



State Water Resources Control Board

WATER QUALITY ORDER NO. 2020-0007-EXEC CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND ORDER

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Project Type: Ecological Aquatic/Stream/Habitat Restoration

Project: 2019 Fisheries Habitat Restoration Projects (Project)

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Table of Contents

I. Order 3

II. Public Notice..... 3

III. Project Purpose 3

IV. Project Description 3

V. Project Location..... 4

VI. Project Impact and Receiving Waters Information..... 4

VII. Description of Direct Impacts to Waters of the State 4

VIII. Description of Indirect Impacts to Waters of the State..... 5

IX. Avoidance and Mitigation 5

X. Compensatory Mitigation..... 6

XI. California Environmental Quality Act (CEQA)..... 6

XII. Petitions for Reconsideration..... 6

XIII. Fees Received..... 6

XIV. Conditions 6

XV. Water Quality Certification 17

- Attachment A:** Project Map
- Attachment B:** Receiving Waters, Impacts, and Individual Project Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Mitigation Measures, Monitoring and Reporting Program for the 2019 Fisheries Habitat Restoration Project

I. Order

This Clean Water Act (CWA) section 401 Water Quality Certification action and Order (Order) is issued at the request of the California Department of Fish and Wildlife (hereinafter Permittee) for the Project. This Order is for the purpose described in application and supplemental information submitted by the Permittee. The application was received on February 14, 2020. The application was deemed complete on February 21, 2020.

II. Public Notice

The State Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 28 February 2020 to 20 March 2020. The State Water Board received one comment during the comment period. The one comment received requested information about the location and nature of Project activities in Monterey County. State Water Board Staff sent the commenter the locations of Project activities in Monterey County along with a summary of activities taking place at those locations.

III. Project Purpose

The primary goal of the Project is to maintain and restore natural watershed and river processes that create habitat characteristics favorable to salmonids. The objectives of the Project are to enhance the capability of streams to produce wild anadromous salmonids by maintaining, restoring, and improving stream function essential to salmonid production.

IV. Project Description

The Project is comprised of several individual habitat restoration projects¹ undertaken by grantees. These individual projects are funded by grants approved by the California Legislature to initiate activities that are designed to restore, enhance, and protect salmon and steelhead trout (*Oncorhynchus mykiss*) habitat in coastal and central valley streams and watersheds. The Project includes Fisheries Restoration Grant Program (FRGP) projects and Forest Land Anadromous Restoration (FLAR) projects.

The individual projects are designed to increase populations of wild anadromous fish in coastal and central valley streams by restoring ecological function to their habitat. Individual restoration projects shall be implemented in accordance with procedures found in the most recent version of the "California Salmonid Stream Habitat Restoration Manual." The Project supports a variety of restoration activities including instream habitat improvements, unanchored large woody debris, fish screens, fish passage at stream crossings, riparian habitat restoration, and watershed and stream bank stability.

¹ As used in this Order, "Project" refers to all of the 2019 Fisheries Habitat Restoration Projects collectively and "project" refers to the individual restoration projects carried out by the grantees.

The Project consists of 14 individual restoration projects that require certification. Individual project descriptions can be found in Table 3 of Attachment B.

V. Project Location

The proposed Project consists of individual project sites in the following counties: Del Norte, Humboldt, Mendocino, and Monterey. A map showing the project locations is in Attachment A of this Order.

VI. Project Impact and Receiving Waters Information

The Project is located within the jurisdiction of the North Coast and Central Coast Regional Water Quality Control Boards (collectively Regional Water Boards). Receiving waters and groundwater potentially impacted by this Project are protected in accordance with the applicable water quality control plans (Basin Plans). The Basin Plans for the Regional Water Boards and other plans and policies may be accessed at the [State Water Resources Control Board's Plans and Policies Web page](http://www.waterboards.ca.gov/plans_policies/) (http://www.waterboards.ca.gov/plans_policies/). The Basin Plans include water quality standards, which consist of existing and potential beneficial uses of waters of the state, water quality objectives to protect those uses, and the state and federal antidegradation policies.

It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.

Project impact and receiving waters information can be found in Attachment B. Table 1 of Attachment B shows the receiving waters and beneficial uses of waters of the state impacted by the Project. Individual project impact locations and quantities are shown in Table 2 of Attachment B.

