to be removed to achieve the necessary performance standard.

      i. Identify the flood passage criteria that will be used to determine the maximum amount of revegetation practicable to maintain the flood risk performance standard of the project.
      ii. Describe to what extent measures described in Order section VIII.D.3. were incorporated.

   b. An assessment of the watershed for the cause of chronic maintenance requirements and evaluation of the feasibility of alternative solutions to reduce the amount of sediment maintenance and removal required. This could include such considerations as conducting upstream bank stabilization, removal of downstream choke points, and creating defensible

space around infrastructure. Dischargers shall also describe any efforts already conducted to reduce the need for sediment management and removal.

i. A waterway management plan or similar that has been developed by a public agency and reviewed and analyzed through the public process may be submitted for compliance with this requirement.

c. Description of the expected upstream and downstream fluvial geomorphological impacts that will result from conducting project activities, based on modeling results.

E. Invasive Species Treatment Plan

1. For projects that include invasive species removal or management, develop and implement an invasive species treatment plan that contains, at a minimum:

a. A description of how the invasive species is contributing to flood or fire risk at the project location.
b. Identification of the type or types of invasive species to be removed and/or managed and a description of how the species propagates.
c. A description of the proposed method of removal, including disposal of vegetative wastes to prevent unintentional propagation.

i. If herbicide is proposed, demonstrate that manual methods are not effective alone. If applicable, reference integrated pest management (IPM) strategies to be used in concert to maximize the benefits of herbicide application while reducing undesirable effects and applying the lowest legal effective application rate.
ii. Describe how herbicide application will comply with requirements in Order section VII.D.

d. Describe success criteria that will be used to evaluate attainment of invasive species treatment objectives, the timeframe for determining attainment of success criteria, and post-treatment maintenance to prevent regrowth or re-establishment.

F. Diversion/Dewatering Plan

1. For activities that will be conducted in areas where surface water is present and the Discharger has proposed diversion and/or dewatering, a diversion/dewatering plan shall be submitted that includes:

a. Time period during which diversion/dewatering will occur. Plans shall specify that diversion and dewatering systems shall be removed prior to October 1 of each year.
b. A description of the waterbody at the location of the dewatering/diversion, including the expected range of flow events for the duration of the diversion/dewatering.
c. An assessment of the potential for the presence of groundwater contaminant plumes. If present, there is the potential for discharge of polluted groundwater to surface water, which must be addressed.
d. Diversion/dewatering plans that include the area to be dewatered, flow capacity of the system, and methods of diversion/dewatering to be implemented.
e. A description of how the system will be installed and removed.
f. A description of BMPs that will be implemented during installation, operation, and removal to prevent runoff, eroded sediments, or turbidity from being discharged to surrounding surface waters and to prevent secondary erosion.
g. A plan for what will happen if the Discharger is unable to complete work and remove the system by the stop-work deadline or in the case of an unexpected flow event that exceeds the capacity of the system.
h. A water quality monitoring plan in compliance with the monitoring requirements in Order section XI.B.

G. Temporary Impact Restoration Plan

1. For low tier projects, compliance with post-project stabilization requirements in section V.C. constitutes compliance with temporary impact restoration requirements.
2. For medium and high tier projects, submit a temporary impact restoration plan that upon implementation will result in restoration of temporarily impacted waters of the state and riparian areas to pre-project conditions to the maximum extent practicable in a manner that is consistent with the flood or fire risk reduction goals of the project. The level of detail of the restoration plan shall be commensurate with the scope, complexity, and objectives of the project, and in consideration of project site conditions. The level of detail in the restoration plan shall be sufficient to accurately evaluate whether the restoration addresses the adverse temporary impacts caused by a project. The temporary impact restoration plan may be submitted in the same document as the

compensatory mitigation plan if one is required. The temporary impact restoration plan shall include:

a. Objectives of the restoration plan.
b. Grading plans that will be implemented to return disturbed areas to pre-project contours, if applicable.
c. Revegetation measures that will be implemented, including:

    i. The planting palette with plant species native to the area that will be used for revegetation.
    ii. Identification of where seed, cuttings, or potted plants will be sourced.
    iii. Planting details, including species, number of plants, and locations of planting.

d. Site stabilization measures that will be implemented for erosion and sediment control.
e. Identification of the success criteria that will be used to evaluate attainment of plan objectives.
f. Maintenance measures to be implemented to ensure attainment of plan objectives, including measures to control invasive species.
g. The restoration schedule that will be followed, including scheduling for grading, plant installation, site stabilization, monitoring, maintenance, assessment of success, and attainment of success criteria.

H. Compensatory Mitigation Plan

The compensatory mitigation plan shall include:

1. Total impact area requiring mitigation.
2. Compensatory mitigation type and ratio to be applied according to the requirements in section IX.B.6 and IX.B.11. Alternatively, provide an alternative compensatory mitigation proposal in compliance with section XII.B.10.
3. Total mitigation area required.
4. The location of the compensatory mitigation site.
5. Objectives of the compensatory mitigation plan.
6. Grading plans, if applicable.
7. Revegetation measures that will be implemented, including:

a. The planting palette with plant species native to the area that will be used for revegetation.
b. Identification of where seed, cuttings, or potted plants will be sourced.
c. Planting details, including species, number of plants, and locations of planting.

8. Site stabilization measures that will be implemented for erosion and sediment control.
9. Identification of the success criteria that will be used to evaluate attainment of plan objectives.
10. Maintenance measures to be implemented to ensure attainment of plan objectives, including measures to control invasive species.
11. The mitigation schedule that will be followed, including scheduling for grading, plant installation, site stabilization, monitoring, maintenance, assessment of success, and attainment of success criteria.
12. Identification of the mechanism for compensatory mitigation area protection in perpetuity, with at least one of the following for substantiation of compliance with Order section IX.B.8:
    a. Documentation that a municipality or public agency with jurisdiction has included site protections in long-term management plans for the area.
    b. Mitigation located in an open space, conservation easement, deed restriction, or similar.
    c. For compensatory mitigation located on private property, documentation of site protection shall be submitted within one year of commencement of sediment or vegetation removal and management activities.

