Attachment E
Certification Deviation Procedures

I. CERTIFICATION DEVIATION PROCEDURES

A. Introduction

These procedures are put into place to minimize any delays associated with minor changes in the Mojave National Preserve Road Repairs (Project) routing or location. Minor changes or modifications in Project activities are often required by the Permittee following the start of construction. These deviations may potentially increase or decrease impacts to waters of the state. In such cases, a Certification Deviation, as defined in Section XI.M. of the Order, may be requested by the Permittee as set forth below:

B. Process Steps

1. **Who may apply:** The Permittee or the Permittee's duly authorized representative or agent (hereinafter, "Permittee") for this Order.

2. **How to apply:** By letter or email to the State Water Resources Control Board (State Water Board) staff designated as the contact for this Order**.**

3. **<u>Certification Deviation Request:</u>** The Permittee will request verification from the State Water Board staff that the Project change qualifies as a Certification Deviation, as opposed to requiring an amendment to the Order. The request should:

   a. Describe the Project change or modification:

      i. Proposed activity description and purpose;

      ii. Why the proposed activity is considered minor in terms of impacts towaters of the state and the environment;

      iii. How the Project activity is currently addressed in the Order; and,

      iv. Why a Certification Deviation is necessary for the Project.

   b. Describe location (latitude/longitude coordinates), the date(s) it will occur, as well as associated impact information (i.e., temporary or permanent, federal or non-federal jurisdiction, water body name/type, estimated impact area, etc.) and minimization measures to be implemented.

   c. Provide all updated environmental survey information for the new impact area.

   d. Provide a map that includes the activity boundaries with photos of the site.

   e. Provide verification of any mitigation needed according to the Order conditions.

   f. Provide any other information required by State Water Board staff to determine whether the Project change or modification necessitates additional environmental review. (California Code of Regulations, Title 14, sections 15061, 15162-15164.)

C. Post-Discharge Certification Deviation Reporting:

1. Within 30 calendar days of completing the approved Certification Deviation activity, the Permittee will provide a post-discharge activity report that includes the following information:
   a. Activity description and purpose;
   b. Activity location, start date, and completion date;
   c. Erosion control and pollution prevention measures applied;
   d. The net change in impact area by water body type(s) in acres, linear feet and cubic yards;
   e. Mitigation plan, if applicable; and,
   f. Map of activity location and boundaries; post-construction photos.

D. Annual Summary Deviation Report:

1. Until a Notice of Completion of Discharges Letter or Notice of Project Complete Letter is issued, include in the Annual Project Report (see Construction Notification and Reporting attachment) a compilation of all Certification Deviation activities through the reporting period with the following information:
   a. Site name(s);
   b. Date(s) of Certification Deviation approval;
   c. Location(s) of authorized activities;
   d. Impact area(s) by water body type prior to activity in acres, linear feet and cubic yards, as originally authorized in the Order;
   e. Actual impact area(s) by water body type in, acres, linear feet and cubic yards, due to Certification Deviation activity(ies);
   f. The net change in impact area by water body type(s) in acres, linear feet and cubic yards; and
   g. Mitigation to be provided (approved mitigation ratio and amount).