VII. Description of Direct Impacts to Waters of the State

This Order authorizes direct permanent and temporary impacts to waters of the state associated with the Project. Proposed activities that will result in impacts to waters of the state include: (1) installation of large woody debris, log structures, boulder structures, and other structures associated with in-stream habitat improvements; (2) excavation and fill associated with restoration of side-channel/off-channel habitat (3) removal of fish passage barriers; (4) placement of new non-barrier stream crossings; (5) stabilization of stream banks; (6) decommissioning of roads within, or which discharge to, waters of the state; and (7) restoration of riparian habitat. Individual project impact locations and quantities are shown in Table 2 of Attachment B.

Total Project fill/excavation quantities for all impacts are summarized in Tables 1 and 2. Permanent impacts have been categorized as those resulting in a physical loss in area.

Table 1: Total Project Fill/Excavation Quantity for Temporary Impacts²

Aquatic Resources Type	Acres	Linear Feet
Riparian Zone	14.908	31,554
Stream Channel	2.302	6,014

Table 2: Total Project Fill/Excavation Quantity for Permanent Physical Loss of Area Impacts

Aquatic Resources Type	Acres	Linear Feet
Riparian Zone	2.635	6,107
Stream Channel	4.413	15,557

VIII. Description of Indirect Impacts to Waters of the State

The State Water Board recognizes the potential for indirect impacts to waters of the state associated with the Project. Indirect impacts to waters of the state and their designated beneficial uses could potentially result from Project activities. Such impacts would likely be short term and may result from the installation of instream structures, removal of instream structures, and disturbances associated with access routes. The potential indirect impacts are adequately reduced through adherence to this Order and the Project Mitigation Measures, Monitoring and Reporting Program (MMRP), included in Attachment G.

IX. Avoidance and Mitigation

Projects receiving certification from the State Water Board must demonstrate that the Project design has first avoided and then minimized impacts to waters of the state to the maximum extent practicable. Adequate avoidance and minimization measures are required by the Project's Mitigated Negative Declaration (MND) and MMRP, included in Attachment G. The avoidance and minimization measures generally focus on: using existing access routes when practicable, using the smallest work area required to implement the projects, using local materials, preventing wastes from entering waters of the state, preventing degradation of water quality caused by water diversions and construction activities, identifying and preventing harm to aquatic and riparian organisms, preventing channel/riparian instability, and monitoring to prevent pollutant discharges to waters of the state.

² Includes only temporary direct impacts to waters of the state and does not include area of temporary disturbance which could result in a discharge to waters of the state. Temporary impacts, by definition, are restored to pre-project conditions and therefore do not include a physical loss of area or degradation of ecological condition.

X. Compensatory Mitigation

No compensatory mitigation is required for permanent impacts because the Project consists of individual fisheries restoration projects that are designed to result in a net benefit to waters of the state.

XI. California Environmental Quality Act (CEQA)

On November 18, 2019, the California Department of Fish and Wildlife, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2019109011) for the Project and filed a Notice of Determination (NOD) at the SCH on November 18, 2019. Pursuant to CEQA, the State Water Board has made Findings of Facts (Findings) which support the issuance of this Order and are included in Attachment C.

XII. Petitions for Reconsideration

Any person aggrieved by this action may petition the State Water Board to reconsider this Order in accordance with California Code of Regulations, title 23, section 3867. A petition for reconsideration must be submitted in writing and received within 30 calendar days of the issuance of this Order.

XIII. Fees Received

An application fee of \$520 was received on February 14, 2020. The fee amount was determined as required by California Code of Regulations, Title 23, sections 3833(b)(3) and 2200(a)(3) and was calculated as Category D - Ecological Restoration and Enhancement Projects (Fee Code 85).

XIV. Conditions

The State Water Board has independently reviewed the record of the Project to analyze impacts to water quality and designated beneficial uses within the watersheds of the Project. In accordance with this Order, the Permittee may proceed with the Project under the following terms and conditions:

A. Authorization

Impacts to waters of the state shall not exceed quantities shown in Table(s) 1 and 2.

B. Reporting and Notification Requirements

The following section details the reporting and notification types and timing of submittals. Requirements for the content of these reporting and notification types are detailed in Attachment D, including specifications for photo and map documentation during the Project. Written reports and notifications must be submitted using the Reporting and Notification Cover Sheet located in Attachment D, which must be signed by the Permittee or an authorized representative.