XI. Monitoring for Category B Projects

A. Project Monitoring

1. Visual surveys of the entire project area shall be conducted prior to and after conducting vegetation or sediment removal or management. Surveys shall include assessment of vegetation, erosion, stream stability, water quality, and beneficial use conditions. Monitoring shall include clearly identified photo-documentation of project areas prior to and after project activities. Photo-documentation may include aerial photography.
2. Pre-project visual surveys shall identify within proposed maintenance areas all sites with the potential to harbor rare, threatened, or endangered species and shall identify other sensitive resources.

3. Post-project visual surveys shall assess if project activities were conducted in compliance with the general conditions in Order sections V and VI, as well as for each activity type in Order sections VII and VIII conducted as part of the project.
4. Post-project monitoring shall be conducted to confirm the total area of vegetation and sediment management and removal, the area of each type of activity, and whether any impacts described in Order section IX.B.1 occurred.
5. Medium and high tier:
    a. All monitoring shall be conducted by a qualified monitor familiar with Order conditions to ensure implementation of best management practices and protection of water quality.
    b. The Discharger shall collect any necessary data before and after work at each individual activity location to compare pre- and post-project conditions to the quantifiable performance standards.
    c. Post-project monitoring shall quantify the amount of vegetation or sediment removed or impacted and if any avoidance measures described in Order section IX.B.11.l were incorporated.
    d. Project areas shall be visually inspected for at least one rainy season following completion of vegetation management or removal activities to ensure that maintenance activities are not causing excessive erosion or other water quality problems. Channel geomorphology shall be evaluated, including an assessment of the formation or propagation of knickpoints within the channel and an assessment of any accumulation of sediment in waters of the state adjacent to the project areas. If excessive erosion or other water quality problems are observed, monitoring shall continue until the project is no longer causing excessive erosion, stream instability, or other water quality problems.
    e. The Discharger shall conduct any additional monitoring necessary to ensure that work was conducted in accordance with the compliant activity-specific plans and that vegetation or sediment removal or maintenance targets were not exceeded.

B. Diversion/Dewatering Monitoring

1. The Discharger shall conduct daily visual monitoring and record keeping that document diversion/dewatering activities, control measures used in the process, estimated volume of diversion/dewatering discharges, and visible

water characteristics (e.g., visible turbidity, sedimentation, and/or erosion) during the time that the diversion/dewatering system is in place.

2. For high tier projects, if water is flowing, prior to implementation of the dewatering/diversion plan, the Discharger shall conduct baseline monitoring to determine turbidity levels at the proposed project site. During implementation of the dewatering/diversion plan, the Discharger shall monitor turbidity upstream and downstream of the dewatering/diversion daily. Sample results shall be compared with the following water quality guidelines: where natural turbidity is between 0 and 50 nephelometric turbidity units (NTU), 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. The water quality guidelines described are for receiving waters, which means that attainment with the guidelines is measured in the receiving water rather than in the discharge.

C. Temporary Impact Restoration Monitoring Requirements (medium and high tier)

1. The Discharger shall visually monitor the temporary impact location for erosion conditions, stream stability conditions, growth and survival of vegetation, presence of invasive species, water quality and beneficial use conditions, and any other monitoring described in the compliant temporary impact restoration and monitoring plan submitted with the NOI.

2. Temporary impact restoration monitoring shall continue for the number of years specified in the temporary impact restoration plan and until the temporary impact area has met success criteria. The monitoring period shall be long enough to demonstrate that temporary impact restoration is self-sustaining.

D. Compensatory Mitigation Monitoring (medium and high tier)

1. Monitor the compensatory mitigation site for the time specified in the compliant compensatory mitigation plan and until success criteria are achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, percent cover, general health and stature, signs of reproduction, progress towards achieving success criteria, and any other measures identified in the compliant mitigation plan submitted with the NOI.

XII. Reporting and Notification

The following section details the reporting and notification types and timing of submittals. Requests for authorization shall be submitted electronically to **RB3-401Application@Waterboards.ca.gov** and all other reports and notifications shall be submitted electronically to **RB3_401Reporting@waterboards.ca.gov**.

A. Request for Authorization

1. Projects shall be assigned Category A or B, as defined in Order section II. Category A projects are non-notifying and Dischargers are not required to submit an NOI.
2. Category B projects are notifying and shall be assigned as high, medium, or low tier according to the criteria described in Attachment A.
3. Dischargers shall submit an NOI for Category B projects 30 days before any project activity occurs for a low tier project, 45 days before any project activity occurs for a medium tier project, and 90 days before any project activity occurs for a high tier project, except for Category B projects that meet the definition of an emergency as defined in Order section II.A.6.a. Category B projects that meet the definition of an emergency as defined in Order section II.A.6.a shall submit an NOI 14 days before initiating the emergency project.
4. Dischargers shall provide the following information for all Category B projects in the NOI:
    a. Discharger information including legal name, organization, mailing address, billing address (if different from mailing address), phone number, and email address.
    b. Property owner information including name, mailing address, phone number, and email address.
    c. Discharger representative information including name, organization, mailing address, phone number, and email address.
    d. Project name.
    e. Project purpose and overall goal of entire project.
    f. Project description, including all applicable plans required by Order section X specific to the activities that will be conducted.
    g. Project start and end dates.
    h. Mapped project area, with individual activity locations clearly delineated and all information required in Order section VI.B.1.
    i. Name of receiving waters, type of water body (e.g. ephemeral, intermittent, or perennial stream), watercourse class, and impacted habitat (e.g. aquatic or riparian).
    j. Evidence that the project is deemed to be outside of federal jurisdiction, either due to the receiving water eligibility or type of activity eligibility (e.g., U.S. Army Corps of Engineers jurisdictional determination).

k. Identify all regulatory agencies having jurisdiction over this project. Attach copies of all federal and State license/permit applications or issued copies of licenses/permits from government agencies.
l. Description of cumulative impacts from any projects implemented by the Discharger within the last five years or planned within the next five years that are in any way related to the proposed project.
m. Information about the presence of species identified as rare, threatened, or endangered under state or federal law.
n. A Temporary Impact Restoration Plan in compliance with Order section X.G.

i. For Category B projects that meet the definition of an emergency as defined in Order section II.A.6.a, the temporary impact restoration plan shall be submitted within 60 days of issuance of the NOA.

5. A complete NOI for a Category B low tier project shall also include:
   a. Confirmation that no work shall be conducted in any saturated or wetted areas, no native tree canopy shall be removed, and activities are one-time and will not be repeated more than once in five years.
6. A complete NOI for a Category B medium tier project shall include:
   a. For projects that will result in impacts that require compensatory mitigation, as defined in Order section IX.B.1, a compensatory mitigation plan in accordance with Order section X.H.

      i. For Category B projects that meet the definition of an emergency as defined in Order section II.A.6.a, the compensatory mitigation plan shall be submitted within 60 days of issuance of the NOA.

7. A complete NOI for a Category B high tier project shall include:
   a. An assessment of the need for the project. If the project is to be conducted in compliance with a routine maintenance plan such as a waterway management plan, submit the plan with the NOI. Alternatively, submit an assessment specific to the activities in accordance with the project-specific plans described in Order section X.A-X.F.

b. For projects that will result in impacts that require compensatory mitigation, as defined in Order section IX.B.1, a compensatory mitigation plan in accordance with Order section X.H.

i. For Category B projects that meet the definition of an emergency as defined in Order section II.A.6.a, the compensatory mitigation plan shall be submitted within 60 days of issuance of the NOA.

8. The Discharger for Category B projects shall provide the CEQA document type, status, date completed or expected completion date, and lead agency.

9. Dischargers submitting an NOI for Category B projects must submit the first annual fee according to the California Code of Regulations title 23, sections 2200(a)(1) and 2200.2 fee schedule prior to issuance of an NOA.

10. NOIs will be reviewed for completeness by Central Coast Water Board staff within 30 days from the NOI receipt date, except for projects that meet the definition of emergency as defined by Order section II.A.6.a. NOIs for emergency projects will be reviewed for completeness by Central Coast Water Board staff within seven days from the NOI receipt date. Incomplete NOIs will be returned with a description of information required to address any deficiencies. After receipt of a complete NOI, the Central Coast Water Board will issue one of the following:

a. A notice of exclusion that describes the reason the project is ineligible for Order enrollment. Dischargers that receive a notice of exclusion may not proceed with project activities until individual waste discharge requirements or other authorization is obtained.
b. An NOA. Dischargers may not proceed with project activities until an NOA has been issued by the Central Coast Water Board.

B. Dischargers proposing or implementing Category B high tier projects shall submit an Annual Work Plan for each year that project activities will occur (by May 31 for flood risk reduction activities and by March 31 for fire-risk-reduction activities) that shall include:

1. Results of pre-project field surveys:

a. Identification of sensitive resources to be avoided.
b. Description of current and expected stream flow conditions.
c. Identification of access roads to be used or installed.
d. Evaluation of the proposed work area conditions relative to maintenance targets.

e. Delineation of the boundaries of each maintenance area.

2. Identification of which sediment or vegetation removal or maintenance activities will be conducted in each work area.

3. Description of the project schedule, including the schedule for each activity.

C. Dischargers proposing or implementing Category B medium and high tier projects shall submit an Annual Report for each year that the project is enrolled in the Order. The Discharger shall submit the annual report by May 31 for flood-risk reduction and by December 31 for fire-risk reduction until the project activities are complete and any required temporary impact restoration or compensatory mitigation has met success criteria. The Annual Report shall include:

1. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person engaged in construction activities or their oversight at the project site was trained within 24 hours of starting work each year.

2. A summary of project activities, when they were conducted, monitoring and inspection observations, and problems incurred and actions taken.

3. Quantification of annual project impacts and total project impacts, including separate quantification of impact types that require compensatory mitigation described in section IX.B.1.

4. The status of site stabilization and temporary impact restoration, including representative photo documentation of post-project conditions and confirmation that temporary impact restoration was installed according to the compliant temporary impact restoration plan.

5. If the Discharger is required to implement compensatory mitigation based on project activities or impacts, the Annual Report shall include:

a. If compensatory mitigation installation has not started, report the estimated dates compensatory mitigation installation will start and be completed. If compensatory mitigation installation has started, report the date it was installed and, if applicable, the date mitigation installation was completed.
b. Confirmation that compensatory mitigation was installed according to the requirements of this Order and as described in the NOI and compensatory mitigation plan.
c. Analysis of monitoring data collected in the field, including percent survival of container plantings or tree stakes, percent cover of native groundcover, any other monitoring data described by the compliant compensatory mitigation plan submitted with the NOI.

d. Documentation of progress towards achieving mitigation success criteria.
e. Any remedial or maintenance actions taken or needed.
f. Annual photo documentation representative of all compensatory mitigation areas, taken from vantage points from which changes in size and cover of plants are evident. Compare photos of installed mitigation with photos of the compensatory mitigation areas prior to installation.
g. A description of compensatory mitigation completion status that identifies the amount of mitigation monitoring and maintenance remaining or certifies and demonstrates that mitigation is complete, all required mitigation monitoring and maintenance has been conducted, and all success criteria achieved. If the monitoring period is over, but not all success criteria have been achieved, the annual report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.

D. Conditional Notification and Reporting

1. If a Lake and Streambed Alteration Agreement (LSAA) is required by the California Department of Fish and Wildlife for a project activity, Dischargers for Category B projects shall submit a signed copy of the LSAA to the Central Coast Water Board prior to commencement of that activity.
2. For Category B medium and high tier projects with compensatory mitigation located on private property as described in the compliant compensatory mitigation plan, if documentation of compensatory mitigation site protection was not submitted with the NOI, documentation of site protection shall be submitted to the Central Coast Water Board within one year of commencement of sediment or vegetation removal and management activities.
3. Accidental Discharges
    a. Accidental Discharge of Hazardous Material Report: Following an accidental discharge of a reportable quantity of hazardous material, sewage, or an unknown material, the following applies (California Water Code section 13271):
        i. As soon as (A) the Discharger has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures then first call 911 (to notify local response agency); then call Office of Emergency Services (OES) State Warning Center at: (800) 852-7550 or (916) 845-8911; and lastly

follow the required OES procedures as set forth in the most current version of the California Hazardous Materials Spill/Release Notification Guidance.

ii. Following notification to OES, the Discharger shall notify the Central Coast Water Board contact person identified in the NOA as soon as practicable (ideally within 24 hours). Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

iii. Within five working days of notification to the Central Coast Water Board, the Discharger must submit an Accidental Discharge of Hazardous Material Report to the Central Coast Water Board contact person identified in the NOA containing the OES Incident/Assessment Form, a full description and map of the accidental discharge incident (i.e. location, time and date, source, discharge constituent and quantity, aerial extent, and photo documentation). If applicable, the OES Written Follow-Up Report may be substituted. The Discharger shall also submit, if applicable, any required sampling data, a full description of the sampling methods including frequency/dates and times of sampling, equipment, locations of sampling sites, locations and construction specifications of any barriers, including silt curtains or diverting structures, and any associated trenching or anchoring.