1. Project Reporting

- a. **Annual Reporting:** The Permittee shall submit an Annual Report each year on July 1. Annual reporting shall continue until the State Water Board issues a Notice of Project Complete Letter to the Permittee.

2. Project Status Notifications

- a. **Commencement of Construction:** The Permittee shall submit a Commencement of Construction Notification at least seven (7) days prior to start of initial ground disturbance activities. In addition to the items listed in Attachment D, this Commencement of Construction Notification shall include Waste Discharge Identification Numbers (WDID) issued under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002) for all individual projects that disturb 1 or more acres of land or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres of land.
- b. **Request for Notice of Project Complete Letter:** The Permittee shall submit a Request for Notice of Project Complete Letter when construction and/or any post-construction monitoring is complete, and no further Project activities will occur. This request shall be submitted to State Water Board staff within thirty (30) days following completion of all Project activities. Upon approval of the request, the State Water Board staff shall issue a Notice of Project Complete Letter to the Permittee which will end the post-construction monitoring period and associated annual fees.

3. Conditional Notifications and Reports:

The following notifications and reports are required as appropriate.

a. Accidental Discharges of Hazardous Materials³

Following an accidental discharge of a reportable quantity of a hazardous material, sewage, or an unknown material, the following applies (Water Code, Section 13271):

- i. As soon as (A) Permittee has knowledge of the discharge or noncompliance, (B) notification is possible, and (C) notification can be

³ "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. (Health & Safety Code, Section 25501.)

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
- Lastly, follow the required OES, procedures as set forth in the [Office of Emergency Services' Accidental Discharge Notification Web page](http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)
(http://www.caloes.ca.gov/FireRescueSite/Documents/CalOES-Spill_Booklet_Feb2014_FINAL_BW_Acc.pdf)

- ii. Following notification to OES, the Permittee shall notify State Water Board, as soon as practicable (ideally within 24 hours). Notification may be delivered via written notice, email, or other verifiable means.
- iii. Within five (5) working days of notification to the State Water Board, the Permittee must submit an Accidental Discharge of Hazardous Material Report.

b. Violation of Compliance with Water Quality Standards: The Permittee shall notify the State Water Board of any event causing a violation of compliance with water quality standards. Notification may be delivered via written notice, email, or other verifiable means.

- i. This notification must be followed within three (3) working days by submission of a Violation of Compliance with Water Quality Standards Report.

c. In-Water Work and Diversions:

- i. The Permittee shall notify the State Water Board at least forty-eight (48) hours prior to initiating work in water or stream diversions. Notification may be delivered via written notice, email, or other verifiable means.
- ii. Within three (3) working days following completion of work in water or stream diversions, an In-Water Work/Diversions Water Quality Monitoring Report must be submitted to State Water Board staff.

d. Modifications to Project

Project modifications may require an amendment of this Order. The Permittee shall give advance notice to State Water Board staff if Project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform State Water Board staff of any Project modifications that will interfere with the Permittee's compliance with this Order. Notification may be made in accordance with conditions in the certification deviation section of this Order.

e. Transfer of Long-Term BMP Maintenance:

If maintenance responsibility for post-construction BMPs is legally transferred, the Permittee must submit to the State Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer or designer specifications. The Permittee must provide such notification to the State Water Board with a Transfer of Long-Term BMP Maintenance Report at least 10 days prior to the transfer of BMP maintenance responsibility.

C. Water Quality Monitoring

1. General:

If surface water is present, continuous visual surface water monitoring shall be conducted during active construction periods to detect accidental discharge of construction related pollutants (e.g. oil and grease, turbidity plume, or uncured concrete).

2. In-Water Work or Diversions:

A water quality monitoring plan shall be approved by State Water Board staff prior to commencement of any individual project that involves in-water work or construction dewatering or diversions. The water quality monitoring plan shall be in conformance with the applicable Regional Water Quality Control Board's Basin Plan and provide for monitoring of appropriate parameters. The plan should include monitoring of key water quality parameters, such as specific conductance, pH, turbidity, water temperature, and dissolved oxygen, both upstream and downstream of the diversion while diversions are being installed and removed. Monitoring may be limited to visual inspections while diversions are in place and functioning properly.