b. Violation of Compliance with Water Quality Standards Report: The Discharger shall notify the Central Coast Water Board of any event causing a violation of compliance with water quality objectives established in the Basin Plan or impacting beneficial uses listed therein. Notification may be via telephone, e-mail, delivered written notice, or other verifiable means.

i. Examples of noncompliance events include discharges causing a visible plume in a water of the state and discharges impacting endangered species.

ii. This notification must be followed within three working days by submission of a written description of the violation including the cause; the location shown on a map; and the period of the noncompliance including exact dates and times. If the noncompliance has not been corrected, include: the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the

noncompliance; and any monitoring results if required by Central Coast Water Board staff.

4. Work Window Extension Request: A work window extension request is required for any work proposed to occur outside of permitted work windows identified in Order section V.D.2 and must include the following information:
    a. Schedule and description for all work that will occur in waters of the state and riparian areas outside permitted work windows.
    b. Description of steps taken to minimize work in waters of the state and riparian areas outside of the permitted work windows, such as extended workdays or weekend work.
    c. Explanation why the proposed work in waters of the state and riparian areas must occur outside permitted work windows.
    d. Preparedness Plan for Rain and Water Body Flows that describes the steps the Discharger will take to stabilize the site and prevent the discharge of sediment and other wastes prior to the start of a rain event. The Preparedness Plan for Rain and Water Body Flows shall include the following (Note: Rain Event Action Plans addressed in Storm Water Pollution Prevention Plans typically do not include sufficient information):

        i. Identification of project and site-specific measures that will be implemented to stabilize the site and water body, including locations. Measures must address current and expected conditions at the site.
        ii. Identification of steps that will be taken to remove all equipment and materials from the water body prior to rain.
        iii. Identification of weather triggers for implementation of the Preparedness Plan for Rain and Water Body Flows.
        iv. The length of time needed to implement the Preparedness Plan for Rain and Water Body Flows.
        v. Confirmation materials and equipment needed to implement the Preparedness Plan for Rain and Water Body Flows will be located on site.
        vi. Responsibilities of personnel to implement the Preparedness Plan for Rain and Water Body Flows, including weather monitoring and best management practice installation and maintenance.

E. Termination process

1. To terminate enrollment, Dischargers for Category B projects shall submit a Project Completion Report for Central Coast Water Board staff review and approval. The Project Completion report shall notify staff that project activities, any required temporary impact restoration and any required compensatory mitigation are complete, and no further project activity is planned.
    a. The Project Completion Report for Category B low tier projects shall be submitted within 45 days of completion of all project activities. The report shall confirm that the project was conducted in accordance with the information submitted with the NOI and the conditions of this Order.
    b. The Project Completion Report for Category B medium and high tier projects shall also include all information required for the Annual Report specified in Order section XII.C. The Project Completion Report may serve as the final Annual Report. The submittal of the Project Completion Report must clearly include “Project Completion Report” in the title.

XIII. Other Applicable Plans, Policies, and Regulations

A. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and California Code of Regulations, title 23, chapter 28, article 6 commencing with section 3867. Additionally, the Central Coast Water Board may cancel or modify and reissue this Order pursuant to California Code of Regulations, title 23, chapter 28, section 3861.

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

C. This Order shall not be construed as replacement or substitution for any necessary federal, state, or local approvals. The Discharger 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.

D. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under state and federal law, including the California Water Code. The Discharger may then be subject to administrative and/or civil liability pursuant to California Water Code section 13385.

E. In response to a suspected violation of any condition of this Order, the Central Coast Water Board may require a Discharger with authorization under this Order to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast 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. The additional monitoring requirements ensure that permitted discharges and activities comport with any applicable effluent limitations, water quality standards, and/or other appropriate requirement of state law.

F. The Discharger must, at all times, fully comply with engineering plans, specifications, and technical reports submitted to support approval of a project under this Order and all subsequent submittals required as part of approval of a project under this Order. The conditions within the NOA supersede conflicting provisions within Discharger submittals.

G. This Order does not authorize any activity adversely impacting a significant historical or archeological resource; directly or indirectly destroying a unique paleontological resource or site or unique geologic feature; disturbing any human remains; or eliminating important examples of the major periods of California history or prehistory, unless the activity is authorized by the appropriate historical resource agencies.

XIV. Administrative Conditions

A. Signatory requirements: All documents submitted in compliance with this Order shall meet the following signatory requirements:

1. All applications, reports, or information submitted to the Central Coast Water Board must be signed and certified as follows:
    a. For a corporation, by a responsible corporate officer of at least the level of vice-president.
    b. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
    c. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in items XIV.A.1.a. through XIV.A.1.c above may sign documents if:
    a. The authorization is made in writing by a person described in items XIV.A.1.a though XIV.A.1.c above.

b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
c. The written authorization is submitted to the Central Coast Water Board staff contact prior to submitting any documents listed in item XIV.A above.

3. Any person signing a document under this section shall make the following certification:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

B. The Discharger shall grant Central Coast Water Board staff, or an authorized representative (including an authorized contractor acting as a Central Coast Water Board representative), upon presentation of credentials and other documents as may be required by law, permission to:

1. Enter upon the project premises where a regulated facility or activity is located or conducted, or where records are kept.
2. Have access to and copy any records that are kept and are relevant to the project or the requirements of this Order.
3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated under this Order.
4. Sample or monitor for the purposes of determining Order compliance.

XV. Enforcement

A. Violations of these waste discharge requirements may result in enforcement actions as authorized under the California Water Code.

B. All technical and monitoring reports submitted pursuant to this Order are required pursuant to section 13267 of the California Water Code. According to section 13268 of the California Water Code, any person failing or refusing to furnish technical or monitoring reports or falsifying any information provided in such reports is guilty of a misdemeanor and may be civilly liable. Failure to submit reports in accordance with schedules established by this Order or attachments to this Order or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer may subject the Discharger to enforcement action pursuant to section 13268 of the California Water Code.

Attachment A: Activity Tiering

I. The following tiering in section I of this attachment shall apply to notifying (Category B) projects that involve vegetation management and removal. For notifying (Category B) projects that involve sediment removal or disturbance, follow tiering in section II of this attachment. For notifying (Category B) projects that involve both vegetation and sediment removal or management, follow tiering in section III of this attachment. Figures 1 and 2 of this attachment provide a tiering flow chart.

A. Does the project include dead tree or debris removal only? If yes, go to 1, if no, go to B.

1. Is construction of a new access road using clearing, grubbing, or placement of fill material in waters of the state or riparian areas as part of the project? If yes, the project is MEDIUM tier. If not, go to 2.

2. Will habitat disturbance be less than 50 feet in diameter at each individual activity location and less than one acre in cumulative impact? If yes, the project is LOW tier. If not, the project is MEDIUM tier.

B. Will the project include only trimming or limbing by hand, mowing of annual grasses or herbaceous species, prescribed herbivory, or prescribed burning, and will activities be conducted without complete plant removal, root disturbance, or native canopy removal? If yes, go to 1. If not, go to C.

1. Does the project include only invasive plant control without root disturbance? If yes, the project is LOW tier. If not, go to 2.

2. What is the stream class and bank slope? If the stream is a Class III or IV stream or less than 30% slope, go to 3. If the stream is Class I or II or the slope is greater than or equal to 30%, go to 4.

3. Is the area less than 0.5 acres? If yes, LOW tier. If not, MEDIUM tier.

4. Is the area less than 0.5 acres? If yes, MEDIUM tier. If not, HIGH tier.

C. The remaining vegetation management or removal projects are those that include mechanical methods that exceed mowing of annual grasses or herbaceous species (e.g., mastication, tree removal, grubbing, etc.), or include the use of herbicide application for invasive species control. Will the maintenance include only invasive plant control, without root disturbance? If yes, go to 1. If not, go to 2.

1. If the total project area is less than 0.5 acres, the project is LOW tier. If the project area is greater than or equal to 0.5 acres, the project is MEDIUM tier.

2. If the total mechanically treated area is less than 0.2 acres and the project is less than 0.3 acres in cumulative impact, the project is MEDIUM tier. If the total mechanically treated area is greater than or equal to 0.2 acres or the project is greater than or equal to 0.3 acres in cumulative impact, the project is HIGH tier.

II. The following tiering shall apply to notifying (Category B) projects that involve sediment removal or disturbance.

A. Will sediment removal or disturbance be conducted by hand only? If yes, the project is LOW tier. If not, go to C.

B. Will sediment removal or disturbance be conducted above top of bank only? If yes, go to 1. If not, go to C.

1. If the project is less than 0.2 acres or 400 linear feet total cumulative impact, the project is LOW tier. If the project is between 0.2-0.5 acres or 400-1,000 linear feet total cumulative impact, the project is MEDIUM tier. If the project is greater than 0.5 acres or 1,000 linear feet total cumulative impact, the project is HIGH tier.

C. Will the project be less than 0.2 acres or 400 linear feet total cumulative impact? If yes, the project is MEDIUM tier. If not, the project is HIGH tier.

III. The following tiering shall apply to notifying (Category B) projects that involve removal or management of both vegetation and sediment.

A. The tier assigned to projects that include removal or management of both vegetation and sediment shall be the highest tier assigned to any individual project activity, as specified in sections I and II of this attachment.

Figure 1: Flow chart depicting Attachment A section I, tiering of notifying (Category B) projects that involve only vegetation management and removal.