3. Accidental Discharges/Noncompliance:

Upon occurrence of an accidental discharge of hazardous materials or a violation of compliance with a water quality standard, State Water Board staff may require water quality monitoring based on the discharge constituents and/or related water quality objectives and beneficial uses.

D. Standard

1. This Order is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330, and California Code of Regulations, Title 23, chapter 28, Article 6 commencing with section 3867. Additionally, the State Water Board reserves the right to suspend, cancel, or modify and reissue this Order, after providing notice to the Permittee, if the State Water Board determines that: the Project fails to comply with any of the conditions of this Order; or, when necessary to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne

Water Quality Control Act (Water Code, section 13000 et seq.) or federal Clean Water Act section 303 (33 U.S.C. section 1313). For purposes of Clean Water Act section 401(d), the condition constitutes a limitation necessary to assure compliance with water quality standards and appropriate requirements of state law.

2. This Order is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license, unless the pertinent certification application was filed pursuant to subsection 3855(b) of chapter 28, Title 23 of the California Code of Regulations, and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under Title 23 of the California Code of Regulations and owed by the Permittee.
4. 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. For purposes of Clean Water Act, section 401(d), the applicability of any state law authorizing remedies, penalties, processes, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order.

E. General Compliance

1. Failure to comply with any condition of this Order shall constitute a violation of the Porter-Cologne Water Quality Control Act and the Clean Water Act. The Permittee and/or discharger may then be subject to administrative and/or civil liability pursuant to Water Code section 13385.
2. Permitted actions must not cause a violation of any applicable water quality standards, including impairment of designated beneficial uses for receiving waters as adopted in any applicable Regional Water Board or any applicable State Water Board (collectively Water Boards) water quality control plan or policy. The source of any such discharge must be eliminated as soon as practicable.
3. In response to a suspected violation of any condition of this Order, the State Water Board may require the Permittee to furnish, under penalty of perjury, any technical or monitoring reports the Water Boards deem 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.

4. The Permittee must ensure that, at all times, each individual grantee fully comply with engineering plans, specifications, and technical reports submitted to support this Order; and all subsequent submittals required as part of this Order. The conditions within this Order and Attachments supersede conflicting provisions within Permittee submittals.
5. This Order and all of its conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law.
6. The Permittee must ensure that each individual grantee adheres to all requirements in the mitigation monitoring and reporting program (Mitigation Measures, Monitoring and Reporting Program for the 2019 Fisheries Habitat Restoration Project, Attachment G) which is incorporated herein by reference and any additional measures as outlined in Attachment C, CEQA Findings of Fact.
7. **Construction General Permit Requirement:** The Permittee shall ensure that individual projects obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ; NPDES No. CAS000002), as amended, for discharges comprised of storm water associated with construction activity, including, but not limited to, demolition, clearing, grading, excavation, and other land disturbance activities of one or more acres, or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres of land.

F. Administrative

1. Signatory requirements for all document submittals required by this Order are presented in Attachment E of this Order.
2. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Wildlife Code, sections 2050-2097) or the federal Endangered Species Act (16 U.S.C. sections 1531-1544). If a “take” will result from any act authorized under this Order held by the Permittee, the Permittee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Permittee is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.

3. The Permittee shall grant staff or an authorized representative (including an authorized contractor acting as a Water Board representative) from the State Water Board or Regional Water Boards, upon presentation of credentials and other documents as may be required by law, permission to:
 - a. Enter upon the Project or compensatory mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records are kept.
 - b. Have access to and copy any records that are kept and are relevant to the Project or the requirements of this Order.
 - c. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
 - d. Sample or monitor for the purposes of assuring Order compliance.
4. A copy of this Order shall be provided to all grantees and any consultants, contractors, and subcontractors working on the Project. Copies of this Order shall remain at all individual project sites for the duration of this Order. The Permittee shall be responsible for work conducted by its grantees, consultants, contractors, and any subcontractors.
5. A copy of this Order must be available at all individual restoration project sites during construction for review by site personnel and agencies. All personnel performing work on the individual projects shall be familiar with the content of this Order and its posted location at the individual project site.