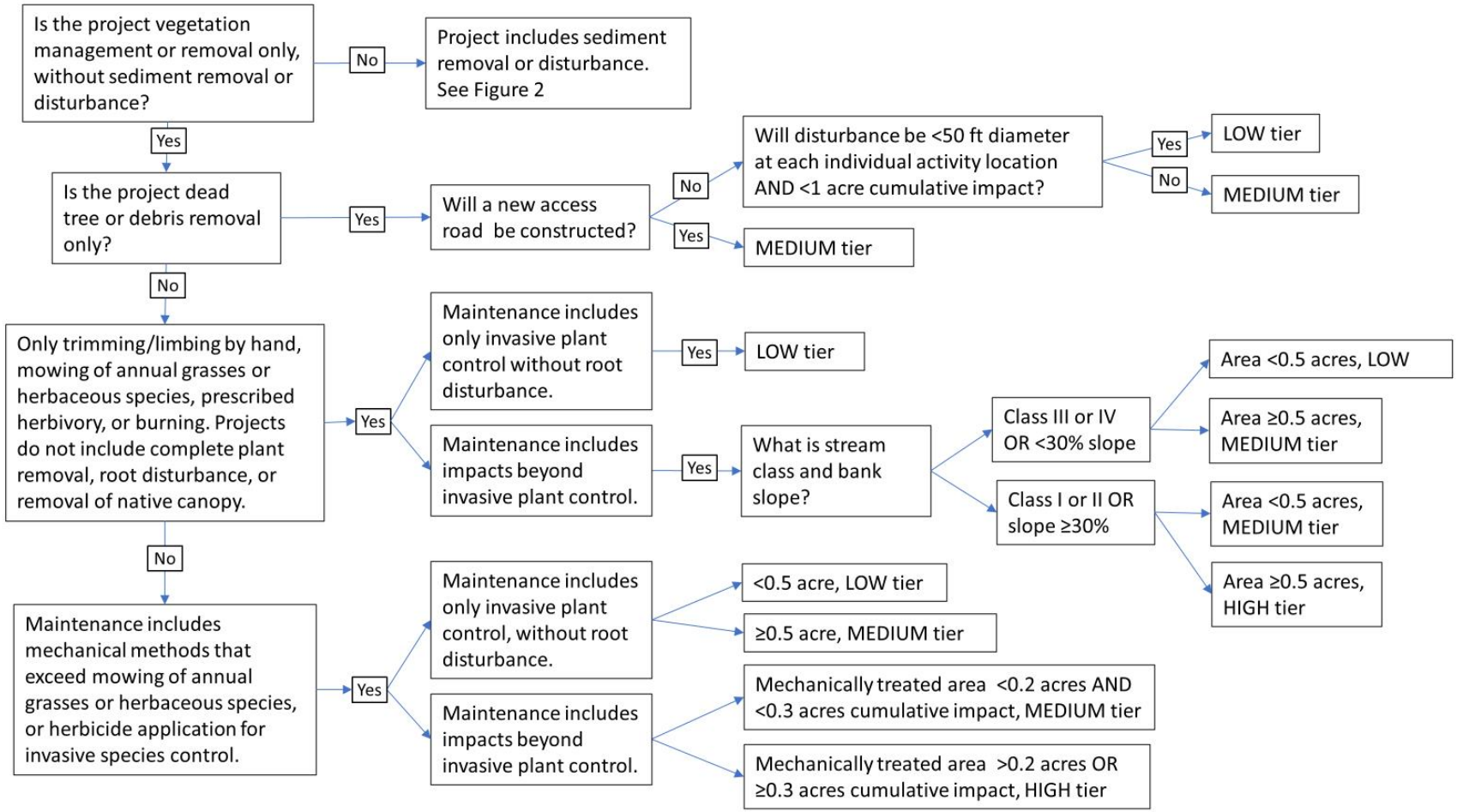
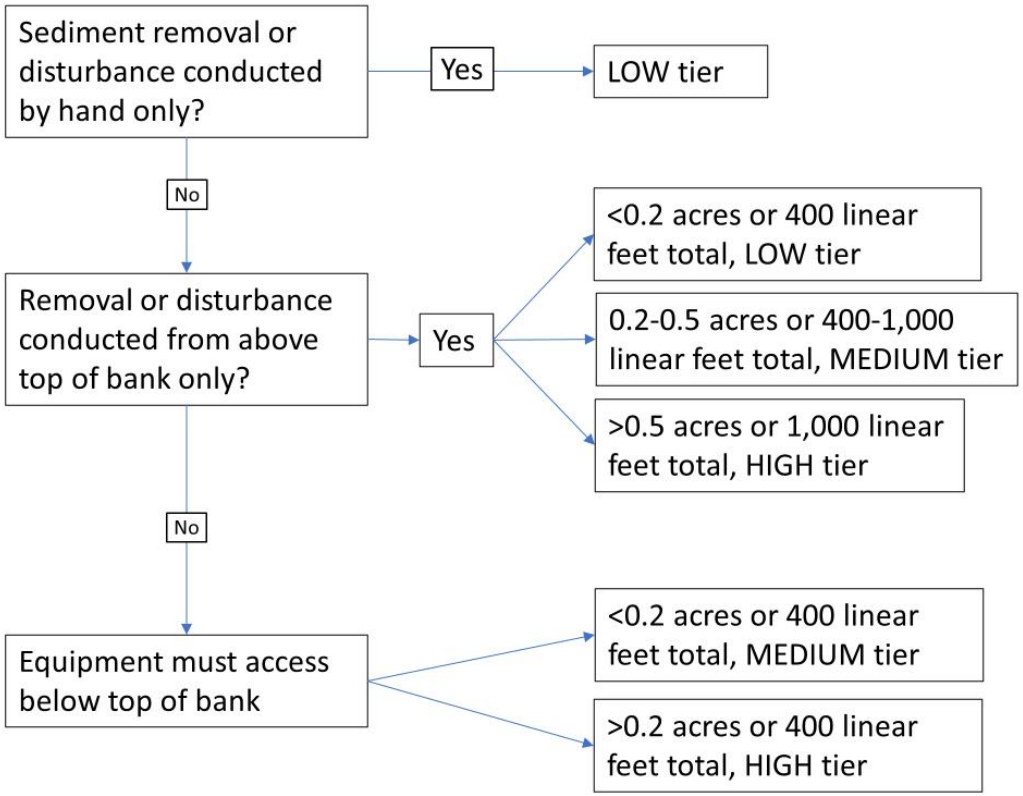


Figure 2: Flow chart depicting Attachment A section II, tiering of notifying (Category B) projects that involve only sediment management and removal.



Attachment B: Compensatory Mitigation Types

I. Standard Compensatory Mitigation Types

A. Establishment: the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic or riparian resource that did not previously exist at the site. Establishment results in a gain of aquatic or riparian resource area and functions.

B. Re-establishment: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic or riparian resource. Reestablishment results in rebuilding a former aquatic or riparian resource and results in a gain in aquatic or riparian resource area and functions.

C. Rehabilitation: the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic or riparian resource. Rehabilitation results in a gain in aquatic or riparian resource function but does not result in a gain in aquatic or riparian resource area.

D. Enhancement: the manipulation of the physical, chemical, or biological characteristics of an aquatic or riparian resource to heighten, intensify, or improve a specific aquatic or riparian resource function(s). Enhancement results in the gain of selected aquatic or riparian resource function(s) but may also lead to a decline in other aquatic or riparian resource function(s). Enhancement does not result in a gain in aquatic or riparian resource area.

Re-establishing, establishing, rehabilitating, and enhancing stream and riparian habitats provide the following benefits:

- Improved habitat complexity and diversity and cover for fish and other aquatic species.
- Increased spawning and rearing habitat.
- Improved migration corridors.
- Improved pool habitat and pool-to-riffle ratios.
- Restoration of sinuosity.
- Improved water quality.

Standard compensatory mitigation projects may include the following activities:

- Replacing impacted vegetation, including improved species diversity and abundance and invasive species and other management to ensure vegetation survival.
- Placing large woody material and boulders.
- Constructing engineered logjams.
- Installing small wood structures or beaver dam analogues.
- Returning straightened channels to historic alignment.
- Removing and replacing concrete-lined channels with natural materials.
- Removing revetment and other streambank armoring materials.
- Installing grade control structures using native/natural materials to improve general habitat and water quality, thus allowing establishment of native vegetation for birds, fish, and other species.
- Improving stream morphology and channel dynamics; restoring sediment input and retention balance; and improving water quality.

Standard compensatory mitigation projects typically occur in areas where channel structure is lacking because of past stream cleaning (removal of large woody material), riparian vegetation removal, historic grazing and meadow dewatering practices, hydromodification, or urbanization. These projects occur in stream channels and adjacent riparian areas to increase channel stability, rearing habitat, pool formation, deposition of spawning gravel, channel complexity, hiding cover, low-velocity areas, and floodplain function. Engineered logjams are large wood structures that include an anchoring system, such as rebar pinning, ballast rock, or vertical posts. These structures are designed to redirect flows and change scour and deposition patterns. To the extent practical, they are patterned after stable natural logjams and can be anchored in place using rebar, rock, or piles (driven into a dewatered area or the streambank, but not in water). Engineered logjams create a hydraulic shadow (low-velocity zone downstream) that allows sediment to settle. Scour holes develop adjacent to the engineered logjam. While providing valuable fish and wildlife habitat, they also redirect flow and can stabilize a streambank or downstream gravel bar. Large woody material may be installed using either anchored or unanchored logs, or both, depending on site conditions and wood availability.

In addition, infrastructure located along streams and in riparian areas may be removed or relocated. The primary purpose of infrastructure removal is to eliminate or reduce impacts on riparian areas and vegetation, improve bank stability, reduce erosion, reduce sedimentation into adjacent streams, and provide for native revegetation or natural native plant recruitment. Among the types of infrastructure that could be removed or relocated are roads/trails, off-highway/off-road vehicle routes, and legacy railroad grades that affect waters of the state or riparian habitat.

II. Alternative Compensatory Mitigation Types

A. Improvements to Stream Crossings and Fish Passage

Improvements to stream crossings and fish passage provide a number of ecological benefits. For example, they provide safe passage for migratory and nonmigratory species, beneficial transport of sediment and debris, and improved hydrology and hydraulics. Stream crossing and fish passage improvements must be consistent with National Marine Fisheries Service (NMFS) and California Department of Fish and Wildlife (CDFW) fish passage criteria.

Stream Crossings, Culverts, and Bridges

Stream crossing, culvert, and bridge projects generally involve removing, replacing, modifying, retrofitting, or resetting existing culverts, fords, bridges, and other stream crossings and water control structures. This includes projects that are developed to upgrade undersized, deteriorated, or misaligned culverts. Projects in this category are ineligible as compensatory mitigation if the primary purpose of the project is infrastructure maintenance or upgrades for purposes of linear transportation. Bridges and culverts shall be designed to match gradients and adequately convey flow and materials (e.g., the 100-year flood) in addition to allowing fish passage. Any replacement crossing, culvert, or bridge that intersects potential habitat for listed salmonid species also must meet CDFW and/or NMFS fish passage criteria, as applicable. To qualify as compensatory mitigation, replaced crossings must be soft-bottomed. If a bridge or culvert is designed to convey less than the 100-year design flow, the project should demonstrate that a smaller structure will not result in excessive flooding, erosion/sedimentation, headcutting, or habitat impacts. Implementation of projects in this category includes site excavation, formation and pouring of a concrete foundation and walls/abutments, and installation of the crossing structure, as well as placement of bioengineered and/or rock slope protection (RSP) to protect abutments, piers and walls. Where RSP is deemed necessary, use natural stream material to fill and cover exposed rock or use bioengineered techniques and a gravel filter in lieu of geotextile backing fabric.

Headcut Stabilization

Stabilizing headcuts is often required to stabilize the bed of a stream and promote structural sustainability over time. This improvement is also used to stop stream incision, increase connection to the adjacent floodplain, and enhance floodplain inundation. Construction of these project types typically includes site excavation and may include installation of a control structure (e.g., boulders,

earthen fill). To qualify as compensatory mitigation, structures shall not include the use of concrete or geotextile fabric.

B. Removal of Legacy Structures

These projects are designed to reconnect stream corridors and floodplains, improve passage by aquatic organisms, and restore more natural channel and flow conditions. They also help to restore fisheries access to historic habitat for spawning and rearing and improve the long-term quality of aquatic habitat and stream geomorphology. All projects must be designed with seasonal construction considerations to minimize potential adverse effects on water quality and/or aquatic species.

This compensatory mitigation activity includes the removal of nonfunctioning in-channel and floodplain legacy structures (e.g., grade control structures and defunct boulder weirs) to improve water quality, channel geomorphology, and fish and wildlife migration.

C. Bioengineered Bank Stabilization

Bioengineered bank stabilization proposed as compensatory mitigation shall improve riparian and stream habitat by increasing stream shade to lower stream temperatures, production of invertebrates, future recruitment of large woody material, and bank stability. To improve aquatic and riparian habitats and reduce soil erosion and sedimentation of streams and wetlands, bioengineered bank stabilization integrates living woody and herbaceous materials with earthwork and recontouring of streambanks. Both organic and inorganic materials are put into place to stabilize and improve the structure of the soil where site constraints limit opportunities for natural channel meander. Bank stabilization structures that use bioengineering techniques minimize many of the impacts on waters of the state commonly caused by traditional or conventional engineered bank structures. Examples of bioengineering project types include revetments consisting of trees, native plant materials, or willow walls; willow siltation baffles; brush mattresses; brush check dams; and brush bundles. Bioengineered bank stabilization for compensatory mitigation credit shall not include the placement of RSP. Bioengineered bank stabilization techniques use a minimal amount of hard materials (e.g., rock) and are not intended to include traditional hard engineering techniques, which are not eligible as compensatory mitigation. To qualify as compensatory mitigation, bioengineered bank stabilization shall not be conducted to merely protect property or infrastructure from bank erosion. The use of boulders should be limited in scope and quantity to the minimum necessary to stabilize the slope and protect it from expected streamflows during storms. If used, boulder structures should be part of a larger restoration design with the primary purpose of improving habitat and must include a riparian revegetation element. To count for compensatory mitigation, structures shall use a gravel filter in lieu of geotextile fabric, if applicable. Bank

stabilization projects that qualify for compensatory mitigation shall not exceed 150 feet in length.

D. Restoration and Enhancement of Off-Channel and Side-Channel Habitat

Restoring and enhancing off-channel and side-channel habitat features helps to improve aquatic and riparian habitat for fish and wildlife. Compensatory mitigation project types in this category have the following benefits:

- Increase habitat diversity and complexity
- Improve heterogeneity (e.g., nonuniform character) of flows
- Provide long-term nutrient storage and substrate for aquatic macroinvertebrates
- Moderate flow disturbances
- Increase retention of leaf litter
- Provide refuge for fish during high flows

Projects proposed for side-channel or off-channel habitat also typically improve hydrologic connections between main channels and their floodplains. This project category typically involves reconnecting and re-creating side-channel, alcove, oxbow, pond, off-channel, floodplain, and other habitats, and potentially removing off-channel fill and plugs. New side channels and alcoves may be constructed in geomorphic settings that accommodate such features. This compensatory mitigation category typically applies to areas where side channels, alcoves, and other backwater habitats have been filled or blocked from the main channel, disconnecting them from most if not all flow events. Work may involve removing or breaching levees or berms; excavating channels; and constructing large wood habitat features. Projects involving the permanent installation of a flashboard dam, head gate, or other mechanical structure are not eligible as compensatory mitigation. Establishment of new side channels for the primary purpose of achieving target flood passage is not eligible as compensatory mitigation.