G. Construction

1. Dewatering and Other In-Water Work

- a. All temporary dewatering/diversion methods shall be designed to isolate the immediate work area and to have the minimum necessary impacts to waters of the state.
- b. All dewatering/diversion facilities shall be installed such that natural flow is maintained upstream and downstream of Project areas.
- c. Any temporary dams or diversions shall be installed such that the dewatering/diversion does not cause sedimentation, siltation, or erosion upstream or downstream of Project areas.
- d. All dewatering/diversion methods shall be removed as soon as practicable upon completion of dewatering/diversion activities.
- e. In the event of rain, any in-water work area shall be temporarily stabilized before stream flow overtops or overwhelms the diversion structure. The stream bed shall be stabilized so that the disturbed areas will not come in contact with stream flow.

- f. The Permittee shall not use or allow the use of erosion control products that contain synthetic materials within waters of the state at any time, except for plastic sheeting used in water diversion and dewatering activities. The Permittee shall first request approval from the State Water Board if an exception from this requirement is needed for a specific location.
- g. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses.

2. Fugitive Dust

- a. If dust suppression measures are utilized, they shall be performed such that they do not result in a discharge to waters of the state.

3. Good Site Management “Housekeeping”

- a. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
- b. Where temporary or permanent impacts have not been approved, construction vehicles must not enter waters of the state
- c. When no longer needed, all construction-related equipment, materials, and temporary BMPs shall be removed from Project sites.
- d. All imported riprap, rocks, and gravels that are used shall be pre-washed.

4. Hazardous Materials

- a. Prior to use in waters of the state, all equipment shall be cleaned of any substances that are detrimental to water quality.
- b. Operation and storage of vehicles and equipment shall not result in a discharge or threatened discharge of oil, grease, other petroleum products, or any other waste that may be detrimental to the quality of waters of the state.
- c. Vehicles and equipment that operate in waters of the state shall be regularly inspected for leaks. At no time shall the Permittee allow the use of any vehicle or equipment that leaks any substance possibly detrimental to water quality
- d. Raw cement, concrete (or washing thereof), asphalt, drilling fluids, lubricants, paints, coating material, oil, petroleum products, or any other substances which could be hazardous to fish and wildlife resulting from or disturbed by project-related activities, shall be prevented from contaminating fill material and/or entering waters of the state.

- e. Equipment working in waters of the state, including in areas protected by diversions, shall be removed from the delineated waters for fueling, service, or maintenance whenever feasible. When use of stationary equipment that requires refueling or service in delineated waters is planned, BMPs for managing the additional risk posed by that refueling and service shall be implemented. Such BMPs should include any precautions as necessary to ensure potential spills and leaks do not result in a discharge into waters of the state.
- f. On-site containment for storage of chemicals classified as hazardous shall include secondary containment and appropriate management as indicated in the Construction General Permit.

5. Invasive Species and Soil Borne Pathogens

- a. Imported fill and planting materials must be free of pathogens that could harm local plant or animal populations.
- b. Imported fill material must be free of weed and invasive species' seeds and live plants.
- c. Equipment and machinery used in Project construction shall be inspected and cleaned of non-native invasive vegetation prior to on-site use.

6. Roads

- a. Existing roads shall be used to access Project sites when practicable.
- b. All existing roads used for the Project shall be left in a condition equal to or better than their condition prior to Project use.
- c. Where use of existing roads is not practicable, temporary access routes shall be designed and constructed such that they do not cause a discharge of sediment or other wastes to waters of the state.
- d. Construction of new temporary access roads shall be limited to the minimum number and width necessary to complete the Project

7. Stabilization/Erosion Control

- a. Effective erosion and sediment control BMPs shall be used for all disturbed areas to prevent discharges to waters of the state.
- b. All erosion and sediment control materials shall be onsite and ready for use prior to initiation of ground disturbing activities.
- c. Any additional erosion or sediment control materials needed to stabilize an active worksite shall be installed at least forty-eight (48) hours before a predicted rain event.

- d. Sediment control structures shall be maintained for effectiveness at least forty-eight (48) hours before a rain event and shall be repaired or replaced as needed. Buildup of soil behind silt fences shall be removed and any breaches or undermined areas repaired.
- e. Disturbed work areas within waters of the state must be temporarily stabilized to prevent erosion at least forty-eight (48) hours prior to the predicted commencement of a rainfall event that is forecast to bring greater than or equal to one-half inch of precipitation with a greater than a fifty (50) percent probability of occurrence, as predicted by the National Oceanic and Atmospheric Administration (NOAA) - National Weather Service. If the predicted commencement of such a rainfall event is less than forty-eight (48) hours after the prediction is issued, temporary stabilization of the disturbed in-water work areas must begin immediately.

H. Mitigation for Temporary Impacts

1. The Permittee shall restore all areas of temporary impacts to waters of the state and all Project site upland areas of temporary disturbance which could result in a discharge to waters of the state in accordance with the MMRP and the individual project specifications which were submitted as part of the application and incorporated herein by reference.
2. The State Water Board may extend the monitoring period beyond requirements of the MMRP or restoration plan upon a determination by State Water Board Executive Officer that the performance standards have not been met or are not likely to be met within the monitoring period.
3. Compensatory mitigation may be required for any authorized impact site (as listed in Attachment B, Table 2) where first-year restoration work for disturbed areas in, or immediately adjacent to, waters of the state is not completed within one year of the conclusion of ground-disturbing activity.

Table 3: Required Project Mitigation Quantity for Temporary Impacts by Method

Aquatic Resource Type	Mitigation Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.	Unknown
Riparian Zone	Permittee Responsible	Acres			14.908			
Riparian Zone	Permittee Responsible	LF			31,554			
Stream Channel	Permittee Responsible	Acres			2.302			
Stream Channel	Permittee Responsible	LF			6,014			

I. Ecological Restoration and Enhancement

The quantity of waters of the state permanently gained as a result of the Project is shown in Table 4.

Table 4: Total Ecological Restoration and Enhancement Quantity

Aquatic Resource Type	Restoration Type	Units	Est.	Re-est.	Reh.	Enh.	Pres.
Riparian Zone	Permittee-Responsible	Acres			30.056	1.955	
Riparian Zone	Permittee-Responsible	LF			46,995	3,520	
Stream Channel	Permittee-Responsible	Acres		0.6	14.539	24.623	
Stream Channel	Permittee-Responsible	LF		800	40,592	63,171	

J. Certification Deviation

1. Minor modifications of Project locations or predicted impacts may be necessary as a result of unforeseen field conditions, necessary engineering re-design, construction concerns, or similar reasons. Some of these prospective Project modifications may have impacts on water quality. Some modifications of Project locations or predicted impacts may qualify as Certification Deviations as set forth in Attachment F. For purposes of this Certification, a "Certification Deviation" is a Project locational or impact modification that does not require an immediate amendment of the Order, because the State Water Board has determined that any potential water

quality impacts that may result from the change are sufficiently addressed by the Order conditions and the CEQA Findings. After the termination of construction, this Order will be formally amended to reflect all authorized Certification Deviations and any resulting adjustments to the amount of water resource impacts and required compensatory mitigation amounts.

2. A Project modification shall not be granted a Certification Deviation if it warrants or necessitates changes that are not addressed by the Order conditions or the CEQA environmental document such that the Project impacts are not addressed in the Project's environmental document or the conditions of this Order. In this case a supplemental environmental review and different Order will be required.

XV. Water Quality Certification

I hereby issue the Order for the 2019 Fisheries Habitat Restoration Projects, SB20006IN, certifying that as long as all of the conditions listed in this Order are met, any discharge from the referenced Project will comply with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) and approves the mitigation monitoring and reporting program (MMRP) (Mitigation Measures, Monitoring and Reporting Program for the 2019 Fisheries Habitat Restoration Project adopted on November 18, 2019) for the Project.

The State Water Board will file a Notice of Determination (NOD) at the SCH within five (5) working days of issuance of this Order. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ which authorizes this Order to serve as Waste Discharge Requirements pursuant to the Porter-Cologne Water Quality Control Act (Water Code, section 13000 et seq.).

Except insofar as may be modified by any preceding conditions, all Order actions are contingent on: (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the conditions of this Order and the attachments to this Order; and, (b) compliance with all applicable requirements of Statewide Water Quality Control Plans and Policies, the Regional Water Boards' Water Quality Control Plans and Policies.



June 12, 2020

Eileen Sobeck
Executive Director

Date

State Water Resources Control Board

- Attachment A:** Project Map
- Attachment B:** Receiving Waters, Impacts, and Individual Project Information
- Attachment C:** CEQA Findings of Facts
- Attachment D:** Report and Notification Requirements
- Attachment E:** Signatory Requirements
- Attachment F:** Certification Deviation Procedures
- Attachment G:** Mitigation Measures, Monitoring and Reporting Program for the 2019 Fisheries Habitat Restoration Project