E. Floodplain Restoration

Compensatory mitigation in this category improves the diversity and complexity of aquatic, meadow, and riparian habitat, as well as ecosystem function, because it has the following effects:

- Provides opportunities for sediment to be deposited on the floodplain seasonally, which enhances meadow vegetation, use by birds and mammals, fish rearing and spawning, and also provides refuge from predators and physical stressors.
- Creates intermittent hydrologic connections between streams and floodplains.
- Increases the frequency and duration of floodway inundation.
- Improves ecosystem functions for aquatic and terrestrial species and also improves water quality.

- Reconnects stream channels to floodplains, thus improving the fluvial dynamics of the watershed system, for example, by allowing normal patterns of sediment deposition and transport as well as channel migration.
- Reduces or eliminates areas that strand native fish or provides habitat for nonnative predatory fish, or both.
- Provides high-flow and thermal refuges for native fish and other aquatic species.

Floodplains should mimic natural flooding patterns and remain flooded/inundated long enough to activate food webs. Floodplain restoration can involve placement of rock, riffle ramps, and weirs, and other strategies to aggrade the channel and enable connectivity to floodplains. Floodplain restoration that qualifies as compensatory mitigation shall not include the use of concrete for in-channel structures. Floodplain restoration projects may be implemented through various strategies. Some involve excavation and/or fill for hydraulic connection and revegetation. Floodplain restoration projects may be planned where floodplains have been disconnected from adjacent streams and rivers. Meadow and floodplain restoration may involve filling incised, entrenched channels; creating new stream channels; regrading floodplains; or realigning channels or installing stabilization structures. Incised channels should only be filled if the watershed conditions that triggered incision have been considered and would not result in continued incision (project failure) and/or can be mitigated by the project. These restoration actions may rely on watershed processes to complete work over time to restore a channel network and floodplain that supports wetlands or grasslands.

Project proposals to create off-channel or side-channel habitats and floodplain restoration will include appropriate information regarding considerations for water supply (channel flow, overland flow, and groundwater), water quality, and reliability; risks of channel changes; and channel and hydraulic grade. Establishment of floodplain benches for the primary purpose of achieving target flood passage is not eligible as compensatory mitigation.

F. Removal or Remediation of Pilings and Other In-Water Structures

Untreated and chemically treated wood pilings, piers, vessels, boat docks, and similar structures built using plastic, concrete, and other materials may be removed and/or remediated to improve water quality and habitat for fish and wildlife. These projects are designed to remove waste sources and hazards from stream, river, and wetland habitats.

Attachment C - Glossary

Class I Watercourse: A water body featuring domestic water supplies on-site or within 100 feet downstream of the operations area; or a stream channel where fish are always or seasonally present on-site, including habitat to sustain fish migration and spawning. Class I watercourses generally relate to a perennial watercourse, having flowing water year-round during a typical year, a water table located above the streambed for most of the year, and groundwater being the primary source of water for stream flow, supplemented by stormwater runoff.

Class II Watercourse: A water body where fish are always or seasonally present off-site within 1000 feet downstream, and/or has aquatic habitat for non-fish species. Excludes Class III waters that are tributaries to Class I waters. Class II watercourses generally relate to an intermittent watercourse, having flowing water present periodically during the year when groundwater provides water for stream flow. During dry periods, intermittent watercourses may not have flowing water, and stormwater is a supplemental source of water for stream flow.

Class III Watercourse: A drainage or channel with no aquatic life present but shows evidence of being capable of sediment transport to Class I and II waters under normal high water flow conditions. Class III watercourses generally relate to an ephemeral watercourse, having flowing water only during, and for a short time after, precipitation events in a typical year. Ephemeral streambeds are located above the water table year-round, and groundwater is not a source of water for the stream.

Class IV Watercourse: A man-made watercourse, usually for the purpose of downstream domestic, agricultural, hydroelectric supply, or other beneficial use.

Heavy equipment: Large mechanical or mechanized equipment such as bulldozers, tractors, skidders, backhoes, excavators, and other equipment and vehicles that can significantly disturb vegetation and soil, and have increased risk of impacts such as unintentional vegetation loss, soil compaction, and soil erosion.

In-kind: A resource of a similar structural and functional type to the impacted resource.[16]

[16] State Policy for Water Quality Control: State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State, 2021, p. 26. https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/procedures.pdf

Manual removal or management: Activities conducted on foot with handheld tools, including handheld power tools or equipment such as chainsaws, trimmers, and edgers. Activities include limbing, cutting, trimming, and weed whipping.

Mechanical or mechanized removal or management: Activities conducted with equipment powered by a motor, engine, or hydraulic, pneumatic or electrical device that is not handheld. Equipment is often wheeled or tracked. Activities include mastication, mowing, crushing, chipping/mulching, excavation, and grading.

Non-notifying activity: An activity subject to this Order that does not require submittal of a Notice of Intent, other notification, or fee to the Central Coast Water Board. Non-notifying activities are subject to all conditions of the Order that apply to Category A activities.

Notifying activity: An activity subject to this Order that requires submittal of a Notice of Intent and fee to the Central Coast Water Board prior to implementation. Notifying activities are activities subject to this Order that do not fall in Category A. Notifying activities are subject to all conditions of the Order that apply to both Category A and B activities.

Out-of-kind: A resource of a different structural and functional type from the impacted resource.[17]

Riparian Area: An area bordering a waterbody where surface or subsurface hydrology directly influences the ecological processes and plant and animal community structure in that area.

Sensitive resources: Unique ecological resources with a high risk of degradation from project activities, including wetlands, surface water, and threatened or endangered species including plants. Sensitive resources are determined to be present through on-site surveys.

Temporal impact: An impact from project activities that results in a time lag between the loss of aquatic resource functions and the replacement of aquatic resource functions through successful completion of compensatory mitigation or restoration of temporary impacts.

[17]Same as footnote 16 above